

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR  
2013

\_\_\_\_\_, 2012.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 4310]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4310), to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

15 (4) Division D—Funding Tables.

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

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

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

## Subtitle C—Navy Programs

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

## Subtitle D—Air Force Programs

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

## Subtitle E—Joint and Multiservice Matters

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

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

## Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.

## Subtitle B—Program Requirements, Restrictions, and Limitations

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

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

#### Subtitle C—Missile Defense Programs

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

#### Subtitle D—Reports

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

#### Subtitle E—Other Matters

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

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.

## Subtitle B—Energy and Environment

- Sec. 311. Training range sustainment plan and training range inventory.
- Sec. 312. Authority of Secretary of a military department to enter into cooperative agreements with Indian tribes for land management associated with military installations and State-owned National Guard installations.
- Sec. 313. Department of Defense guidance on environmental exposures at military installations and briefing regarding environmental exposures to members of the Armed Forces.
- Sec. 314. Report on status of targets in implementation plan for operational energy strategy.
- Sec. 315. Limitation on obligation of Department of Defense funds from Defense Production Act of 1950 for biofuel refinery construction.
- Sec. 316. Sense of Congress on protection of Department of Defense airfields, training airspace, and air training routes.

## Subtitle C—Logistics and Sustainment

- Sec. 321. Expansion and reauthorization of multi-trades demonstration project.
- Sec. 322. Restoration and amendment of certain provisions relating to depot-level maintenance and core logistics capabilities.
- Sec. 323. Rating chains for system program managers.

## Subtitle D—Readiness

- Sec. 331. Intergovernmental support agreements with State and local governments.
- Sec. 332. Expansion and reauthorization of pilot program for availability of working-capital funds for product improvements.
- Sec. 333. Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports.

## Subtitle E—Reports

- Sec. 341. Annual report on Department of Defense long-term corrosion strategy.
- Sec. 342. Report on joint strategy for readiness and training in a C4ISR-denied environment.
- Sec. 343. Comptroller General review of annual Department of Defense report on prepositioned materiel and equipment.
- Sec. 344. Modification of report on maintenance and repair of vessels in foreign shipyards.
- Sec. 345. Extension of deadline for Comptroller General report on Department of Defense service contract inventory.

## Subtitle F—Limitations and Extension of Authority

- Sec. 351. Repeal of redundant authority to ensure interoperability of law enforcement and emergency responder training.
- Sec. 352. Aerospace control alert mission.
- Sec. 353. Limitation on authorization of appropriations for the National Museum of the United States Army.
- Sec. 354. Limitation on availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships.
- Sec. 355. Renewal of expired prohibition on return of veterans memorial objects without specific authorization in law.

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

- Sec. 361. Short title.
- Sec. 362. Establishment of Commission.
- Sec. 363. Duties of the Commission.
- Sec. 364. Powers of the Commission.
- Sec. 365. Commission personnel matters.
- Sec. 366. Termination of the Commission.
- Sec. 367. Funding.

Subtitle H—Other Matters

- Sec. 371. Military working dog matters.
- Sec. 372. Comptroller General review of handling, labeling, and packaging procedures for hazardous material shipments.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent active duty end strength minimum levels.
- Sec. 403. Annual limitation on end strength reductions for regular component of the Army and Marine Corps.
- Sec. 404. Additional Marine Corps personnel for the Marine Corps Security Guard Program.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2013 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

- Sec. 501. Limitation on number of Navy flag officers on active duty.
- Sec. 502. Reinstatement of authority for enhanced selective early retirement boards and early discharges.
- Sec. 503. Modification of definition of joint duty assignment to include all instructor assignments for joint training and education.
- Sec. 504. Exception to required retirement after 30 years of service for Regular Navy warrant officers in the grade of Chief Warrant Officer, W-5.
- Sec. 505. Extension of temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.
- Sec. 506. Temporary increase in the time-in-grade retirement waiver limitation for lieutenant colonels and colonels in the Army, Air Force, and Marine Corps and commanders and captains in the Navy.

- Sec. 507. Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement.
- Sec. 508. Air Force Chief of Chaplains.

Subtitle B—Reserve Component Management

- Sec. 511. Codification of staff assistant positions for Joint Staff related to National Guard and Reserve matters.
- Sec. 512. Automatic Federal recognition of promotion of certain National Guard warrant officers.
- Sec. 513. Availability of Transition Assistance Advisors to assist members of reserve components who serve on active duty for more than 180 consecutive days.

Subtitle C—General Service Authorities

- Sec. 518. Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder.
- Sec. 519. Diversity in the Armed Forces and related reporting requirements.
- Sec. 520. Limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.
- Sec. 521. Extension of temporary increase in accumulated leave carryover for members of the Armed Forces.
- Sec. 522. Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
- Sec. 523. Prohibition on waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.
- Sec. 524. Quality review of Medical Evaluation Boards, Physical Evaluation Boards, and Physical Evaluation Board Liaison Officers.
- Sec. 525. Reports on involuntary separation of members of the Armed Forces.
- Sec. 526. Report on feasibility of developing gender-neutral occupational standards for military occupational specialties currently closed to women.
- Sec. 527. Report on education and training and promotion rates for pilots of remotely piloted aircraft.
- Sec. 528. Impact of numbers of members within the Integrated Disability Evaluation System on readiness of Armed Forces to meet mission requirements.

Subtitle D—Military Justice and Legal Matters

- Sec. 531. Clarification and enhancement of the role of Staff Judge Advocate to the Commandant of the Marine Corps.
- Sec. 532. Additional information in reports on annual surveys of the Committee on the Uniform Code of Military Justice.
- Sec. 533. Protection of rights of conscience of members of the Armed Forces and chaplains of such members.
- Sec. 534. Reports on hazing in the Armed Forces.

Subtitle E—Member Education and Training Opportunities and Administration

- Sec. 541. Transfer of Troops-to-Teachers Program from Department of Education to Department of Defense and enhancements to the Program.

- Sec. 542. Support of Naval Academy athletic and physical fitness programs.
- Sec. 543. Expansion of Department of Defense pilot program on receipt of civilian credentialing for military occupational specialty skills.
- Sec. 544. State consideration of military training in granting certain State certifications and licenses as a condition on the receipt of funds for veterans employment and training.
- Sec. 545. Department of Defense review of access to military installations by representatives of institutions of higher education.
- Sec. 546. Report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces.
- Sec. 547. Comptroller General of the United States reports on joint professional military education matters.

#### Subtitle F—Reserve Officers' Training Corps and Related Matters

- Sec. 551. Repeal of requirement for eligibility for in-State tuition of at least 50 percent of participants in Senior Reserve Officers' Training Corps program.
- Sec. 552. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior Reserve Officers' Training Corps.
- Sec. 553. Modification of requirements on plan to increase the number of units of the Junior Reserve Officers' Training Corps.
- Sec. 554. Comptroller General report on Reserve Officers' Training Corps programs.

#### Subtitle G—Defense Dependents' Education and Military Family Readiness

- Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 562. Impact aid for children with severe disabilities.
- Sec. 563. Amendments to the Impact Aid program.
- Sec. 564. Transitional compensation for dependent children who are carried during pregnancy at time of dependent-abuse offense committed by an individual while a member of the Armed Forces.
- Sec. 565. Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students.
- Sec. 566. Noncompetitive appointment authority regarding certain military spouses.
- Sec. 567. Report on future of family support programs of the Department of Defense.
- Sec. 568. Sense of Congress regarding support for Yellow Ribbon Day.

#### Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

- Sec. 570. Armed Forces Workplace and Gender Relations Surveys.
- Sec. 571. Authority to retain or recall to active duty reserve component members who are victims of sexual assault while on active duty.
- Sec. 572. Additional elements in comprehensive Department of Defense policy on sexual assault prevention and response.
- Sec. 573. Establishment of special victim capabilities within the military departments to respond to allegations of certain special victim offenses.

- Sec. 574. Enhancement to training and education for sexual assault prevention and response.
- Sec. 575. Modification of annual Department of Defense reporting requirements regarding sexual assaults.
- Sec. 576. Independent reviews and assessments of Uniform Code of Military Justice and judicial proceedings of sexual assault cases.
- Sec. 577. Retention of certain forms in connection with Restricted Reports on sexual assault at request of the member of the Armed Forces making the report.
- Sec. 578. General or flag officer review of and concurrence in separation of members of the Armed Forces making an Unrestricted Report of sexual assault.
- Sec. 579. Department of Defense policy and plan for prevention and response to sexual harassment in the Armed Forces.

#### Subtitle I—Suicide Prevention and Resilience

- Sec. 580. Enhancement of oversight and management of Department of Defense suicide prevention and resilience programs.
- Sec. 581. Reserve component suicide prevention and resilience program.
- Sec. 582. Comprehensive policy on prevention of suicide among members of the Armed Forces.
- Sec. 583. Study of resilience programs for members of the Army.

#### Subtitle J—Other Matters

- Sec. 584. Issuance of prisoner-of-war medal.
- Sec. 585. Technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment.
- Sec. 586. Modification of requirement for reports in Federal Register on institutions of higher education ineligible for contracts and grants for denial of ROTC or military recruiter access to campus.
- Sec. 587. Acceptance of gifts and services related to educational activities and voluntary services to account for missing persons.
- Sec. 588. Display of State, District of Columbia, commonwealth, and territorial flags by the Armed Forces.
- Sec. 589. Enhancement of authorities on admission of defense industry civilians to certain Department of Defense educational institutions and programs.
- Sec. 590. Extension of authorities to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions.
- Sec. 591. Inspection of military cemeteries under the jurisdiction of Department of Defense.
- Sec. 592. Report on results of investigations and reviews conducted with respect to Port Mortuary Division of the Air Force Mortuary Affairs Operations Center at Dover Air Force Base.
- Sec. 593. Preservation of editorial independence of Stars and Stripes.
- Sec. 594. National public awareness and participation campaign for Veterans' History Project of American Folklife Center.
- Sec. 595. Report on accuracy of data in the Defense Enrollment Eligibility Reporting System.
- Sec. 596. Sense of Congress that the bugle call commonly known as Taps should be designated as the National Song of Military Remembrance.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

## Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2013 increase in military basic pay.
- Sec. 602. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
- Sec. 603. Basic allowance for housing for two-member couples when one member is on sea duty.
- Sec. 604. Rates of basic allowance for housing for members performing active Guard and Reserve duty.
- Sec. 605. Payment of benefit for nonparticipation of eligible members in Post-Deployment/Mobilization Respite Absence program due to Government error.

## Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
- Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
- Sec. 616. Increase in maximum amount of officer affiliation bonus for officers in the Selected Reserve.
- Sec. 617. Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages.

## Subtitle C—Travel and Transportation Allowances

- Sec. 621. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.
- Sec. 622. Authority for comprehensive program for space-available travel on Department of Defense aircraft.

## Subtitle D—Benefits and Services for Members Being Separated or Recently Separated

- Sec. 631. Extension of authority to provide two years of commissary and exchange benefits after separation.
- Sec. 632. Transitional use of military family housing.

## Subtitle E—Disability, Retired Pay, and Survivor Benefits

- Sec. 641. Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and terminating payment of the Survivor Benefit Plan annuity.
- Sec. 642. Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the Armed Forces married to other members.

Sec. 643. Clarification of computation of combat-related special compensation for chapter 61 disability retirees.

Subtitle F—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Repeal of certain recordkeeping and reporting requirements applicable to commissary and exchange stores overseas.

Sec. 652. Treatment of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House.

Subtitle G—Military Lending

Sec. 661. Additional enhancements of protections on consumer credit for members of the Armed Forces and their dependents.

Sec. 662. Effect of violations of protections on consumer credit extended to members of the Armed Forces and their dependents.

Sec. 663. Consistent definition of dependent for purposes of applying limitations on terms of consumer credit extended to certain members of the Armed Forces and their dependents.

Subtitle H—Military Compensation and Retirement Modernization Commission

Sec. 671. Purpose, scope, and definitions.

Sec. 672. Military Compensation and Retirement Modernization Commission.

Sec. 673. Commission hearings and meetings.

Sec. 674. Principles and procedure for Commission recommendations.

Sec. 675. Consideration of Commission recommendations by the President.

Sec. 676. Executive Director.

Sec. 677. Staff.

Sec. 678. Judicial review precluded.

Sec. 679. Termination.

Sec. 680. Funding.

Subtitle I—Other Matters

Sec. 681. Equal treatment for members of Coast Guard Reserve called to active duty under title 14, United States Code.

Sec. 682. Report regarding Department of Veterans Affairs claims process transformation plan.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Extension of TRICARE Standard coverage and TRICARE dental program for members of the Selected Reserve who are involuntarily separated.

Sec. 702. Inclusion of certain over-the-counter drugs in TRICARE uniform formulary.

Sec. 703. Modification of requirements on mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.

Sec. 704. Use of Department of Defense funds for abortions in cases of rape and incest.

- Sec. 705. Pilot program on certain treatments of autism under the TRICARE program.
- Sec. 706. Pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.
- Sec. 707. Sense of Congress on health care for retired members of the uniformed services.

#### Subtitle B—Health Care Administration

- Sec. 711. Authority for automatic enrollment in TRICARE Prime of dependents of members in pay grades above pay grade E-4.
- Sec. 712. Cost-sharing rates for the Pharmacy Benefits Program of the TRICARE program.
- Sec. 713. Clarification of applicability of certain authority and requirements to subcontractors employed to provide health care services to the Department of Defense.
- Sec. 714. Expansion of evaluation of the effectiveness of the TRICARE program.
- Sec. 715. Requirement to ensure the effectiveness and efficiency of health engagements.
- Sec. 716. Pilot program for refills of maintenance medications for TRICARE for Life beneficiaries through the TRICARE mail-order pharmacy program.

#### Subtitle C—Mental Health Care and Veterans Matters

- Sec. 723. Sharing between Department of Defense and Department of Veterans Affairs of records and information retained under the medical tracking system for members of the Armed Forces deployed overseas.
- Sec. 724. Participation of members of the Armed Forces in peer support counseling programs of the Department of Veterans Affairs.
- Sec. 725. Research and medical practice on mental health conditions.
- Sec. 726. Transparency in mental health care services provided by the Department of Veterans Affairs.
- Sec. 727. Expansion of Vet Center Program to include furnishing counseling to certain members of the Armed Forces and their family members.
- Sec. 728. Organization of the Readjustment Counseling Service in the Department of Veterans Affairs.
- Sec. 729. Recruitment of mental health providers for furnishing mental health services on behalf of the Department of Veterans Affairs without compensation from the Department.
- Sec. 730. Peer support.

#### Subtitle D—Reports and Other Matters

- Sec. 731. Plan for reform of the administration of the military health system.
- Sec. 732. Future availability of TRICARE Prime throughout the United States.
- Sec. 733. Extension of Comptroller General report on contract health care staffing for military medical treatment facilities.
- Sec. 734. Extension of Comptroller General report on women-specific health services and treatment for female members of the Armed Forces.

- Sec. 735. Study on health care and related support for children of members of the Armed Forces.
- Sec. 736. Report on strategy to transition to use of human-based methods for certain medical training.
- Sec. 737. Study on incidence of breast cancer among members of the Armed Forces serving on active duty.
- Sec. 738. Performance metrics and reports on Warriors in Transition programs of the military departments.
- Sec. 739. Plan to eliminate gaps and redundancies in programs of the Department of Defense on psychological health and traumatic brain injury.

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

Subtitle A—Acquisition Policy and Management

- Sec. 801. Treatment of procurements on behalf of the Department of Defense through the Work for Others program of the Department of Energy.
- Sec. 802. Review and justification of pass-through contracts.
- Sec. 803. Availability of amounts in Defense Acquisition Workforce Development Fund.
- Sec. 804. Department of Defense policy on contractor profits.
- Sec. 805. Modification of authorities on internal controls for procurements on behalf of the Department of Defense by certain nondefense agencies.
- Sec. 806. Extension of authority relating to management of supply-chain risk.
- Sec. 807. Sense of Congress on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

- Sec. 811. Limitation on use of cost-type contracts.
- Sec. 812. Estimates of potential termination liability of contracts for the development or production of major defense acquisition programs.
- Sec. 813. Technical change regarding programs experiencing critical cost growth due to change in quantity purchased.
- Sec. 814. Repeal of requirement to review ongoing programs initiated before enactment of Milestone B certification and approval process.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and  
Limitations

- Sec. 821. Modification of time period for congressional notification of the lease of certain vessels by the Department of Defense.
- Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 823. Codification and amendment relating to life-cycle management and product support requirements.
- Sec. 824. Codification of requirement relating to Government performance of critical acquisition functions.
- Sec. 825. Competition in acquisition of major subsystems and subassemblies on major defense acquisition programs.
- Sec. 826. Compliance with Berry Amendment required for uniform components supplied to Afghan military or Afghan National Police.

- Sec. 827. Enhancement of whistleblower protections for contractor employees.
- Sec. 828. Pilot program for enhancement of contractor employee whistleblower protections.
- Sec. 829. Extension of contractor conflict of interest limitations.
- Sec. 830. Repeal of sunset for certain protests of task and delivery order contracts.
- Sec. 831. Guidance and training related to evaluating reasonableness of price.
- Sec. 832. Department of Defense access to, use of, and safeguards and protections for contractor internal audit reports.
- Sec. 833. Contractor responsibilities in regulations relating to detection and avoidance of counterfeit electronic parts.

Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations

- Sec. 841. Extension and expansion of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 842. Limitation on authority to acquire products and services produced in Afghanistan.
- Sec. 843. Responsibility within Department of Defense for operational contract support.
- Sec. 844. Data collection on contract support for future overseas contingency operations involving combat operations.
- Sec. 845. Inclusion of operational contract support in certain requirements for Department of Defense planning, joint professional military education, and management structure.
- Sec. 846. Requirements for risk assessments related to contractor performance.
- Sec. 847. Extension and modification of reports on contracting in Iraq and Afghanistan.
- Sec. 848. Responsibilities of inspectors general for overseas contingency operations.
- Sec. 849. Oversight of contracts and contracting activities for overseas contingency operations in responsibilities of Chief Acquisition Officers of Federal agencies.
- Sec. 850. Reports on responsibility within Department of State and the United States Agency for International Development for contract support for overseas contingency operations.
- Sec. 851. Database on price trends of items and services under Federal contracts.
- Sec. 852. Information on corporate contractor performance and integrity through the Federal Awardee Performance and Integrity Information System.
- Sec. 853. Inclusion of data on contractor performance in past performance databases for executive agency source selection decisions.

Subtitle E—Other Matters

- Sec. 861. Requirements and limitations for suspension and debarment officials of the Department of Defense, the Department of State, and the United States Agency for International Development.
- Sec. 862. Uniform contract writing system requirements.
- Sec. 863. Extension of other transaction authority.
- Sec. 864. Report on allowable costs of compensation of contractor employees.
- Sec. 865. Reports on use of indemnification agreements.

- Sec. 866. Plan to increase number of contractors eligible for contracts under Air Force NETCENTS-2 contract.
- Sec. 867. Inclusion of information on prevalent grounds for sustaining bid protests in annual protest report by Comptroller General to Congress.

#### TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

##### Subtitle A—Department of Defense Management

- Sec. 901. Additional duties of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and amendments to Strategic Materials Protection Board.
- Sec. 902. Requirement for focus on urgent operational needs and rapid acquisition.
- Sec. 903. Designation of Department of Defense senior official for enterprise resource planning system data conversion.
- Sec. 904. Additional responsibilities and resources for Deputy Assistant Secretary of Defense for Developmental Test and Evaluation.
- Sec. 905. Definition and report on terms “preparation of the environment” and “operational preparation of the environment” for joint doctrine purposes.
- Sec. 906. Information for Deputy Chief Management Officer of the Department of Defense from the military departments and Defense Agencies for defense business system investment reviews.

##### Subtitle B—Space Activities

- Sec. 911. Reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs.
- Sec. 912. Commercial space launch cooperation.
- Sec. 913. Limitation on international agreements concerning outer space activities.
- Sec. 914. Operationally Responsive Space Program Office.
- Sec. 915. Report on overhead persistent infrared technology.
- Sec. 916. Assessment of foreign components and the space launch capability of the United States.
- Sec. 917. Report on counter space technology.

##### Subtitle C—Intelligence-Related Activities

- Sec. 921. Authority to provide geospatial intelligence support to certain security alliances and regional organizations.
- Sec. 922. Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University.
- Sec. 923. Review of Army Distributed Common Ground System.
- Sec. 924. Electro-optical imagery.
- Sec. 925. Defense Clandestine Service.

##### Subtitle D—Cyberspace-Related Matters

- Sec. 931. Implementation strategy for Joint Information Environment.
- Sec. 932. Next-generation host-based cyber security system for the Department of Defense.

- Sec. 933. Improvements in assurance of computer software procured by the Department of Defense.
- Sec. 934. Competition in connection with Department of Defense tactical data link systems.
- Sec. 935. Collection and analysis of network flow data.
- Sec. 936. Competition for large-scale software database and data analysis tools.
- Sec. 937. Software licenses of the Department of Defense.
- Sec. 938. Sense of Congress on potential security risks to Department of Defense networks.
- Sec. 939. Quarterly cyber operations briefings.
- Sec. 940. Sense of Congress on the United States Cyber Command.
- Sec. 941. Reports to Department of Defense on penetrations of networks and information systems of certain contractors.

#### Subtitle E—Other Matters

- Sec. 951. Advice on military requirements by Chairman of Joint Chiefs of Staff and Joint Requirements Oversight Council.
- Sec. 952. Enhancement of responsibilities of the Chairman of the Joint Chiefs of Staff regarding the national military strategy.
- Sec. 953. One-year extension of authority to waive reimbursement of costs of activities for nongovernmental personnel at Department of Defense regional centers for security studies.
- Sec. 954. National Language Service Corps.
- Sec. 955. Savings to be achieved in civilian personnel workforce and service contractor workforce of the Department of Defense.
- Sec. 956. Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship.

### TITLE X—GENERAL PROVISIONS

#### Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Budgetary effects of this Act.
- Sec. 1003. Sense of Congress on notice to Congress on unfunded priorities.
- Sec. 1004. Authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization.
- Sec. 1005. Audit readiness of Department of Defense statements of budgetary resources.
- Sec. 1006. Report on balances carried forward by the Department of Defense at the end of fiscal year 2012.
- Sec. 1007. Report on elimination and streamlining of reporting requirements, thresholds, and statutory and regulatory requirements resulting from unqualified audit opinion of Department of Defense financial statements.

#### Subtitle B—Counter-Drug Activities

- Sec. 1008. Extension of the authority to establish and operate National Guard counterdrug schools.
- Sec. 1009. Biannual reports on use of funds in the Drug Interdiction and Counter-Drug Activities, Defense-wide account.
- Sec. 1010. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.

- Sec. 1011. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
- Sec. 1012. Requirement for biennial certification on provision of support for counter-drug activities to certain foreign governments.

#### Subtitle C—Naval Vessels and Shipyards

- Sec. 1013. Policy relating to major combatant vessels of the strike forces of the United States Navy.
- Sec. 1014. Limitation on availability of funds for delayed annual naval vessel construction plan.
- Sec. 1015. Retirement of naval vessels.
- Sec. 1016. Termination of a Maritime Prepositioning Ship squadron.
- Sec. 1017. Sense of Congress on recapitalization for the Navy and Coast Guard.
- Sec. 1018. Notice to Congress for the review of proposals to name naval vessels.

#### Subtitle D—Counterterrorism

- Sec. 1021. Extension of authority to make rewards for combating terrorism.
- Sec. 1022. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1023. Report on recidivism of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who have been transferred to foreign countries.
- Sec. 1024. Notice and report on use of naval vessels for detention of individuals captured outside Afghanistan pursuant to the Authorization for Use of Military Force.
- Sec. 1025. Notice required prior to transfer of certain individuals detained at the Detention Facility at Parwan, Afghanistan.
- Sec. 1026. Report on recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan.
- Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1028. Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.
- Sec. 1029. Rights Unaffected.

#### Subtitle E—Nuclear Forces

- Sec. 1031. Nuclear weapons employment strategy of the United States.
- Sec. 1032. Progress of modernization.
- Sec. 1033. Report in the event of insufficient funding for modernization of nuclear weapons stockpile.
- Sec. 1034. Prevention of asymmetry of nuclear weapon stockpile reductions.
- Sec. 1035. Strategic delivery systems.
- Sec. 1036. Consideration of expansion of nuclear forces of other countries.
- Sec. 1037. Nonstrategic nuclear weapon reductions and extended deterrence policy.
- Sec. 1038. Unilateral change in nuclear weapons stockpile of the United States.
- Sec. 1039. Expansion of duties and responsibilities of the Nuclear Weapons Council.

- Sec. 1040. Interagency Council on the Strategic Capability of the National Laboratories.
- Sec. 1041. Cost estimates for nuclear weapons.
- Sec. 1042. Prior notification with regard to retirement of strategic delivery systems.
- Sec. 1043. Report on nuclear warheads on intercontinental ballistic missiles of the United States.
- Sec. 1044. Requirements for combined or interoperable warhead for certain missile systems.
- Sec. 1045. Reports on capability of conventional and nuclear forces against certain tunnel sites and on nuclear weapons program of the People's Republic of China.
- Sec. 1046. Report on conventional and nuclear forces in the Western Pacific region.

#### Subtitle F—Miscellaneous Authorities and Limitations

- Sec. 1051. Expansion of authority of the Secretary of the Army to loan or donate excess non-automatic service rifles for funeral and other ceremonial purposes.
- Sec. 1052. Interagency collaboration on unmanned aircraft systems.
- Sec. 1053. Authority to transfer surplus Mine-Resistant Ambush-Protected vehicles and spare parts.
- Sec. 1054. Notice to Congress of certain Department of Defense nondisclosure agreements.
- Sec. 1055. Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet.
- Sec. 1056. Authority for short-term extension of lease for aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program.
- Sec. 1057. Rule of construction relating to prohibition on infringing on the individual right to lawfully acquire, possess, own, carry, and otherwise use privately owned firearms, ammunition, and other weapons.
- Sec. 1058. Sense of Congress on the Joint Warfighting Analysis Center.
- Sec. 1059. Limitations on retirement of fixed-wing intra-theater airlift aircraft for general support and time sensitive/mission critical direct support airlift missions of the Department of Defense.

#### Subtitle G—Studies and Reports

- Sec. 1061. Electronic warfare strategy of the Department of Defense.
- Sec. 1062. Report on counterproliferation capabilities and limitations.
- Sec. 1063. Report on strategic airlift aircraft.
- Sec. 1064. Repeal of biennial report on the Global Positioning System.
- Sec. 1065. Improvements to reports required on acquisition of technology relating to weapons of mass destruction and the threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles.
- Sec. 1066. Report on force structure of the United States Army.
- Sec. 1067. Report on planned efficiency initiatives at Space and Naval Warfare Systems Command.
- Sec. 1068. Report on military resources necessary to execute United States Force Posture Strategy in the Asia Pacific Region.
- Sec. 1069. Rialto-Colton Basin, California, water resources study.
- Sec. 1070. Reports on the potential security threat posed by Boko Haram.

- Sec. 1071. Study on the ability of national test and evaluation capabilities to support the maturation of hypersonic technologies for future defense systems development.

#### Subtitle H—Other Matters

- Sec. 1076. Technical and clerical amendments.
- Sec. 1077. Sense of Congress on recognizing Air Mobility Command on its 20th anniversary.
- Sec. 1078. Dissemination abroad of information about the United States.
- Sec. 1079. Coordination for computer network operations.
- Sec. 1080. Sense of Congress regarding unauthorized disclosures of classified information.
- Sec. 1081. Technical amendments to repeal statutory references to United States Joint Forces Command.
- Sec. 1082. Sense of Congress on non-United States citizens who are graduates of United States educational institutions with advanced degrees in science, technology, engineering, and mathematics.
- Sec. 1083. Scientific framework for recalcitrant cancers.
- Sec. 1084. Protection of veterans' memorials.
- Sec. 1085. Sense of Congress regarding spectrum.
- Sec. 1086. Public Safety Officers' Benefits Program.
- Sec. 1087. Removal of action.
- Sec. 1088. Transport for female genital mutilation.
- Sec. 1089. Amendments to law enforcement officer safety provisions of title 18.
- Sec. 1090. Reauthorization of sale of aircraft and parts for wildfire suppression purposes.
- Sec. 1091. Transfer of excess aircraft to other departments of the Federal Government.

#### TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1102. Expansion of experimental personnel program for scientific and technical personnel at the Defense Advanced Research Projects Agency.
- Sec. 1103. Extension of authority to fill shortage category positions for certain Federal acquisition positions for civilian agencies.
- Sec. 1104. One-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.
- Sec. 1105. Policy on senior mentors.
- Sec. 1106. Authority to pay for the transport of family household pets for Federal employees during certain evacuation operations.
- Sec. 1107. Interagency personnel rotations.

#### TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

##### Subtitle A—Assistance and Training

- Sec. 1201. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
- Sec. 1202. Extension of authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.

- Sec. 1203. Authority to build the capacity of certain counterterrorism forces in Yemen and East Africa.
- Sec. 1204. Limitation on activities under State Partnership Program pending compliance with certain program-related requirements.

#### Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

- Sec. 1211. Authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1212. Report on insider attacks in Afghanistan and their effect on the United States transition strategy for Afghanistan.
- Sec. 1213. United States military support in Afghanistan.
- Sec. 1214. Modification of report on progress toward security and stability in Afghanistan.
- Sec. 1215. Independent assessment of the Afghan National Security Forces.
- Sec. 1216. Extension and modification of logistical support for coalition forces supporting certain United States military operations.
- Sec. 1217. Report on Afghanistan Peace and Reintegration Program.
- Sec. 1218. One-year extension of authority to use funds for reintegration activities in Afghanistan.
- Sec. 1219. One-year extension and modification of authority for program to develop and carry out infrastructure projects in Afghanistan.
- Sec. 1220. Report on updates and modifications to campaign plan for Afghanistan.
- Sec. 1221. Commanders' Emergency Response Program in Afghanistan.
- Sec. 1222. Authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
- Sec. 1223. Report on efforts to promote the security of Afghan women and girls during the security transition process.
- Sec. 1224. Sense of Congress commending the Enduring Strategic Partnership Agreement between the United States and Afghanistan.
- Sec. 1225. Consultations with Congress on a bilateral security agreement with Afghanistan.
- Sec. 1226. Completion of transition of United States combat and military and security operations to the Government of Afghanistan.
- Sec. 1227. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1228. Extension and modification of Pakistan Counterinsurgency Fund.

#### Subtitle C—Matters Relating to Iran

- Sec. 1231. Report on United States capabilities in relation to China, North Korea, and Iran.
- Sec. 1232. Report on military capabilities of Gulf Cooperation Council members.
- Sec. 1233. Sense of Congress with respect to Iran.
- Sec. 1234. Rule of construction.

#### Subtitle D—Iran Sanctions

- Sec. 1241. Short title.
- Sec. 1242. Definitions.
- Sec. 1243. Sense of Congress relating to violations of human rights by Iran.
- Sec. 1244. Imposition of sanctions with respect to the energy, shipping, and shipbuilding sectors of Iran.

- Sec. 1245. Imposition of sanctions with respect to the sale, supply, or transfer of certain materials to or from Iran.
- Sec. 1246. Imposition of sanctions with respect to the provision of underwriting services or insurance or reinsurance for activities or persons with respect to which sanctions have been imposed.
- Sec. 1247. Imposition of sanctions with respect to foreign financial institutions that facilitate financial transactions on behalf of specially designated nationals.
- Sec. 1248. Impositions of sanctions with respect to the Islamic Republic of Iran Broadcasting.
- Sec. 1249. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.
- Sec. 1250. Waiver requirement related to exceptional circumstances preventing significant reductions in crude oil purchases.
- Sec. 1251. Statute of limitations for civil actions regarding terrorist acts.
- Sec. 1252. Report on use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers.
- Sec. 1253. Implementation; penalties.
- Sec. 1254. Applicability to certain natural gas projects.
- Sec. 1255. Rule of construction.

#### Subtitle E—Satellites and Related Items

- Sec. 1261. Removal of satellites and related items from the United States Munitions List.
- Sec. 1262. Report on licenses and other authorizations to export certain satellites and related items.
- Sec. 1263. Report on country exemptions for licensing of exports of certain satellites and related items.
- Sec. 1264. End-use monitoring of certain satellites and related items.
- Sec. 1265. Interagency review of modifications to Category XV of the United States Munitions List.
- Sec. 1266. Rules of construction.
- Sec. 1267. Definitions.

#### Subtitle F—Other Matters

- Sec. 1271. Additional elements in annual report on military and security developments involving the People's Republic of China.
- Sec. 1272. NATO Special Operations Headquarters.
- Sec. 1273. Sustainability requirements for certain capital projects in connection with overseas contingency operations.
- Sec. 1274. Administration of the American, British, Canadian, and Australian Armies' Program.
- Sec. 1275. United States participation in Headquarters Eurocorps.
- Sec. 1276. Department of Defense participation in European program on multilateral exchange of air transportation and air refueling services.
- Sec. 1277. Prohibition on use of funds to enter into contracts or agreements with Rosoboronexport.
- Sec. 1278. Sense of Congress on Iron Dome short-range rocket defense system.
- Sec. 1279. Bilateral defense trade relationship with India.
- Sec. 1280. United States Advisory Commission on Public Diplomacy.
- Sec. 1281. Sense of Congress on sale of aircraft to Taiwan.

- Sec. 1282. Briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense systems, and long-range conventional strike systems.
- Sec. 1283. Sense of Congress on efforts to remove or apprehend Joseph Kony from the battlefield and end the atrocities of the Lord's Resistance Army.
- Sec. 1284. Imposition of sanctions with respect to support for the rebel group known as M23.
- Sec. 1285. Pilot program on repair, overhaul, and refurbishment of defense articles for sale or transfer to eligible foreign countries and entities.
- Sec. 1286. Sense of Congress on the situation in the Senkaku Islands.

#### Subtitle G—Reports

- Sec. 1291. Review and reports on Department of Defense efforts to build the capacity of and partner with foreign security forces.
- Sec. 1292. Additional report on military and security developments involving the Democratic People's Republic of Korea.
- Sec. 1293. Report on host nation support for overseas United States military installations and United States Armed Forces deployed in country.
- Sec. 1294. Report on military activities to deny or significantly degrade the use of air power against civilian and opposition groups in Syria.
- Sec. 1295. Report on military assistance provided by Russia to Syria.

### TITLE XIII—COOPERATIVE THREAT REDUCTION

- Sec. 1301. Specification of cooperative threat reduction programs and funds.
- Sec. 1302. Funding allocations.
- Sec. 1303. Report on Cooperative Threat Reduction Programs in Russia.

### TITLE XIV—OTHER AUTHORIZATIONS

#### Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
- Sec. 1402. National Defense Sealift Fund.
- Sec. 1403. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1405. Defense Inspector General.
- Sec. 1406. Defense Health Program.

#### Subtitle B—National Defense Stockpile

- Sec. 1411. Authorized uses of National Defense Stockpile funds.
- Sec. 1412. Additional security of strategic materials supply chains.
- Sec. 1413. Release of materials needed for national defense purposes from the Strategic and Critical Materials Stockpile.

#### Subtitle C—Chemical Demilitarization Matters

- Sec. 1421. Supplemental chemical agent and munitions destruction technologies at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky.

#### Subtitle D—Other Matters

- Sec. 1431. Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund.
- Sec. 1432. Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
- Sec. 1433. Authorization of appropriations for Armed Forces Retirement Home.
- Sec. 1434. Cemeterial expenses.
- Sec. 1435. Additional Weapons of Mass Destruction Civil Support Teams.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS  
FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

- Sec. 1501. Purpose.
- Sec. 1502. Procurement.
- Sec. 1503. Research, development, test, and evaluation.
- Sec. 1504. Operation and maintenance.
- Sec. 1505. Military personnel.
- Sec. 1506. Working capital funds.
- Sec. 1507. Defense Health Program.
- Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1509. Defense Inspector General.

Subtitle B—Financial Matters

- Sec. 1521. Treatment as additional authorizations.
- Sec. 1522. Special transfer authority.

Subtitle C—Limitations and Other Matters

- Sec. 1531. Afghanistan Security Forces Fund.
- Sec. 1532. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1533. One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan.
- Sec. 1534. Plan for transition in funding of United States Special Operations Command from supplemental funding for overseas contingency operations to recurring funding under the future-years defense program.
- Sec. 1535. Assessment of counter-improvised explosive device training and intelligence activities of the Joint Improvised Explosive Device Defeat Organization and national and military intelligence Organizations.

TITLE XVI—INDUSTRIAL BASE MATTERS

Subtitle A—Defense Industrial Base Matters

- Sec. 1601. Disestablishment of Defense Materiel Readiness Board.
- Sec. 1602. Assessment of effects of foreign boycotts.
- Sec. 1603. National security strategy for national technology and industrial base.

## Subtitle B—Department of Defense Activities Related to Small Business Matters

- Sec. 1611. Role of the directors of small business programs in acquisition processes of the Department of Defense.
- Sec. 1612. Small Business Ombudsman for defense audit agencies.
- Sec. 1613. Independent assessment of Federal procurement contracting performance of the Department of Defense.
- Sec. 1614. Additional responsibilities of Inspector General of the Department of Defense.
- Sec. 1615. Restoration of 1 percent funding for administrative expenses of Commercialization Readiness Program of Department of Defense.

## Subtitle C—Matters Relating to Small Business Concerns

## PART I—PROCUREMENT CENTER REPRESENTATIVES

- Sec. 1621. Procurement center representatives.
- Sec. 1622. Small Business Act contracting requirements training.
- Sec. 1623. Acquisition planning.

## PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

- Sec. 1631. Goals for procurement contracts awarded to small business concerns.
- Sec. 1632. Reporting on goals for procurement contracts awarded to small business concerns.
- Sec. 1633. Senior executives.

## PART III—MENTOR-PROTEGE PROGRAMS

- Sec. 1641. Mentor-Protege programs.

## PART IV—TRANSPARENCY IN SUBCONTRACTING

- Sec. 1651. Limitations on subcontracting.
- Sec. 1652. Penalties.
- Sec. 1653. Subcontracting plans.
- Sec. 1654. Notices of subcontracting opportunities.
- Sec. 1655. Publication of certain documents.

## PART V—SMALL BUSINESS CONCERN SIZE STANDARDS

- Sec. 1661. Small business concern size standards.

## PART VI—CONTRACT BUNDLING

- Sec. 1671. Contract bundling.

## PART VII—INCREASED PENALTIES FOR FRAUD

- Sec. 1681. Safe harbor for good faith compliance efforts.
- Sec. 1682. Requirement that fraudulent businesses be suspended or debarred.
- Sec. 1683. Annual report on suspensions and debarments proposed by Small Business Administration.

## PART VIII—OFFICES OF SMALL AND DISADVANTAGED BUSINESS UNITS

- Sec. 1691. Offices of Small and Disadvantaged Business Utilization.
- Sec. 1692. Small Business Procurement Advisory Council.

## PART IX—OTHER MATTERS

- Sec. 1695. Surety bonds.
- Sec. 1696. Conforming Amendments; Repeal of redundant provisions; Regulations.
- Sec. 1697. Contracting with small business concerns owned and controlled by women.
- Sec. 1698. Small business HUBZones.
- Sec. 1699. National Veterans Business Development Corporation.
- Sec. 1699a. State Trade and Export Promotion Grant Program.

## TITLE XVII—ENDING TRAFFICKING IN GOVERNMENT CONTRACTING

- Sec. 1701. Definitions.
- Sec. 1702. Contracting requirements.
- Sec. 1703. Compliance plan and certification requirement.
- Sec. 1704. Monitoring and investigation of trafficking in persons.
- Sec. 1705. Notification to inspectors general and cooperation with Government.
- Sec. 1706. Expansion of penalties for fraud in foreign labor contracting to include attempted fraud and work outside the United States.
- Sec. 1707. Improving Department of Defense accountability for reporting trafficking in persons claims and violations.
- Sec. 1708. Rules of construction; effective date.

## TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS

## Subtitle A—Fire Grants Reauthorization

- Sec. 1801. Short title.
- Sec. 1802. Amendments to definitions.
- Sec. 1803. Assistance to firefighters grants.
- Sec. 1804. Staffing for adequate fire and emergency response.
- Sec. 1805. Sense of Congress on value and funding of Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.
- Sec. 1806. Report on amendments to Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.
- Sec. 1807. Studies and reports on the state of fire services.

## Subtitle B—Reauthorization of United States Fire Administration

- Sec. 1811. Short title.
- Sec. 1812. Clarification of relationship between United States Fire Administration and Federal Emergency Management Agency.
- Sec. 1813. Modification of authority of Administrator to educate public about fire and fire prevention.
- Sec. 1814. Authorization of appropriations.
- Sec. 1815. Removal of limitation.

## 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. Extension of authorizations of certain fiscal year 2009 projects.
- Sec. 2106. Extension of authorizations of certain fiscal year 2010 projects.
- Sec. 2107. Extension of limitation on obligation or expenditure of funds for tour normalization.
- Sec. 2108. Limitation on project authorization to carry out certain fiscal year 2013 project.

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

## Subtitle B—Chemical Demilitarization Authorizations

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

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 project.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

- Sec. 2611. Modification of authority to carry out certain fiscal year 2010 projects.
- Sec. 2612. Modification of authority to carry out certain fiscal year 2011 projects.
- Sec. 2613. Extension of authorization of certain fiscal year 2009 project.
- Sec. 2614. Extension of authorization of certain fiscal year 2010 projects.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Subtitle A—Authorization of Appropriations

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Other Matters

- Sec. 2711. Consolidation of Department of Defense base closure accounts and authorized uses of base closure account funds.
- Sec. 2712. Revised base closure and realignment restrictions and Comptroller General assessment of Department of Defense compliance with codified base closure and realignment restrictions.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Authorized cost and scope variations.
- Sec. 2802. Preparation of master plans for major military installations.
- Sec. 2803. Oversight and accountability for military housing privatization projects and related annual reporting requirements.
- Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
- Sec. 2805. Comptroller General report on in-kind payments.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations.
- Sec. 2812. Identification requirements for access to military installations.
- Sec. 2813. Report on property disposals at certain closed military installations and additional authorities to assist local communities in the vicinity of such installations.
- Sec. 2814. Report on reorganization of Air Force Materiel Command organizations.

#### Subtitle C—Energy Security

- Sec. 2821. Congressional notification for contracts for the provision and operation of energy production facilities authorized to be located on real property under the jurisdiction of a military department.
- Sec. 2822. Availability and use of Department of Defense energy cost savings to promote energy security.
- Sec. 2823. Continuation of limitation on use of funds for Leadership in Energy and Environmental Design (LEED) gold or platinum certification.
- Sec. 2824. Guidance on financing for renewable energy projects.
- Sec. 2825. Energy savings performance contract report.

#### Subtitle D—Provisions Related to Asia-Pacific Military Realignment

- Sec. 2831. Certification of military readiness need for a Live Fire Training Range Complex on Guam as condition on establishment of range complex.
- Sec. 2832. Realignment of Marine Corps forces in Asia-Pacific region.

#### Subtitle E—Land Conveyances

- Sec. 2841. Modification of authorized consideration, Broadway Complex of the Department of the Navy, San Diego, California.
- Sec. 2842. Use of proceeds, land conveyance, Tyndall Air Force Base, Florida.
- Sec. 2843. Land conveyance, John Kunkel Army Reserve Center, Warren, Ohio.
- Sec. 2844. Land conveyance, Castner Range, Fort Bliss, Texas.
- Sec. 2845. Modification of land conveyance, Fort Hood, Texas.
- Sec. 2846. Land conveyance, Local Training Area for Browning Army Reserve Center, Utah.

#### Subtitle F—Other Matters

- Sec. 2851. Modification of notice requirements in advance of permanent reduction of sizable numbers of members of the Armed Forces at military installations.
- Sec. 2852. Acceptance of gifts and services to support military museum programs and use of cooperative agreements with nonprofit entities for military museum and military educational institution programs.
- Sec. 2853. Additional exemptions from certain requirements applicable to funding for data servers and centers.
- Sec. 2854. Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.
- Sec. 2855. Sense of Congress regarding establishment of military divers memorial at Washington Navy Yard.

- Sec. 2856. Limitation on availability of funds pending report regarding acquisition of land and development of a training range facility adjacent to the Marine Corps Air Ground Combat Center Twentynine Palms, California.
- Sec. 2857. Oversight and maintenance of closed base cemeteries overseas containing the remains of members of the Armed Forces or citizens of the United States.
- Sec. 2858. Report on establishment of joint Armed Forces historical storage and preservation facility.
- Sec. 2859. Establishment of commemorative work to Gold Star Mothers.
- Sec. 2860. Establishment of commemorative work to slaves and free Black persons who served in American Revolution.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY  
CONSTRUCTION

- Sec. 2901. Authorized Navy construction and land acquisition project.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY  
PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Authorized personnel levels of the Office of the Administrator.
- Sec. 3112. Budget justification materials.
- Sec. 3113. National Nuclear Security Administration Council.
- Sec. 3114. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.
- Sec. 3115. Design and use of prototypes of nuclear weapons.
- Sec. 3116. Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina.
- Sec. 3117. Transparency in contractor performance evaluations by the National Nuclear Security Administration leading to award fees.
- Sec. 3118. Modification and extension of authority on acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
- Sec. 3119. Limitation on availability of funds for Center of Excellence on Nuclear Security.
- Sec. 3120. Improvement and streamlining of the missions and operations of the Department of Energy and National Nuclear Security Administration.
- Sec. 3121. Cost-benefit analyses for competition of management and operating contracts.
- Sec. 3122. Program on scientific engagement for nonproliferation.
- Sec. 3123. Cost containment for Uranium Capabilities Replacement Project.

Subtitle C—Improvements to National Security Energy Laws

- Sec. 3131. Improvements to the Atomic Energy Defense Act.
- Sec. 3132. Improvements to the National Nuclear Security Administration Act.
- Sec. 3133. Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure.
- Sec. 3134. Repeal of certain reporting requirements.

## Subtitle D—Reports

- Sec. 3141. Reports on lifetime extension programs.
- Sec. 3142. Notification of nuclear criticality and non-nuclear incidents.
- Sec. 3143. Quarterly reports to Congress on financial balances for atomic energy defense activities.
- Sec. 3144. National Academy of Sciences study on peer review and design competition related to nuclear weapons.
- Sec. 3145. Report on defense nuclear nonproliferation programs.
- Sec. 3146. Study on reuse of plutonium pits.
- Sec. 3147. Assessment of nuclear weapon pit production requirement.
- Sec. 3148. Study on a multiagency governance model for national security laboratories.
- Sec. 3149. Report on efficiencies in facilities and functions of the National Nuclear Security Administration.
- Sec. 3150. Study on regional radiological security zones.
- Sec. 3151. Report on abandoned uranium mines.

## Subtitle E—Other Matters

- Sec. 3161. Use of probabilistic risk assessment to ensure nuclear safety.
- Sec. 3162. Submittal to Congress of selected acquisition reports and independent cost estimates on life extension programs and new nuclear facilities.
- Sec. 3163. Classification of certain restricted data.
- Sec. 3164. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile and nuclear forces.
- Sec. 3165. Pilot program on technology commercialization.
- Sec. 3166. Congressional advisory panel on the governance of the nuclear security enterprise.

## Subtitle F—American Medical Isotopes Production

- Sec. 3171. Short title.
- Sec. 3172. Definitions.
- Sec. 3173. Improving the reliability of domestic medical isotope supply.
- Sec. 3174. Exports.
- Sec. 3175. Report on disposition of exports.
- Sec. 3176. Domestic medical isotope production.
- Sec. 3177. Annual Department reports.
- Sec. 3178. National Academy of Sciences report.

## TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.
- Sec. 3202. Improvements to the Defense Nuclear Facilities Safety Board.

## TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

## TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.
- Sec. 3502. Application of the Federal Acquisition Regulation.
- Sec. 3503. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.
- Sec. 3504. Donation of excess fuel to maritime academies.
- Sec. 3505. Clarification of heading.
- Sec. 3506. Transfer of vessels to the National Defense Reserve Fleet.
- Sec. 3507. Amendments relating to the National Defense Reserve Fleet.
- Sec. 3508. Extension of Maritime Security Fleet program.
- Sec. 3509. Container-on-barge transportation.
- Sec. 3510. Short sea transportation.
- Sec. 3511. Maritime environmental and technical assistance.
- Sec. 3512. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.
- Sec. 3513. Maritime workforce study.
- Sec. 3514. Maritime administration vessel recycling contract award practices.
- Sec. 3515. Requirement for barge design.
- Sec. 3516. Eligibility to receive surplus training equipment.
- Sec. 3517. Coordination with other laws.

## DIVISION D—FUNDING TABLES

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

## TITLE XLI—PROCUREMENT

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

## TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 4201. Research, development, test, and evaluation.
- Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

## TITLE XLIII—OPERATION AND MAINTENANCE

- Sec. 4301. Operation and maintenance.
- Sec. 4302. Operation and maintenance for overseas contingency operations.

## TITLE XLIV—MILITARY PERSONNEL

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

## TITLE XLV—OTHER AUTHORIZATIONS

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

## TITLE XLVI—MILITARY CONSTRUCTION

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

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy National Security programs.

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

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

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

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

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

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

Subtitle C—Navy Programs

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

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

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

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

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

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

Sec. 127. Report on Littoral Combat Ship designs.

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

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

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

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

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

Subtitle D—Air Force Programs

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

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

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

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

Subtitle E—Joint and Multiservice Matters

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

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

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

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

8                           **Subtitle B—Army Programs**

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

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

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

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

9 (a) REPORTS.—

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

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

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

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

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

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

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

10                   (A) aircraft of the Army;

11                   (B) aircraft of the Air Force;

12                   (C) aircraft of contractors; and

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

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

## 19           **Subtitle C—Navy Programs**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 It is the sense of Congress that—

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

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

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

14 It is the sense of Congress that—

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

21 (2) the Navy should—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 4 **Subtitle D—Air Force Programs**

### 5 **SEC. 141. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED** 6 **TO BE MAINTAINED IN STRATEGIC AIRLIFT** 7 **AIRCRAFT INVENTORY.**

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

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

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

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

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

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

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

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

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

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

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

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

1 assessment and joint forcible entry operations  
2 assessment.

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

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

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

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

7 (ii) recommended mitigation strategies  
8 where possible.

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

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

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

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

21 (i) risk;

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

24 (iii) readiness, manning, and spares;

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

4 (v) concurrency of major operations;

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

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

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

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

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

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

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

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

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

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

17               (1) is stored in flyable condition;

18               (2) can be returned to service; and

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

23          (e) DEFINITIONS.—In this section:

24               (1) The term “mobility” means the—

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

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

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

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

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

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

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

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

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

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

10          (a) LIMITATIONS.—

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

19               (2) CNS/ATM PROGRAM.—

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

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

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

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

14 (b) COST-BENEFIT ANALYSIS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (a) CONTRACT AUTHORITY.—

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

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

17 (B) cost-reduction initiatives.

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

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

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

6       (b) LIMITATION OF COSTS.—

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

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

16           (A) Plans.

17           (B) Technical data packages.

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

20           (D) Technical support for obsolescence  
21      studies.

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

24          (1) WAIVER.—In accordance with paragraph

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

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

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

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

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

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

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

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

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

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

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

16 (3) The total contract value.

17 (4) The funding profile by year.

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

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

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

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

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

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

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

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

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

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

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

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

21 (2) written certification that such strategy—

22 (A) maintains assured access to space;

23 (B) achieves substantial cost savings; and

24 (C) provides opportunities for competition.

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

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

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

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

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

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

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

20 (c) COMPTROLLER GENERAL.—

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

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

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

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

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

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

10 (1) The congressional defense committees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (b) SUBSEQUENT REPORTS.—

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

1 including metrics from the earned value management  
2 system.

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

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

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

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

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

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

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

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

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

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

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

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

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

8           (2) unmanned aerial vehicles.

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

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

14       (a) STUDY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (b) REPORT.—

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

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

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

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

          Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

          Subtitle B—Program Requirements, Restrictions, and Limitations

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

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

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

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

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

Sec. 216. Advanced rotorcraft initiative.

          Subtitle C—Missile Defense Programs

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

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

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

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

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

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

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

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

Subtitle D—Reports

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

Subtitle E—Other Matters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (b) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

3 (C) technology development.

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

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

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

17 (1) the Secretary—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (b) ADJUSTMENTS IN EQUIPMENT DELIVERIES.—

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

11 DESTROYERS PROCURED WITH FY11 FUNDS.—

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

21 (2) USE OF AWS SYSTEMS PROCURED WITH

22 RDT&E FUNDS ON DESTROYERS.—The Secretary

23 may install on any DDG–51 class destroyer Aegis

24 weapon systems with ballistic missile defense capa-

25 bility transferred pursuant to subsection (c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23          (d) MEMORANDUM OF AGREEMENT.—

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

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

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

9 (e) REVIEW BY THE COMPTROLLER GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20          (c) REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (b) REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (6) the Department of Defense—

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

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

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

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

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

9 (b) REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 It is the sense of the Congress that—

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

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

19 **Subtitle D—Reports**

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

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

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

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

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

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

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

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

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

25 (b) REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23                   (2) February 1, 2013.

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

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

9 (1) cyber science and technology;

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

12 (3) connectivity and dissemination technologies;

13 and

14 (4) processing and exploitation technologies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 11                   **Subtitle E—Other Matters**

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

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

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

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

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

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

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

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

21 (A) clusters supported;

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

24 (C) products commercialized;

25 (D) small businesses trained;

1 (E) companies started; and

2 (F) research and development facilities  
3 shared;

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

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

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

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

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

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

25 (d) DEFINITIONS.—In this section:

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

3           (A) the congressional defense committees;

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

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

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

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

16       It is the sense of Congress that—

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

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

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

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

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

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

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environment

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

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

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

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

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

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

Subtitle C—Logistics and Sustainment

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

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

Sec. 323. Rating chains for system program managers.

Subtitle D—Readiness

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

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

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

Subtitle E—Reports

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

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

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

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

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

Subtitle F—Limitations and Extension of Authority

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

Sec. 352. Aerospace control alert mission.

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

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

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

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

Sec. 361. Short title.

Sec. 362. Establishment of Commission.

Sec. 363. Duties of the Commission.

Sec. 364. Powers of the Commission.

Sec. 365. Commission personnel matters.

Sec. 366. Termination of the Commission.

Sec. 367. Funding.

Subtitle H—Other Matters

Sec. 371. Military working dog matters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (a) ISSUANCE OF GUIDANCE REQUIRED.—

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

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

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

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

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

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

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

13 (b) BRIEFING REQUIRED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 It is the sense of Congress that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4           (b) REVIVAL OF SUPERSEDED PROVISIONS.—

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

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

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

“2464. Core logistics capabilities.”.

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

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

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

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

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

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

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

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

6 (e) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

11 **Subtitle D—Readiness**

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

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

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

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

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

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

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

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

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

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

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

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

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

17       “(e) DEFINITIONS.—In this section:

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



1 (2) in subsection (d)—

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

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

6 (3) in subsection (e)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           (1) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8           (1) in paragraph (3)—

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

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

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

18           (3) by inserting after paragraph (3) the fol-  
19           lowing new paragraph (4):

20                   “(4) In the case of a covered vessel described  
21           in subparagraph (C) of paragraph (5), the report  
22           shall not be required to include the information de-  
23           scribed in subparagraphs (A), (E), (F), (G), and (I)  
24           of paragraph (3).”; and

1 (4) in paragraph (5), as redesignated by para-  
2 graph (2) of this section, by adding at the end the  
3 following new subparagraph:

4 “(C) A vessel not described in subparagraph  
5 (A) or (B) that is operated pursuant to a contract  
6 entered into by the Secretary of the Navy and the  
7 Maritime Administration or the United States  
8 Transportation Command in support of Department  
9 of Defense operations.”.

10 **SEC. 345. EXTENSION OF DEADLINE FOR COMPTROLLER**  
11 **GENERAL REPORT ON DEPARTMENT OF DE-**  
12 **FENSE SERVICE CONTRACT INVENTORY.**

13 Section 803(c) of the National Defense Authorization  
14 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
15 2402) is amended by striking “180 days” and inserting  
16 “270 days”.

17 **Subtitle F—Limitations and**  
18 **Extension of Authority**

19 **SEC. 351. REPEAL OF REDUNDANT AUTHORITY TO ENSURE**  
20 **INTEROPERABILITY OF LAW ENFORCEMENT**  
21 **AND EMERGENCY RESPONDER TRAINING.**

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

24 (1) by striking “(a) IN GENERAL.—”; and

25 (2) by striking subsection (b).

1 **SEC. 352. AEROSPACE CONTROL ALERT MISSION.**

2 (a) CONSOLIDATED BUDGET EXHIBIT.—The Sec-  
3 retary of Defense shall establish a consolidated budget jus-  
4 tification display that fully identifies the baseline aero-  
5 space control alert budget for each of the military services  
6 and encompasses all programs and activities of the aero-  
7 space control alert mission for each of the following func-  
8 tions:

- 9 (1) Procurement.
- 10 (2) Operation and maintenance.
- 11 (3) Research, development, testing, and evalua-  
12 tion.
- 13 (4) Military construction.

14 (b) REPORT.—

15 (1) REPORT TO CONGRESS.—Not later than  
16 April 1, 2013, the Secretary of Defense shall submit  
17 to the congressional defense committees a report  
18 that provides a cost-benefit analysis and risk-based  
19 assessment of the aerospace control alert mission as  
20 it relates to expected future changes to the budget  
21 and force structure of such mission.

22 (2) COMPTROLLER GENERAL REVIEW.—Not  
23 later than 120 days after the date on which the Sec-  
24 retary submits the report required by paragraph (1),  
25 the Comptroller General of the United States shall—

1 (A) conduct a review of the Department of  
2 Defense cost-benefit analysis and risk-based as-  
3 sessment contained in the report; and

4 (B) submit to the congressional defense  
5 committees a report on the findings of such re-  
6 view.

7 (c) SENSE OF CONGRESS ON THE ESSENTIAL SERV-  
8 ICE PROVIDED BY AIR FORCE WINGS PERFORMING  
9 AEROSPACE CONTROL ALERT MISSIONS.—It is the sense  
10 of Congress that Air Force wings performing the 24-hour  
11 aerospace control alert missions provide an essential serv-  
12 ice in defending the sovereign airspace of the United  
13 States in the aftermath of the terrorist attacks upon the  
14 United States on September 11, 2001.

15 **SEC. 353. LIMITATION ON AUTHORIZATION OF APPROPRIA-**  
16 **TIONS FOR THE NATIONAL MUSEUM OF THE**  
17 **UNITED STATES ARMY.**

18 Of the amounts authorized to be appropriated for Op-  
19 eration and Maintenance for fiscal year 2013, not more  
20 than \$5,000,000 shall be made available for the National  
21 Museum of the United States Army until the Secretary  
22 of the Army submits to the congressional defense commit-  
23 tees certification in writing that sufficient private funding  
24 has been raised to fund the construction of the portion  
25 of the museum known as the “Baseline Museum” and that

1 at least 50 percent of the Baseline Museum has been com-  
2 pleted.

3 **SEC. 354. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**  
4 **TIREMENT OR INACTIVATION OF TICON-**  
5 **DEROGA CLASS CRUISERS OR DOCK LAND-**  
6 **ING SHIPS.**

7 None of the funds authorized to be appropriated by  
8 this Act or otherwise made available for fiscal year 2013  
9 for the Department of Defense may be obligated or ex-  
10 pended to retire, prepare to retire, inactivate, or place in  
11 storage a cruiser or dock landing ship.

12 **SEC. 355. RENEWAL OF EXPIRED PROHIBITION ON RETURN**  
13 **OF VETERANS MEMORIAL OBJECTS WITHOUT**  
14 **SPECIFIC AUTHORIZATION IN LAW.**

15 (a) CODIFICATION OF PROHIBITION.—Section 2572  
16 of title 10, United States Code, is amended by adding at  
17 the end the following new subsection:

18 “(e)(1) Except as provided in paragraph (3), and not-  
19 withstanding this section or any other provision of law,  
20 the President may not transfer a veterans memorial object  
21 to a foreign country or an entity controlled by a foreign  
22 government, or otherwise transfer or convey such an ob-  
23 ject to any person or entity for purposes of the ultimate  
24 transfer or conveyance of the object to a foreign country  
25 or entity controlled by a foreign government.

1 “(2) In this subsection:

2 “(A) The term ‘entity controlled by a foreign  
3 government’ has the meaning given that term in sec-  
4 tion 2536(c)(1) of this title.

5 “(B) The term ‘veterans memorial object’  
6 means any object, including a physical structure or  
7 portion thereof, that—

8 “(i) is located at a cemetery of the Na-  
9 tional Cemetery System, war memorial, or mili-  
10 tary installation in the United States;

11 “(ii) is dedicated to, or otherwise memori-  
12 alizes, the death in combat or combat-related  
13 duties of members of the armed forces; and

14 “(iii) was brought to the United States  
15 from abroad as a memorial of combat abroad.

16 “(3) The prohibition imposed by paragraph (1) does  
17 not apply to a transfer of a veterans memorial object if—

18 “(A) the transfer of that veterans memorial ob-  
19 ject is specifically authorized by law; or

20 “(B) the transfer is made after September 30,  
21 2017.”.

22 (b) REPEAL OF OBSOLETE SOURCE LAW.—Section  
23 1051 of the National Defense Authorization Act for Fiscal  
24 Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is  
25 repealed.

1     **Subtitle G—National Commission**  
2     **on the Structure of the Air Force**

3     **SEC. 361. SHORT TITLE.**

4             This subtitle may be cited as the “National Commis-  
5     sion on the Structure of the Air Force Act of 2012”.

6     **SEC. 362. ESTABLISHMENT OF COMMISSION.**

7             (a) **ESTABLISHMENT.**—There is established the Na-  
8     tional Commission on the Structure of the Air Force (in  
9     this subtitle referred to as the “Commission”).

10            (b) **MEMBERSHIP.**—

11                (1) **COMPOSITION.**—The Commission shall be  
12     composed of eight members, of whom—

13                    (A) four shall be appointed by the Presi-  
14     dent;

15                    (B) one shall be appointed by the Chair-  
16     man of the Committee on Armed Services of  
17     the Senate;

18                    (C) one shall be appointed by the Ranking  
19     Member of the Committee on Armed Services of  
20     the Senate;

21                    (D) one shall be appointed by the Chair-  
22     man of the Committee on Armed Services of  
23     the House of Representatives; and

1           (E) one shall be appointed by the Ranking  
2           Member of the Committee on Armed Services of  
3           the House of Representatives.

4           (2) APPOINTMENT DATE.—The appointments of  
5           the members of the Commission shall be made not  
6           later than 90 days after the date of the enactment  
7           of this Act.

8           (3) EFFECT OF LACK OF APPOINTMENT BY AP-  
9           POINTMENT DATE.—If one or more appointments  
10          under subparagraph (A) of paragraph (1) is not  
11          made by the appointment date specified in para-  
12          graph (2), the authority to make such appointment  
13          or appointments shall expire, and the number of  
14          members of the Commission shall be reduced by the  
15          number equal to the number of appointments so not  
16          made. If an appointment under subparagraph (B),  
17          (C), (D), or (E) of paragraph (1) is not made by the  
18          appointment date specified in paragraph (2), the au-  
19          thority to make an appointment under such subpara-  
20          graph shall expire, and the number of members of  
21          the Commission shall be reduced by the number  
22          equal to the number otherwise appointable under  
23          such subparagraph.

1           (4) EXPERTISE.—In making appointments  
2           under this subsection, consideration should be given  
3           to individuals with expertise in reserve forces policy.

4           (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
5           bers shall be appointed for the life of the Commission. Any  
6           vacancy in the Commission shall not affect its powers, but  
7           shall be filled in the same manner as the original appoint-  
8           ment.

9           (d) INITIAL MEETING.—Not later than 30 days after  
10          the date on which all members of the Commission have  
11          been appointed, the Commission shall hold its first meet-  
12          ing.

13          (e) MEETINGS.—The Commission shall meet at the  
14          call of the Chair.

15          (f) QUORUM.—A majority of the members of the  
16          Commission shall constitute a quorum, but a lesser num-  
17          ber of members may hold hearings.

18          (g) CHAIR AND VICE CHAIRMAN.—The Commission  
19          shall select a Chair and Vice Chair from among its mem-  
20          bers.

21       **SEC. 363. DUTIES OF THE COMMISSION.**

22          (a) STUDY.—

23               (1) IN GENERAL.—The Commission shall un-  
24               dertake a comprehensive study of the structure of  
25               the Air Force to determine whether, and how, the

1 structure should be modified to best fulfill current  
2 and anticipated mission requirements for the Air  
3 Force in a manner consistent with available re-  
4 sources.

5 (2) CONSIDERATIONS.—In considering the  
6 structure of the Air Force, the Commission shall  
7 give particular consideration to evaluating a struc-  
8 ture that—

9 (A) meets current and anticipated require-  
10 ments of the combatant commands;

11 (B) achieves an appropriate balance be-  
12 tween the regular and reserve components of  
13 the Air Force, taking advantage of the unique  
14 strengths and capabilities of each;

15 (C) ensures that the regular and reserve  
16 components of the Air Force have the capacity  
17 needed to support current and anticipated  
18 homeland defense and disaster assistance mis-  
19 sions in the United States;

20 (D) provides for sufficient numbers of reg-  
21 ular members of the Air Force to provide a  
22 base of trained personnel from which the per-  
23 sonnel of the reserve components of the Air  
24 Force could be recruited;

1           (E) maintains a peacetime rotation force  
2           to support operational tempo goals of 1:2 for  
3           regular members of the Air Forces and 1:5 for  
4           members of the reserve components of the Air  
5           Force; and

6           (F) maximizes and appropriately balances  
7           affordability, efficiency, effectiveness, capability,  
8           and readiness.

9           (b) REPORT.—Not later than February 1, 2014, the  
10          Commission shall submit to the President and the con-  
11          gressional defense committees a report which shall contain  
12          a detailed statement of the findings and conclusions of the  
13          Commission as a result of the study required by subsection  
14          (a), together with its recommendations for such legislation  
15          and administrative actions it may consider appropriate in  
16          light of the results of the study.

17          **SEC. 364. POWERS OF THE COMMISSION.**

18          (a) HEARINGS.—The Commission may hold such  
19          hearings, sit and act at such times and places, take such  
20          testimony, and receive such evidence as the Commission  
21          considers advisable to carry out this subtitle.

22          (b) INFORMATION FROM FEDERAL AGENCIES.—The  
23          Commission may secure directly from any Federal depart-  
24          ment or agency such information as the Commission con-  
25          siders necessary to carry out this subtitle. Upon request

1 of the Chair of the Commission, the head of such depart-  
2 ment or agency shall furnish such information to the Com-  
3 mission.

4 (c) **POSTAL SERVICES.**—The Commission may use  
5 the United States mails in the same manner and under  
6 the same conditions as other departments and agencies of  
7 the Federal Government.

8 (d) **GIFTS.**—The Commission may accept, use, and  
9 dispose of gifts or donations of services or property.

10 **SEC. 365. COMMISSION PERSONNEL MATTERS.**

11 (a) **COMPENSATION OF MEMBERS.**—Each member of  
12 the Commission who is not an officer or employee of the  
13 Federal Government shall be compensated at a rate equal  
14 to the daily equivalent of the annual rate of basic pay pre-  
15 scribed for level IV of the Executive Schedule under sec-  
16 tion 5315 of title 5, United States Code, for each day (in-  
17 cluding travel time) during which such member is engaged  
18 in the performance of the duties of the Commission. All  
19 members of the Commission who are officers or employees  
20 of the United States shall serve without compensation in  
21 addition to that received for their services as officers or  
22 employees of the United States.

23 (b) **TRAVEL EXPENSES.**—The members of the Com-  
24 mission shall be allowed travel expenses, including per  
25 diem in lieu of subsistence, at rates authorized for employ-

1 ees of agencies under subchapter I of chapter 57 of title  
2 5, United States Code, while away from their homes or  
3 regular places of business in the performance of services  
4 for the Commission.

5 (c) STAFF.—

6 (1) IN GENERAL.—The Chair of the Commis-  
7 sion may, without regard to the civil service laws  
8 and regulations, appoint and terminate an executive  
9 director and such other additional personnel as may  
10 be necessary to enable the Commission to perform  
11 its duties. The employment of an executive director  
12 shall be subject to confirmation by the Commission.

13 (2) COMPENSATION.—The Chair of the Com-  
14 mission may fix the compensation of the executive  
15 director and other personnel without regard to chap-  
16 ter 51 and subchapter III of chapter 53 of title 5,  
17 United States Code, relating to classification of posi-  
18 tions and General Schedule pay rates, except that  
19 the rate of pay for the executive director and other  
20 personnel may not exceed the rate payable for level  
21 V of the Executive Schedule under section 5316 of  
22 such title.

23 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
24 Federal Government employee may be detailed to the  
25 Commission without reimbursement, and such detail shall

1 be without interruption or loss of civil service status or  
2 privilege.

3 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
4 TENT SERVICES.—The Chair of the Commission may pro-  
5 cure temporary and intermittent services under section  
6 3109(b) of title 5, United States Code, at rates for individ-  
7 uals which do not exceed the daily equivalent of the annual  
8 rate of basic pay prescribed for level V of the Executive  
9 Schedule under section 5316 of such title.

10 **SEC. 366. TERMINATION OF THE COMMISSION.**

11 The Commission shall terminate 90 days after the  
12 date on which the Commission submits its report under  
13 section 363.

14 **SEC. 367. FUNDING.**

15 Amounts authorized to be appropriated for fiscal year  
16 2013 and available for operation and maintenance for the  
17 Air Force as specified in the funding table in section 4301  
18 may be available for the activities of the Commission  
19 under this subtitle.

20 **Subtitle H—Other Matters**

21 **SEC. 371. MILITARY WORKING DOG MATTERS.**

22 (a) RETIREMENT OF MILITARY WORKING DOGS.—  
23 Section 2583 of title 10, United States Code, is amend-  
24 ed—

1 (1) by redesignating subsections (f) and (g) as  
2 subsections (g) and (h), respectively; and

3 (2) by inserting after subsection (e) the fol-  
4 lowing new subsection (f):

5 “(f) TRANSFER OF RETIRED MILITARY WORKING  
6 DOGS.—If the Secretary of the military department con-  
7 cerned determines that a military working dog should be  
8 retired, and no suitable adoption is available at the mili-  
9 tary facility where the dog is located, the Secretary may  
10 transfer the dog—

11 “(1) to the 341st Training Squadron; or

12 “(2) to another location for adoption under this  
13 section.”.

14 (b) VETERINARY CARE FOR RETIRED MILITARY  
15 WORKING DOGS.—

16 (1) IN GENERAL.—Chapter 50 of title 10,  
17 United States Code, is amended by adding at the  
18 end the following new section:

19 **“§ 994. Military working dogs: veterinary care for re-**  
20 **tired military working dogs**

21 “(a) IN GENERAL.—The Secretary of Defense may  
22 establish and maintain a system to provide for the veteri-  
23 nary care of retired military working dogs. No funds may  
24 be provided by the Federal Government for this purpose.

1           “(b) ELIGIBLE DOGS.—A retired military working  
2 dog eligible for veterinary care under this section is any  
3 military working dog adopted under section 2583 of this  
4 title.

5           “(c) STANDARDS OF CARE.—The veterinary care pro-  
6 vided under the system authorized by this section shall  
7 meet such standards as the Secretary shall establish and  
8 from time to time update.”.

9           (2) CLERICAL AMENDMENT.—The table of sec-  
10 tions at the beginning of chapter 50 of such title is  
11 amended by adding at the end the following new  
12 item:

“994. Military working dogs: veterinary care for retired military working dogs.”.

13 **SEC. 372. COMPTROLLER GENERAL REVIEW OF HANDLING,**  
14 **LABELING, AND PACKAGING PROCEDURES**  
15 **FOR HAZARDOUS MATERIAL SHIPMENTS.**

16           (a) COMPTROLLER GENERAL REVIEW.—The Comp-  
17 troller General of the United States shall conduct a review  
18 of the policies and procedures of the Department of De-  
19 fense for the handling, labeling, and packaging of haz-  
20 ardous material shipments.

21           (b) MATTERS INCLUDED.—The review conducted  
22 under subsection (a) shall address the following:

23           (1) The relevant statutes, regulations, and guid-  
24 ance and policies of the Department of Defense per-  
25 taining to the handling, labeling, and packaging pro-

1       cedures of hazardous material shipments to support  
2       military operations.

3               (2) The extent to which such guidance, policies,  
4       and procedures contribute to the safe, timely, and  
5       cost-effective handling of such material.

6               (3) The extent to which discrepancies in De-  
7       partment of Transportation guidance, policies, and  
8       procedures pertaining to handling, labeling, and  
9       packaging of hazardous material shipments in com-  
10      merce and similar Department of Defense guidance,  
11      policies, and procedures pertaining to the handling,  
12      labeling, and packaging of hazardous material ship-  
13      ments impact the safe, timely, and cost-effective  
14      handling of such material.

15              (4) Any additional matters that the Comptroller  
16      General determines will further inform the appro-  
17      priate congressional committees on issues related to  
18      the handling, labeling, and packaging procedures for  
19      hazardous material shipments to members of the  
20      Armed Forces worldwide.

21              (c) REPORT.—Not later than one year after the date  
22      of the enactment of this Act, the Comptroller General shall  
23      submit to the appropriate congressional committees a re-  
24      port of the review conducted under subsection (a).

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 In this section, the term “appropriate congressional com-  
3 mittees” means the following:

4 (1) The congressional defense committees.

5 (2) The Committee on Transportation and In-  
6 frastructure of the House of Representatives and the  
7 Committee on Commerce, Science, and Transpor-  
8 tation of the Senate.

9 **TITLE IV—MILITARY**  
10 **PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Sec. 403. Annual limitation on end strength reductions for regular component  
of the Army and Marine Corps.

Sec. 404. Additional Marine Corps personnel for the Marine Corps Security  
Guard Program.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2013 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active  
duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

11 **Subtitle A—Active Forces**

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

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

15 (1) The Army, 552,100.

16 (2) The Navy, 322,700.

1 (3) The Marine Corps, 197,300.

2 (4) The Air Force, 329,460.

3 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**  
4 **STRENGTH MINIMUM LEVELS.**

5 (a) MINIMUM END STRENGTH.—Subsection (b) of  
6 section 691 of title 10, United States Code, is amended  
7 by striking paragraphs (1) through (4) and inserting the  
8 following new paragraphs:

9 “(1) For the Army, 542,700.

10 “(2) For the Navy, 322,700.

11 “(3) For the Marine Corps, 193,500.

12 “(4) For the Air Force, 329,460.”.

13 (b) LIMITED REDUCTION AUTHORITY.—Such section  
14 is further amended by inserting after subsection (d) the  
15 following new subsection:

16 “(e) The Secretary of Defense may reduce a number  
17 specified in subsection (b) by not more than 0.5 percent.”.

18 **SEC. 403. ANNUAL LIMITATION ON END STRENGTH REDUC-**  
19 **TIONS FOR REGULAR COMPONENT OF THE**  
20 **ARMY AND MARINE CORPS.**

21 (a) ANNUAL LIMITATION ON ARMY END STRENGTH  
22 REDUCTIONS.—The end strength of the regular compo-  
23 nent of the Army shall not be reduced by more than  
24 15,000 members during each of fiscal years 2014 through

1 2017 from the end strength of the regular component of  
2 the Army at the end of the preceding fiscal year.

3 (b) ANNUAL LIMITATION ON MARINE CORPS END  
4 STRENGTH REDUCTIONS.—The end strength of the reg-  
5 ular component of the Marine Corps shall not be reduced  
6 by more than 5,000 members during each of fiscal years  
7 2014 through 2017 from the end strength of the regular  
8 component of the Marine Corps at the end of the pre-  
9 ceding fiscal year.

10 **SEC. 404. ADDITIONAL MARINE CORPS PERSONNEL FOR**  
11 **THE MARINE CORPS SECURITY GUARD PRO-**  
12 **GRAM.**

13 (a) ADDITIONAL PERSONNEL.—

14 (1) IN GENERAL.—The Secretary of Defense  
15 shall develop and implement a plan to increase the  
16 number of members of the Marine Corps assigned to  
17 the Marine Corps Embassy Security Group at  
18 Quantico, Virginia, and Marine Security Group Re-  
19 gional Commands and Marine Security Group de-  
20 tachments at United States embassies, consulates,  
21 and other diplomatic facilities by up to 1,000 Ma-  
22 rines.

23 (2) PURPOSE.—The purpose of the increase  
24 under paragraph (1) is to provide the additional end  
25 strength and the resources necessary to support en-

1       hanced Marine Corps security at United States em-  
2       bassies, consulates, and other diplomatic facilities,  
3       particularly at locations identified by the Secretary  
4       of State as in need of additional security because of  
5       threats to United States personnel and property.

6       (b) CONSULTATION.—The Secretary of Defense shall  
7       develop and implement the plan required by subsection (a)  
8       in consultation with the Secretary of State pursuant to  
9       the responsibility of the Secretary of State for diplomatic  
10      security under section 103 of the Diplomatic Security Act  
11      (22 U.S.C. 4802), and in accordance with any current  
12      memorandum of understanding between the Department  
13      of State and the Marine Corps on the operational and ad-  
14      ministrative supervision of the Marine Corps Security  
15      Guard Program.

16      (c) SUPPORTING INFORMATION FOR BUDGET RE-  
17      QUESTS.—The material submitted in support of the budg-  
18      et of the President for each fiscal year after fiscal year  
19      2013, as submitted to Congress pursuant to section  
20      1105(a) of title 31, United States Code, shall include the  
21      following with regard to the Marine Corps Security Guard  
22      Program:

23              (1) A description of the expanded security sup-  
24      port to be provided by Marine Corps Security

1 Guards to the Department of State during that fis-  
2 cal year, including—

3 (A) any increased internal security to be  
4 provided at United States embassies, con-  
5 sulates, and other diplomatic facilities;

6 (B) any increased support for emergency  
7 action planning, training, and advising of host  
8 nation security forces; and

9 (C) any expansion of intelligence collection  
10 activities.

11 (2) A description of the current status of Ma-  
12 rine Corps personnel assigned to the Marine Corps  
13 Security Guard Program as a result of the plan re-  
14 quired by subsection (a).

15 (3) A description of the Department of Defense  
16 resources required during that fiscal year for the  
17 Marine Corps Security Guard Program, including  
18 total funding for personnel, operation and mainte-  
19 nance, and procurement, and for key supporting pro-  
20 grams to enable both the current and expanded Pro-  
21 gram mission during that fiscal year.

22 (d) PRESERVATION OF FUNDING FOR MARINE CORPS  
23 UNDER NATIONAL MILITARY STRATEGY.—In determining  
24 the amounts to be requested for each fiscal year after fis-  
25 cal year 2013 for the Marine Corps Security Guard Pro-

1 gram and for additional personnel under the Program, the  
2 President shall ensure that amounts requested for the Ma-  
3 rine Corps for that fiscal year do not degrade the readi-  
4 ness of the Marine Corps to fulfill the requirements of the  
5 National Military Strategy prescribed by the Chairman of  
6 the Joint Chiefs of Staff.

7 (e) REPORTING REQUIREMENTS.—

8 (1) MISSION ASSESSMENT.—Not later than Oc-  
9 tober 1, 2013, the Secretary of Defense shall—

10 (A) conduct an assessment of the mission  
11 of the Marine Corps Security Guard Program  
12 and the procedural rules of engagement under  
13 the Program, in light of current and emerging  
14 threats to United States diplomatic personnel;  
15 and

16 (B) submit to Congress a report on the as-  
17 sessment, including a description and assess-  
18 ment of options to improve the Program to re-  
19 spond to such threats.

20 (2) NOTIFICATION OF CHANGES IN SCOPE OF  
21 PROGRAM IN RESPONSE TO CHANGING THREATS.—If  
22 the President determines that a modification (wheth-  
23 er an increase or a decrease) in the scope of the Ma-  
24 rine Corps Security Guard Program is necessary or  
25 advisable in light of any change in the nature of

1 threats to United States embassies, consulates, and  
2 other diplomatic facilities abroad, the President  
3 shall—

4 (A) notify Congress of such modification  
5 and the change in the nature of threats prompt-  
6 ing such modification; and

7 (B) take such modification into account in  
8 requesting an end strength and funds for the  
9 Program for any fiscal year in which such  
10 modification is in effect.

## 11 **Subtitle B—Reserve Forces**

### 12 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

13 (a) IN GENERAL.—The Armed Forces are authorized  
14 strengths for Selected Reserve personnel of the reserve  
15 components as of September 30, 2013, as follows:

16 (1) The Army National Guard of the United  
17 States, 358,200.

18 (2) The Army Reserve, 205,000.

19 (3) The Navy Reserve, 62,500.

20 (4) The Marine Corps Reserve, 39,600.

21 (5) The Air National Guard of the United  
22 States, 105,700.

23 (6) The Air Force Reserve, 70,880.

24 (7) The Coast Guard Reserve, 9,000.

1 (b) END STRENGTH REDUCTIONS.—The end  
2 strengths prescribed by subsection (a) for the Selected Re-  
3 serve of any reserve component shall be proportionately  
4 reduced by—

5 (1) the total authorized strength of units orga-  
6 nized to serve as units of the Selected Reserve of  
7 such component which are on active duty (other  
8 than for training) at the end of the fiscal year; and  
9 (2) the total number of individual members not  
10 in units organized to serve as units of the Selected  
11 Reserve of such component who are on active duty  
12 (other than for training or for unsatisfactory partici-  
13 pation in training) without their consent at the end  
14 of the fiscal year.

15 (c) END STRENGTH INCREASES.—Whenever units or  
16 individual members of the Selected Reserve of any reserve  
17 component are released from active duty during any fiscal  
18 year, the end strength prescribed for such fiscal year for  
19 the Selected Reserve of such reserve component shall be  
20 increased proportionately by the total authorized strengths  
21 of such units and by the total number of such individual  
22 members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section  
4 411(a), the reserve components of the Armed Forces are  
5 authorized, as of September 30, 2013, the following num-  
6 ber of Reserves to be serving on full-time active duty or  
7 full-time duty, in the case of members of the National  
8 Guard, for the purpose of organizing, administering, re-  
9 cruiting, instructing, or training the reserve components:

10 (1) The Army National Guard of the United  
11 States, 32,060.

12 (2) The Army Reserve, 16,277.

13 (3) The Navy Reserve, 10,114.

14 (4) The Marine Corps Reserve, 2,261.

15 (5) The Air National Guard of the United  
16 States, 14,765.

17 (6) The Air Force Reserve, 2,888.

18 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
19 **(DUAL STATUS).**

20 The minimum number of military technicians (dual  
21 status) as of the last day of fiscal year 2013 for the re-  
22 serve components of the Army and the Air Force (notwith-  
23 standing section 129 of title 10, United States Code) shall  
24 be the following:

25 (1) For the Army National Guard of the United  
26 States, 27,210.

1 (2) For the Army Reserve, 8,395.

2 (3) For the Air National Guard of the United  
3 States, 22,180.

4 (4) For the Air Force Reserve, 10,400.

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

7 (a) LIMITATIONS.—

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

13 (A) For the Army National Guard of the  
14 United States, 1,600.

15 (B) For the Air National Guard of the  
16 United States, 350.

17 (2) ARMY RESERVE.—The number of non-dual  
18 status technicians employed by the Army Reserve as  
19 of September 30, 2013, may not exceed 595.

20 (3) AIR FORCE RESERVE.—The number of non-  
21 dual status technicians employed by the Air Force  
22 Reserve as of September 30, 2013, may not exceed  
23 90.

24 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
25 this section, the term “non-dual status technician” has the

1 meaning given that term in section 10217(a) of title 10,  
2 United States Code.

3 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
4 **THORIZED TO BE ON ACTIVE DUTY FOR**  
5 **OPERATIONAL SUPPORT.**

6 During fiscal year 2013, the maximum number of  
7 members of the reserve components of the Armed Forces  
8 who may be serving at any time on full-time operational  
9 support duty under section 115(b) of title 10, United  
10 States Code, is the following:

11 (1) The Army National Guard of the United  
12 States, 17,000.

13 (2) The Army Reserve, 13,000.

14 (3) The Navy Reserve, 6,200.

15 (4) The Marine Corps Reserve, 3,000.

16 (5) The Air National Guard of the United  
17 States, 16,000.

18 (6) The Air Force Reserve, 14,000.

19 **Subtitle C—Authorization of**  
20 **Appropriations**

21 **SEC. 421. MILITARY PERSONNEL.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
23 are hereby authorized to be appropriated for fiscal year  
24 2013 for the use of the Armed Forces and other activities  
25 and agencies of the Department of Defense for expenses,

1 not otherwise provided for, for military personnel, as spec-  
2 ified in the funding table in section 4401.

3 (b) CONSTRUCTION OF AUTHORIZATION.—The au-  
4 thorization of appropriations in subsection (a) supersedes  
5 any other authorization of appropriations (definite or in-  
6 definite) for such purpose for fiscal year 2013.

## 7 **TITLE V—MILITARY PERSONNEL** 8 **POLICY**

### Subtitle A—Officer Personnel Policy Generally

- Sec. 501. Limitation on number of Navy flag officers on active duty.
- Sec. 502. Reinstatement of authority for enhanced selective early retirement boards and early discharges.
- Sec. 503. Modification of definition of joint duty assignment to include all instructor assignments for joint training and education.
- Sec. 504. Exception to required retirement after 30 years of service for Regular Navy warrant officers in the grade of Chief Warrant Officer, W-5.
- Sec. 505. Extension of temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.
- Sec. 506. Temporary increase in the time-in-grade retirement waiver limitation for lieutenant colonels and colonels in the Army, Air Force, and Marine Corps and commanders and captains in the Navy.
- Sec. 507. Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement.
- Sec. 508. Air Force Chief of Chaplains.

### Subtitle B—Reserve Component Management

- Sec. 511. Codification of staff assistant positions for Joint Staff related to National Guard and Reserve matters.
- Sec. 512. Automatic Federal recognition of promotion of certain National Guard warrant officers.
- Sec. 513. Availability of Transition Assistance Advisors to assist members of reserve components who serve on active duty for more than 180 consecutive days.

### Subtitle C—General Service Authorities

- Sec. 518. Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder.
- Sec. 519. Diversity in the Armed Forces and related reporting requirements.
- Sec. 520. Limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.

- Sec. 521. Extension of temporary increase in accumulated leave carryover for members of the Armed Forces.
- Sec. 522. Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
- Sec. 523. Prohibition on waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.
- Sec. 524. Quality review of Medical Evaluation Boards, Physical Evaluation Boards, and Physical Evaluation Board Liaison Officers.
- Sec. 525. Reports on involuntary separation of members of the Armed Forces.
- Sec. 526. Report on feasibility of developing gender-neutral occupational standards for military occupational specialties currently closed to women.
- Sec. 527. Report on education and training and promotion rates for pilots of remotely piloted aircraft.
- Sec. 528. Impact of numbers of members within the Integrated Disability Evaluation System on readiness of Armed Forces to meet mission requirements.

#### Subtitle D—Military Justice and Legal Matters

- Sec. 531. Clarification and enhancement of the role of Staff Judge Advocate to the Commandant of the Marine Corps.
- Sec. 532. Additional information in reports on annual surveys of the Committee on the Uniform Code of Military Justice.
- Sec. 533. Protection of rights of conscience of members of the Armed Forces and chaplains of such members.
- Sec. 534. Reports on hazing in the Armed Forces.

#### Subtitle E—Member Education and Training Opportunities and Administration

- Sec. 541. Transfer of Troops-to-Teachers Program from Department of Education to Department of Defense and enhancements to the Program.
- Sec. 542. Support of Naval Academy athletic and physical fitness programs.
- Sec. 543. Expansion of Department of Defense pilot program on receipt of civilian credentialing for military occupational specialty skills.
- Sec. 544. State consideration of military training in granting certain State certifications and licenses as a condition on the receipt of funds for veterans employment and training.
- Sec. 545. Department of Defense review of access to military installations by representatives of institutions of higher education.
- Sec. 546. Report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces.
- Sec. 547. Comptroller General of the United States reports on joint professional military education matters.

#### Subtitle F—Reserve Officers' Training Corps and Related Matters

- Sec. 551. Repeal of requirement for eligibility for in-State tuition of at least 50 percent of participants in Senior Reserve Officers' Training Corps program.
- Sec. 552. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior Reserve Officers' Training Corps.

Sec. 553. Modification of requirements on plan to increase the number of units of the Junior Reserve Officers' Training Corps.

Sec. 554. Comptroller General report on Reserve Officers' Training Corps programs.

Subtitle G—Defense Dependents' Education and Military Family Readiness

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 562. Impact aid for children with severe disabilities.

Sec. 563. Amendments to the Impact Aid program.

Sec. 564. Transitional compensation for dependent children who are carried during pregnancy at time of dependent-abuse offense committed by an individual while a member of the Armed Forces.

Sec. 565. Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students.

Sec. 566. Noncompetitive appointment authority regarding certain military spouses.

Sec. 567. Report on future of family support programs of the Department of Defense.

Sec. 568. Sense of Congress regarding support for Yellow Ribbon Day.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

Sec. 570. Armed Forces Workplace and Gender Relations Surveys.

Sec. 571. Authority to retain or recall to active duty reserve component members who are victims of sexual assault while on active duty.

Sec. 572. Additional elements in comprehensive Department of Defense policy on sexual assault prevention and response.

Sec. 573. Establishment of special victim capabilities within the military departments to respond to allegations of certain special victim offenses.

Sec. 574. Enhancement to training and education for sexual assault prevention and response.

Sec. 575. Modification of annual Department of Defense reporting requirements regarding sexual assaults.

Sec. 576. Independent reviews and assessments of Uniform Code of Military Justice and judicial proceedings of sexual assault cases.

Sec. 577. Retention of certain forms in connection with Restricted Reports on sexual assault at request of the member of the Armed Forces making the report.

Sec. 578. General or flag officer review of and concurrence in separation of members of the Armed Forces making an Unrestricted Report of sexual assault.

Sec. 579. Department of Defense policy and plan for prevention and response to sexual harassment in the Armed Forces.

Subtitle I—Suicide Prevention and Resilience

Sec. 580. Enhancement of oversight and management of Department of Defense suicide prevention and resilience programs.

Sec. 581. Reserve component suicide prevention and resilience program.

Sec. 582. Comprehensive policy on prevention of suicide among members of the Armed Forces.

Sec. 583. Study of resilience programs for members of the Army.

#### Subtitle J—Other Matters

Sec. 584. Issuance of prisoner-of-war medal.

Sec. 585. Technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment.

Sec. 586. Modification of requirement for reports in Federal Register on institutions of higher education ineligible for contracts and grants for denial of ROTC or military recruiter access to campus.

Sec. 587. Acceptance of gifts and services related to educational activities and voluntary services to account for missing persons.

Sec. 588. Display of State, District of Columbia, commonwealth, and territorial flags by the Armed Forces.

Sec. 589. Enhancement of authorities on admission of defense industry civilians to certain Department of Defense educational institutions and programs.

Sec. 590. Extension of authorities to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions.

Sec. 591. Inspection of military cemeteries under the jurisdiction of Department of Defense.

Sec. 592. Report on results of investigations and reviews conducted with respect to Port Mortuary Division of the Air Force Mortuary Affairs Operations Center at Dover Air Force Base.

Sec. 593. Preservation of editorial independence of Stars and Stripes.

Sec. 594. National public awareness and participation campaign for Veterans' History Project of American Folklife Center.

Sec. 595. Report on accuracy of data in the Defense Enrollment Eligibility Reporting System.

Sec. 596. Sense of Congress that the bugle call commonly known as Taps should be designated as the National Song of Military Remembrance.

## 1           **Subtitle A—Officer Personnel**

### 2                           **Policy Generally**

#### 3   **SEC. 501. LIMITATION ON NUMBER OF NAVY FLAG OFFI-** 4                           **CERS ON ACTIVE DUTY.**

5           (a) **ADDITIONAL FLAG OFFICER AUTHORIZED.**—Sec-  
 6   tion 526(a)(2) of title 10, United States Code, is amended  
 7   by striking “160” and inserting “162”.

8           (b) **CORRESPONDING CHANGE IN COMPUTING NUM-**  
 9   **BER OF FLAG OFFICERS IN STAFF CORPS OF THE**

1 NAVY.—Section 5150(c) of such title is amended by strik-  
2 ing the last sentence.

3 (c) MODIFICATION OF EFFECTIVE DATE OF CERTAIN  
4 REFORMS OF THE STRENGTH AND DISTRIBUTION LIM-  
5 TATIONS APPLICABLE TO MARINE CORPS GENERAL OFFI-  
6 CERS.—Paragraph (3) of section 502(b) of the National  
7 Defense Authorization Act for Fiscal Year 2012 (Public  
8 Law 112–81; 125 Stat. 1387; 10 U.S.C. 525 note) is  
9 amended to read as follows:

10 “(3) EFFECTIVE DATES.—

11 “(A) IN GENERAL.—Except as provided in  
12 subparagraph (B), the amendments made by  
13 this subsection shall take effect on October 1,  
14 2013.

15 “(B) MARINE CORPS OFFICERS.—The  
16 amendments made by paragraphs (1)(A)(iv)  
17 and (2)(D) shall take effect on October 1,  
18 2012.”.

19 **SEC. 502. REINSTATEMENT OF AUTHORITY FOR ENHANCED**  
20 **SELECTIVE EARLY RETIREMENT BOARDS**  
21 **AND EARLY DISCHARGES.**

22 Section 638a of title 10 United States Code, is  
23 amended—

24 (1) in subsection (a)—

25 (A) by inserting “(1)” after “(a)”;

1 (B) by striking “, during the period begin-  
2 ning on October 1, 1990,” and all that follows  
3 through “December 31, 2012,”; and

4 (C) by adding at the end the following new  
5 paragraph:

6 “(2) Any authority provided to the Secretary of a  
7 military department under paragraph (1) shall expire on  
8 the date specified by the Secretary of Defense, but such  
9 expiration date may not be later than December 31,  
10 2018.”;

11 (2) in subsection (b), by striking paragraph (3)  
12 and redesignating paragraph (4) as paragraph (3);

13 (3) in subsection (c), by adding at the end the  
14 following new paragraph:

15 “(4) In the case of an action under subsection (b)(2),  
16 the Secretary of Defense may also authorize the Secretary  
17 of the military department concerned to waive the five-  
18 year period specified in section 638(c) of this title if the  
19 Secretary of Defense determines that it is necessary for  
20 the Secretary of that military department to have such  
21 authority in order to meet mission needs.”; and

22 (4) in subsection (d)—

23 (A) by striking “subsection (b)(4)” each  
24 place it appears and inserting “subsection  
25 (b)(3)”;

1 (B) in paragraph (2), by striking “except  
2 that during the period beginning on October 1,  
3 2006, and ending on December 31, 2012,” in  
4 subparagraphs (A) and (B) and inserting “ex-  
5 cept that through December 31, 2018,”.

6 **SEC. 503. MODIFICATION OF DEFINITION OF JOINT DUTY**  
7 **ASSIGNMENT TO INCLUDE ALL INSTRUCTOR**  
8 **ASSIGNMENTS FOR JOINT TRAINING AND**  
9 **EDUCATION.**

10 Section 668(b)(1)(B) of title 10, United States Code,  
11 is amended by striking “assignments for joint” and all  
12 that follows through “Phase II” and inserting “student  
13 assignments for joint training and education”.

14 **SEC. 504. EXCEPTION TO REQUIRED RETIREMENT AFTER 30**  
15 **YEARS OF SERVICE FOR REGULAR NAVY**  
16 **WARRANT OFFICERS IN THE GRADE OF**  
17 **CHIEF WARRANT OFFICER, W-5.**

18 Section 1305(a) of title 10, United States Code, is  
19 amended—

20 (1) in paragraph (1)—

21 (A) by striking “A regular warrant officer  
22 (other than a regular Army warrant officer)”  
23 and inserting “Subject to paragraphs (2) and  
24 (3), a regular warrant officer”; and

1 (B) by striking “he” and inserting “the of-  
2 ficer”; and

3 (2) by adding at the end the following new  
4 paragraph:

5 “(3) In the case of a regular Navy warrant officer  
6 in the grade of chief warrant officer, W-5, the officer shall  
7 be retired 60 days after the date on which the officer com-  
8 pletes 33 years of total active service.”

9 **SEC. 505. EXTENSION OF TEMPORARY AUTHORITY TO RE-**  
10 **DUCE MINIMUM LENGTH OF ACTIVE SERVICE**  
11 **AS A COMMISSIONED OFFICER REQUIRED**  
12 **FOR VOLUNTARY RETIREMENT AS AN OFFI-**  
13 **CER.**

14 (a) ARMY.—Section 3911(b)(2) of title 10, United  
15 States Code, is amended by striking “September 30,  
16 2013” and inserting “September 30, 2018”.

17 (b) NAVY AND MARINE CORPS.—Section  
18 6323(a)(2)(B) of such title is amended by striking “Sep-  
19 tember 30, 2013” and inserting “September 30, 2018”.

20 (c) AIR FORCE.—Section 8911(b)(2) of such title is  
21 amended by striking “September 30, 2013” and inserting  
22 “September 30, 2018”.

1 **SEC. 506. TEMPORARY INCREASE IN THE TIME-IN-GRADE**  
2 **RETIREMENT WAIVER LIMITATION FOR LIEU-**  
3 **TENANT COLONELS AND COLONELS IN THE**  
4 **ARMY, AIR FORCE, AND MARINE CORPS AND**  
5 **COMMANDERS AND CAPTAINS IN THE NAVY.**

6 Section 1370(a)(2)(F) of title 10, United States  
7 Code, is amended—

8 (1) by striking “the period ending on December  
9 31, 2007” and inserting “fiscal years 2013 through  
10 2018”;

11 (2) by striking “Air Force” and inserting  
12 “Army, Air Force, and Marine Corps”; and

13 (3) by striking “in the period”.

14 **SEC. 507. MODIFICATION TO LIMITATIONS ON NUMBER OF**  
15 **OFFICERS FOR WHOM SERVICE-IN-GRADE RE-**  
16 **QUIREMENTS MAY BE REDUCED FOR RETIRE-**  
17 **MENT IN GRADE UPON VOLUNTARY RETIRE-**  
18 **MENT.**

19 Section 1370(a)(2) of title 10, United States Code,  
20 is amended—

21 (1) in subparagraph (E)—

22 (A) by inserting “(i)” after “exceed”; and

23 (B) by inserting before the period at the  
24 end the following: “or (ii) in the case of officers  
25 of that armed force in a grade specified in sub-

1 paragraph (G), two officers, whichever number  
2 is greater”; and

3 (2) by adding at the end the following new sub-  
4 paragraph:

5 “(G) Notwithstanding subparagraph (E), during fis-  
6 cal years 2013 through 2017, the total number of briga-  
7 dier generals and major generals of the Army, Air Force,  
8 and Marine Corps, and the total number of rear admirals  
9 (lower half) and rear admirals of the Navy, for whom a  
10 reduction is made under this section during any fiscal year  
11 of service-in-grade otherwise required under this para-  
12 graph may not exceed 10 percent of the authorized active-  
13 duty strength for that fiscal year for officers of that armed  
14 force in those grades.”.

15 **SEC. 508. AIR FORCE CHIEF OF CHAPLAINS.**

16 (a) ESTABLISHMENT OF POSITIONS; APPOINT-  
17 MENT.—Chapter 805 of title 10, United States Code, is  
18 amended by adding at the end the following new section:

19 **“§ 8039. Chief of Chaplains: appointment; duties**

20 “(a) CHIEF OF CHAPLAINS.—(1) There is a Chief of  
21 Chaplains in the Air Force, appointed by the President,  
22 by and with the advice and consent of the Senate, from  
23 officers of the Air Force designated under section 8067(h)  
24 of this title as chaplains who—

1           “(A) are serving in the grade of colonel or  
2           above;

3           “(B) are serving on active duty; and

4           “(C) have served on active duty as a chaplain  
5           for at least eight years.

6           “(2) An officer appointed as the Chief of Chaplains  
7           shall be appointed for a term of three years. However, the  
8           President may terminate or extend the appointment at  
9           any time.

10          “(3) The Chief of Chaplains shall perform such du-  
11          ties as may be prescribed by the Secretary of the Air Force  
12          and by law.

13          “(b) SELECTION BOARD.—Under regulations ap-  
14          proved by the Secretary of Defense, the Secretary of the  
15          Air Force, in selecting an officer for recommendation to  
16          the President for appointment as the Chief of Chaplains,  
17          shall ensure that the officer selected is recommended by  
18          a board of officers that, insofar as practicable, is subject  
19          to the procedures applicable to the selection boards con-  
20          vened under chapter 36 of this title.

21          “(c) GRADE.—An officer appointed as Chief of Chap-  
22          lains who holds a lower regular grade may be appointed  
23          in the regular grade of major general.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of such chapter is amended by adding  
3 at the end the following new item:

“8039. Chief of Chaplains: appointment; duties.”.

4 **Subtitle B—Reserve Component**  
5 **Management**

6 **SEC. 511. CODIFICATION OF STAFF ASSISTANT POSITIONS**  
7 **FOR JOINT STAFF RELATED TO NATIONAL**  
8 **GUARD AND RESERVE MATTERS.**

9 (a) CODIFICATION OF EXISTING POSITIONS.—Chap-  
10 ter 5 of title 10, United States Code, is amended by insert-  
11 ing after section 155 the following new section:

12 **“§ 155a. Assistants to the Chairman of the Joint**  
13 **Chiefs of Staff for National Guard mat-**  
14 **ters and Reserve matters**

15 “(a) ESTABLISHMENT OF POSITIONS.—The Sec-  
16 retary of Defense shall establish the following positions  
17 within the Joint Staff:

18 “(1) Assistant to the Chairman of the Joint  
19 Chiefs of Staff for National Guard Matters.

20 “(2) Assistant to the Chairman of the Joint  
21 Chiefs of Staff for Reserve Matters.

22 “(b) SELECTION.—(1) The Assistant to the Chair-  
23 man of the Joint Chiefs of Staff for National Guard Mat-  
24 ters shall be selected by the Chairman from officers of the

1 Army National Guard of the United States or the Air  
2 Guard of the United States who—

3 “(A) are recommended for such selection by  
4 their respective Governors or, in the case of the Dis-  
5 trict of Columbia, the commanding general of the  
6 District of Columbia National Guard;

7 “(B) have had at least 10 years of federally rec-  
8 ognized commissioned service in the National Guard  
9 and significant joint duty experience, as determined  
10 by the Chairman; and

11 “(C) are in a grade above the grade of colonel.

12 “(2) The Assistant to the Chairman of the Joint  
13 Chiefs of Staff for Reserve Matters shall be selected by  
14 the Chairman from officers of the Army Reserve, the Navy  
15 Reserve, the Marine Corps Reserve, or the Air Force Re-  
16 serve who—

17 “(A) are recommended for such selection by the  
18 Secretary of the military department concerned;

19 “(B) have had at least 10 years of commis-  
20 sioned service in their reserve component and signifi-  
21 cant joint duty experience, as determined by the  
22 Chairman; and

23 “(C) are in a grade above the grade of colonel  
24 or, in the case of the Navy Reserve, captain.

1           “(c) TERM OF OFFICE.—Each Assistant to the  
2 Chairman of the Joint Chiefs of Staff under subsection  
3 (a) serves at the pleasure of the Chairman for a term of  
4 two years and may be continued in that assignment in  
5 the same manner for one additional term. However, in  
6 time of war there is no limit on the number of terms.

7           “(d) GRADE.—Each Assistant to the Chairman of the  
8 Joint Chiefs of Staff under subsection (a), while so serv-  
9 ing, holds the grade of major general or, in the case of  
10 the Navy Reserve, rear admiral. Each such officer shall  
11 be considered to be serving in a position covered by the  
12 limited exclusion from the authorized strength of general  
13 officers and flag officers on active duty provided by section  
14 526(b) of this title.

15           “(e) DUTIES.—(1) The Assistant to the Chairman of  
16 the Joint Chiefs of Staff for National Guard Matters is  
17 an adviser to the Chairman on matters relating to the Na-  
18 tional Guard and performs the duties prescribed for that  
19 position by the Chairman.

20           “(2) The Assistant to the Chairman of the Joint  
21 Chiefs of Staff for Reserve Matters is an adviser to the  
22 Chairman on matters relating to the reserves and per-  
23 forms the duties prescribed for that position by the Chair-  
24 man.

1       “(f) OTHER RESERVE COMPONENT REPRESENTA-  
2 TION ON JOINT STAFF.—The Secretary of Defense, in  
3 consultation with the Chairman of the Joint Chiefs of  
4 Staff, shall develop appropriate policy guidance to ensure  
5 that, to the maximum extent practicable, the level of rep-  
6 resentation of reserve component officers on the Joint  
7 Staff is commensurate with the significant role of the re-  
8 serve components within the armed forces.”.

9       (b) CLERICAL AMENDMENT.—The table of sections  
10 at the beginning of such chapter is amended by inserting  
11 after the item related to section 155 the following new  
12 item:

“155a. Assistants to the Chairman of the Joint Chiefs of Staff for National  
Guard matters and Reserve matters.”.

13       (c) REPEAL OF SUPERSEDED LAW.—Section 901 of  
14 the National Defense Authorization Act for Fiscal Year  
15 1998 (Public Law 105–85; 10 U.S.C. 155 note) is re-  
16 pealed.

17 **SEC. 512. AUTOMATIC FEDERAL RECOGNITION OF PRO-**  
18 **MOTION OF CERTAIN NATIONAL GUARD WAR-**  
19 **RANT OFFICERS.**

20       Section 310(a) of title 32, United States Code, is  
21 amended—

22             (1) by inserting “(1)” before “Notwith-  
23 standing”; and

1           (2) by adding at the end the following new  
2           paragraph:

3           “(2) Notwithstanding sections 307 and 309 of this  
4 title, if a warrant officer, W-1, of the National Guard is  
5 promoted to the grade of chief warrant officer, W-2, to  
6 fill a vacancy in a federally recognized unit in the National  
7 Guard, Federal recognition is automatically extended to  
8 that officer in the grade of chief warrant officer, W-2,  
9 effective as of the date on which that officer has completed  
10 the service in the grade prescribed by the Secretary con-  
11 cerned under section 12242 of title 10, if the warrant offi-  
12 cer has remained in an active status since the warrant  
13 officer was so recommended.”.

14 **SEC. 513. AVAILABILITY OF TRANSITION ASSISTANCE ADVI-**  
15 **SORS TO ASSIST MEMBERS OF RESERVE COM-**  
16 **PONENTS WHO SERVE ON ACTIVE DUTY FOR**  
17 **MORE THAN 180 CONSECUTIVE DAYS.**

18           (a) TRANSITION ASSISTANCE ADVISOR PROGRAM AU-  
19 THORIZED.—The Chief of the National Guard Bureau  
20 may establish a program to provide professionals (to be  
21 known as Transition Assistance Advisors) in each State  
22 to serve as points of contact to assist eligible members  
23 of the reserve components in accessing benefits and health  
24 care furnished under laws administered by the Secretary

1 of Defense and benefits and health care furnished under  
2 laws administered by the Secretary of Veterans Affairs.

3 (b) ELIGIBLE MEMBERS.—To be eligible for assist-  
4 ance under this section, a member of a reserve component  
5 must have served on active duty in the Armed Forces for  
6 a period of more than 180 consecutive days.

7 (c) DUTIES.—The duties of a Transition Assistance  
8 Advisor include the following:

9 (1) To assist with the creation and execution of  
10 an individual transition plan for an eligible member  
11 of a reserve component and dependents of the mem-  
12 ber for the reintegration of the member into civilian  
13 life.

14 (2) To provide employment support services to  
15 the member and dependents of the member, includ-  
16 ing assistance with finding employment opportuni-  
17 ties and identifying and obtaining assistance from  
18 programs within and outside of the Federal Govern-  
19 ment.

20 (3) To provide information on relocation, health  
21 care, mental health care, and financial support serv-  
22 ices available to the member and dependents of the  
23 member from the Department of Defense, the De-  
24 partment of Veterans Affairs, and other Federal,  
25 State, and local agencies.

1           (4) To provide information on educational sup-  
2           port services available to the member, including  
3           Post-9/11 Educational Assistance under chapter 33  
4           of title 38, United States Code.

5           (d) TRANSITION PLANS.—The individual transition  
6           plan referred to in subsection (c)(1) created for an eligible  
7           member of a reserve component shall include at a min-  
8           imum the following:

9           (1) A plan for the transition of the member to  
10          civilian life, including with respect to employment,  
11          education, and health care.

12          (2) A description of the transition services that  
13          the member and dependents of the member will need  
14          to achieve their transition objectives, including infor-  
15          mation on any forms that the member will need to  
16          fill out to be eligible for such services.

17          (3) A point of contact for each agency or entity  
18          that can provide the transition services described in  
19          paragraph (2).

20          (4) Such other information determined to be es-  
21          sential for the transition of the member, as deter-  
22          mined by the Chief of the National Guard Bureau  
23          in consultation with the Secretary of Defense and  
24          the Secretary of Veterans Affairs.

1 (e) FUNDING.—Funding for Transition Assistance  
2 Advisors for a fiscal year shall be derived from amounts  
3 authorized to be appropriated for operation and mainte-  
4 nance for the National Guard for that fiscal year.

5 (f) STATE DEFINED.—In this section, the term  
6 “State” means each of the several States of the United  
7 States, the District of Columbia, and any territory of the  
8 United States.

9 **Subtitle C—General Service**  
10 **Authorities**

11 **SEC. 518. AUTHORITY FOR ADDITIONAL BEHAVIORAL**  
12 **HEALTH PROFESSIONALS TO CONDUCT PRE-**  
13 **SEPARATION MEDICAL EXAMS FOR POST-**  
14 **TRAUMATIC STRESS DISORDER.**

15 Section 1177(a) of title 10, United States Code, is  
16 amended—

17 (1) in paragraph (1), by striking “or psychia-  
18 trist” and inserting “psychiatrist, licensed clinical  
19 social worker, or psychiatric advanced practice reg-  
20 istered nurse”; and

21 (2) in paragraph (3), by striking “or psychia-  
22 trist” and inserting “, psychiatrist, licensed clinical  
23 social worker, or psychiatric advanced practice reg-  
24 istered nurse”.

1 **SEC. 519. DIVERSITY IN THE ARMED FORCES AND RELATED**  
2 **REPORTING REQUIREMENTS.**

3 (a) PLAN TO ACHIEVE MILITARY LEADERSHIP RE-  
4 FLECTING DIVERSITY OF UNITED STATES POPU-  
5 LATION.—

6 (1) IN GENERAL.—Chapter 37 of title 10,  
7 United States Code, is amended by adding at the  
8 end the following new section:

9 **“§ 656. Diversity in military leadership: plan**

10 “(a) PLAN.—The Secretary of Defense (and the Sec-  
11 retary of Homeland Security in the case of the Coast  
12 Guard when it is not operating as a service in the Depart-  
13 ment of the Navy) shall develop and implement a plan to  
14 accurately measure the efforts of the Department of De-  
15 fense and the Coast Guard to achieve a dynamic, sustain-  
16 able level of members of the armed forces (including re-  
17 serve components) that, among both commissioned officers  
18 and senior enlisted personnel of each armed force, will re-  
19 flect the diverse population of the United States eligible  
20 to serve in the armed forces, including gender specific, ra-  
21 cial, and ethnic populations. Any metric established pursu-  
22 ant to this subsection may not be used in a manner that  
23 undermines the merit-based processes of the Department  
24 of Defense and the Coast Guard, including such processes  
25 for accession, retention, and promotion. Such metrics may  
26 not be combined with the identification of specific quotas

1 based upon diversity characteristics. The Secretary con-  
2 cerned shall continue to account for diversified language  
3 and cultural skills among the total force of the armed  
4 forces.

5 “(b) METRICS TO MEASURE PROGRESS IN DEVEL-  
6 OPING AND IMPLEMENTING PLAN.—In developing and im-  
7 plementing the plan under subsection (a), the Secretary  
8 of Defense and the Secretary of Homeland Security shall  
9 develop a standard set of metrics and collection procedures  
10 that are uniform across the armed forces. The metrics re-  
11 quired by this subsection shall be designed—

12 “(1) to accurately capture the inclusion and ca-  
13 pability aspects of the armed forces’ broader diver-  
14 sity plans, including race, ethnic, and gender specific  
15 groups, as potential factors of force readiness that  
16 would supplement continued accounting by the De-  
17 partment of Defense and the Coast Guard of diversi-  
18 fied language and cultural skills among the total  
19 force as part of the assessment of current and fu-  
20 ture national security needs; and

21 “(2) to be verifiable and systematically linked  
22 to strategic plans that will drive improvements.

23 “(c) DEFINITION OF DIVERSITY.—In developing and  
24 implementing the plan under subsection (a), the Secretary

1 of Defense and the Secretary of Homeland Security shall  
2 develop a uniform definition of diversity.

3 “(d) CONSULTATION.—Not less than annually, the  
4 Secretary of Defense and the Secretary of Homeland Se-  
5 curity shall meet with the Secretaries of the military de-  
6 partments, the Joint Chiefs of Staff, the Commandant of  
7 the Coast Guard, and senior enlisted members of the  
8 armed forces to discuss the progress being made toward  
9 developing and implementing the plan established under  
10 subsection (a).

11 “(e) COOPERATION WITH STATES.—The Secretary of  
12 Defense shall coordinate with the National Guard Bureau  
13 and States in tracking the progress of the National Guard  
14 toward developing and implementing the plan established  
15 under subsection (a).”.

16 (2) CLERICAL AMENDMENT.—The table of sec-  
17 tions at the beginning of such chapter is amended  
18 by adding at the end the following new item:

“656. Diversity in military leadership: plan.”.

19 (b) INCLUSION IN DOD MANPOWER REQUIREMENTS  
20 REPORT.—Section 115a of such title is amended by in-  
21 serting after subsection (f) the following new subsection:

22 “(g) In each report submitted under subsection (a)  
23 during fiscal years 2013 through 2017, the Secretary shall  
24 also include a detailed discussion of the following:

1           “(1) The progress made in implementing the  
2           plan required by section 656 of this title to accu-  
3           rately measure the efforts of the Department to re-  
4           flect the diverse population of the United States eli-  
5           gible to serve in the armed forces.

6           “(2) The number of members of the armed  
7           forces, including reserve components, listed by gen-  
8           der and race or ethnicity for each rank under each  
9           military department.

10          “(3) The number of members of the armed  
11          forces, including reserve components, who were pro-  
12          moted during the year covered by the report, listed  
13          by gender and race or ethnicity for each rank under  
14          each military department.

15          “(4) The number of members of the armed  
16          forces, including reserve components, who reenlisted  
17          or otherwise extended the commitment to military  
18          service during the year covered by the report, listed  
19          by gender and race or ethnicity for each rank under  
20          each military department.

21          “(5) The available pool of qualified candidates  
22          for the general officer grades of general and lieuten-  
23          ant general and the flag officer grades of admiral  
24          and vice admiral.”.

25          (c) COAST GUARD REPORT.—

1           (1) ANNUAL REPORT REQUIRED.—The Sec-  
2           retary of Homeland Security (or the Secretary of the  
3           Navy in the event the Coast Guard is operating as  
4           a service in the Department of the Navy) shall pre-  
5           pare an annual report addressing diversity among  
6           commissioned officers of the Coast Guard and Coast  
7           Guard Reserve and among enlisted personnel of the  
8           Coast Guard and Coast Guard Reserve. The report  
9           shall include—

10                   (A) an assessment of the available pool of  
11                   qualified candidates for the flag officer grades  
12                   of admiral and vice admiral;

13                   (B) the number of such officers and per-  
14                   sonnel, listed by gender and race or ethnicity  
15                   for each rank;

16                   (C) the number of such officers and per-  
17                   sonnel who were promoted during the year cov-  
18                   ered by the report, listed by gender and race or  
19                   ethnicity for each rank; and

20                   (D) the number of such officers and per-  
21                   sonnel who reenlisted or otherwise extended the  
22                   commitment to the Coast Guard during the  
23                   year covered by the report, listed by gender and  
24                   race or ethnicity for each rank.

1           (2) SUBMISSION.—The report under paragraph  
2           (1) shall be submitted during each of fiscal years  
3           2013 through 2017 not later than 45 days after the  
4           date on which the President submits to Congress the  
5           budget for the next fiscal year under section 1105  
6           of title 31, United States Code. Each report shall be  
7           submitted to the Committee on Armed Services, the  
8           Committee on Transportation and Infrastructure,  
9           and the Committee on Homeland Security of the  
10          House of Representatives, and the Committee on  
11          Armed Services and the Committee on Commerce,  
12          Science, and Transportation of the Senate.

13 **SEC. 520. LIMITATION ON REDUCTION IN NUMBER OF MILI-**  
14                           **TARY AND CIVILIAN PERSONNEL ASSIGNED**  
15                           **TO DUTY WITH SERVICE REVIEW AGENCIES.**

16          Section 1559(a) of title 10, United States Code, is  
17          amended by striking “December 31, 2013” and inserting  
18          “December 31, 2016”.

19 **SEC. 521. EXTENSION OF TEMPORARY INCREASE IN ACCU-**  
20                           **MULATED LEAVE CARRYOVER FOR MEMBERS**  
21                           **OF THE ARMED FORCES.**

22          Section 701(d) of title 10, United States Code, is  
23          amended by striking “September 30, 2013” and inserting  
24          “September 30, 2015”.

1 **SEC. 522. MODIFICATION OF AUTHORITY TO CONDUCT PRO-**  
2 **GRAMS ON CAREER FLEXIBILITY TO EN-**  
3 **HANCE RETENTION OF MEMBERS OF THE**  
4 **ARMED FORCES.**

5 (a) EXTENSION OF PROGRAMS TO CERTAIN ACTIVE  
6 GUARD AND RESERVE PERSONNEL.—Section 533 of Dun-  
7 can Hunter National Defense Authorization Act for Fiscal  
8 Year 2009 (10 U.S.C. prec. 701 note) is amended—

9 (1) in subsection (a)(1), by inserting “and  
10 members on active Guard and Reserve duty” after  
11 “officers and enlisted members of the regular com-  
12 ponents”;

13 (2) by redesignating subsection (l) as subsection  
14 (m); and

15 (3) by inserting after subsection (k) the fol-  
16 lowing new subsection (l):

17 “(l) DEFINITION.—In this section, the term ‘active  
18 Guard and Reserve duty’ has the meaning given that term  
19 in section 101(d)(6) of title 10, United States Code.”.

20 (b) AUTHORITY TO CARRY FORWARD UNUSED AC-  
21 CRUED LEAVE.—Subsection (h) of such section is amend-  
22 ed by adding at the end the following new paragraph:

23 “(5) LEAVE.—A member who participates in a  
24 pilot program is entitled to carry forward the leave  
25 balance existing as of the day on which the member  
26 begins participation and accumulated in accordance

1 with section 701 of title 10, United States Code, but  
2 not to exceed 60 days.”.

3 (c) AUTHORITY FOR DISABILITY PROCESSING.—Sub-  
4 section (j) of such section is amended—

5 (1) in the subsection heading, by striking  
6 “MEDICAL AND DENTAL CARE” and inserting  
7 “CONTINUED ENTITLEMENTS”;

8 (2) by striking “for purposes of the entitle-  
9 ment” and inserting “for purposes of—

10 “(1) the entitlement”;

11 (3) by striking the period at the end and insert-  
12 ing “; and”; and

13 (4) by adding at the end the following new  
14 paragraph:

15 “(2) retirement or separation for physical dis-  
16 ability under the provisions of chapters 55 and 61  
17 of title 10, United States Code.”.

18 **SEC. 523. PROHIBITION ON WAIVER FOR COMMISSIONING**  
19 **OR ENLISTMENT IN THE ARMED FORCES FOR**  
20 **ANY INDIVIDUAL CONVICTED OF A FELONY**  
21 **SEXUAL OFFENSE.**

22 An individual may not be provided a waiver for com-  
23 missioning or enlistment in the Armed Forces if the indi-  
24 vidual has been convicted under Federal or State law of  
25 a felony offense of any of the following:

- 1 (1) Rape.
- 2 (2) Sexual abuse.
- 3 (3) Sexual assault.
- 4 (4) Incest.
- 5 (5) Any other sexual offense.

6 **SEC. 524. QUALITY REVIEW OF MEDICAL EVALUATION**  
7 **BOARDS, PHYSICAL EVALUATION BOARDS,**  
8 **AND PHYSICAL EVALUATION BOARD LIAISON**  
9 **OFFICERS.**

10 (a) IN GENERAL.—The Secretary of Defense shall  
11 standardize, assess, and monitor the quality assurance  
12 programs of the military departments to evaluate the fol-  
13 lowing in the performance of their duties (including duties  
14 under chapter 61 of title 10, United States Code):

- 15 (1) Medical Evaluation Boards.
- 16 (2) Physical Evaluation Boards.
- 17 (3) Physical Evaluation Board Liaison Officers.

18 (b) OBJECTIVES.—The objectives of the quality as-  
19 surance program shall be as follows:

- 20 (1) To ensure accuracy and consistency in the  
21 determinations and decisions of Medical Evaluation  
22 Boards and Physical Evaluation Boards.
- 23 (2) To otherwise monitor and sustain proper  
24 performance of the duties of Medical Evaluation

1 Boards and Physical Evaluation Boards, and of  
2 Physical Evaluation Board Liaison Officers.

3 (3) Such other objectives as the Secretary shall  
4 specify for purposes of the quality assurance pro-  
5 gram.

6 (c) REPORTS.—

7 (1) REPORT ON IMPLEMENTATION.—Not later  
8 than 180 days after the date of the enactment of  
9 this Act, the Secretary shall submit to the appro-  
10 priate committees of Congress a report setting forth  
11 the plan of the Secretary for the implementation of  
12 the requirements of this section.

13 (2) ANNUAL REPORTS.—Not later than one  
14 year after the date of the submittal of the report re-  
15 quired by paragraph (1), and annually thereafter for  
16 the next four years, the Secretary shall submit to  
17 the appropriate committees of Congress a report set-  
18 ting forth an assessment of the implementation of  
19 the requirements of this section during the one-year  
20 period ending on the date of the report under this  
21 paragraph. Each report shall include, in particular,  
22 an assessment of the extent to which the quality as-  
23 surance program under the requirements of this sec-  
24 tion meets the objectives specified in subsection (b).

1           (3) APPROPRIATE COMMITTEES OF CONGRESS  
2       DEFINED.—In this subsection, the term “appro-  
3       priate committees of Congress” means—

4           (A) the Committee on Armed Services and  
5       the Committee on Veterans’ Affairs of the Sen-  
6       ate; and

7           (B) the Committee on Armed Services and  
8       the Committee on Veterans’ Affairs of the  
9       House of Representatives.

10 **SEC. 525. REPORTS ON INVOLUNTARY SEPARATION OF**  
11 **MEMBERS OF THE ARMED FORCES.**

12       (a) PERIODIC REPORTS REQUIRED.—Not later than  
13 30 days after the end of each half-year period during cal-  
14 endar years 2013 and 2014, the Secretary of each military  
15 department shall submit to the Committees on Armed  
16 Services of the Senate and the House of Representatives  
17 a report on the number of members of the regular compo-  
18 nents of the Armed Forces under the jurisdiction of such  
19 Secretary who were involuntarily separated from active  
20 duty in the Armed Forces (for reasons other than for  
21 cause) to meet force reduction requirements during the  
22 six-month period covered by the report.

23       (b) ELEMENTS.—Each report on an Armed Force  
24 under subsection (a) shall set forth the following for the  
25 period covered by the report:

1           (1) The total number members of that Armed  
2 Force involuntarily separated from active duty in the  
3 Armed Forces (for reasons other than for cause) to  
4 meet force reduction requirements.

5           (2) The number of members covered by para-  
6 graph (1) separately set forth by grade, by total  
7 years of service in the Armed Forces at the time of  
8 separation, and by military occupational specialty or  
9 rating (or competitive category in the case of offi-  
10 cers).

11          (3) The number of members covered by para-  
12 graph (1) who received involuntary separation pay,  
13 or who are authorized to receive temporary retired  
14 pay, in connection with the separation.

15          (4) The number of members covered by para-  
16 graph (1) who completed transition assistance pro-  
17 grams relating to future employment.

18          (5) The average number of months members  
19 covered by paragraph (1) were deployed to overseas  
20 contingency operations, separately set forth by  
21 grade.

1 **SEC. 526. REPORT ON FEASIBILITY OF DEVELOPING GEN-**  
2 **DER-NEUTRAL OCCUPATIONAL STANDARDS**  
3 **FOR MILITARY OCCUPATIONAL SPECIALTIES**  
4 **CURRENTLY CLOSED TO WOMEN.**

5 Not later than 60 days after the date of the enact-  
6 ment of this Act, the Secretary of Defense shall submit  
7 to the congressional defense committees a report evalu-  
8 ating the feasibility of incorporating gender-neutral occu-  
9 pational standards for military occupational specialties  
10 closed, as of the date of the enactment of this Act, to fe-  
11 male members of the Armed Forces.

12 **SEC. 527. REPORT ON EDUCATION AND TRAINING AND PRO-**  
13 **MOTION RATES FOR PILOTS OF REMOTELY**  
14 **PILOTED AIRCRAFT.**

15 (a) REPORT REQUIRED.—Not later than 180 days  
16 after the date of the enactment of this Act, the Secretary  
17 of the Air Force and the Chief of Staff of the Air Force  
18 shall jointly submit to the congressional defense commit-  
19 tees a report on education and training and promotion  
20 rates for Air Force pilots of remotely piloted aircraft  
21 (RPA).

22 (b) ELEMENTS.—The report required by subsection  
23 (a) shall include the following:

24 (1) A detailed analysis of the reasons for per-  
25 sistently lower average education and training and

1 promotion rates for Air Force pilots of remotely pi-  
2 loted aircraft.

3 (2) An assessment of the long-term impact on  
4 the Air Force of the sustainment of such lower  
5 rates.

6 (3) A plan to raise such rates, including—

7 (A) a description of the near-term and  
8 longer-term actions the Air Force intends to  
9 undertake to implement the plan; and

10 (B) an analysis of the potential direct and  
11 indirect impacts of the plan on the achievement  
12 and sustainment of the combat air patrol objec-  
13 tives of the Air Force for remotely piloted air-  
14 craft.

15 **SEC. 528. IMPACT OF NUMBERS OF MEMBERS WITHIN THE**  
16 **INTEGRATED DISABILITY EVALUATION SYS-**  
17 **TEM ON READINESS OF ARMED FORCES TO**  
18 **MEET MISSION REQUIREMENTS.**

19 (a) ANNUAL IMPACT STATEMENT.—In the materials  
20 submitted to Congress in support of the budget for the  
21 Department of Defense for each of fiscal years 2014  
22 through 2018, the Secretary of each military department  
23 shall include a statement concerning the extent to which  
24 the number of members of an Armed Force under the ju-

1 jurisdiction of the Secretary who are within the Integrated  
2 Disability Evaluation System impacts—

3 (1) the readiness of that Armed Force to meet  
4 on-going mission requirements; and

5 (2) dwell time for other members of that Armed  
6 Force.

7 (b) RESPONSE PLAN.—If the statement of the Sec-  
8 retary of a military department under subsection (a) for  
9 a fiscal year concludes that an adverse impact on readi-  
10 ness or dwell time of an Armed Force is occurring, the  
11 Secretary shall include with the budget materials a plan  
12 describing how the Armed Force will mitigate the impact.

## 13 **Subtitle D—Military Justice and** 14 **Legal Matters**

### 15 **SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE** 16 **ROLE OF STAFF JUDGE ADVOCATE TO THE** 17 **COMMANDANT OF THE MARINE CORPS.**

18 (a) APPOINTMENT BY THE PRESIDENT AND PERMA-  
19 NENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—  
20 Subsection (a) of section 5046 of title 10, United States  
21 Code, is amended—

22 (1) in the first sentence, by striking “detailed”  
23 and inserting “appointed by the President, by and  
24 with the advice and consent of the Senate,”; and

1           (2) by striking the second sentence and insert-  
2           ing the following new sentence: “If the officer to be  
3           appointed as the Staff Judge Advocate to the Com-  
4           mandant of the Marine Corps holds a grade lower  
5           than the grade of major general immediately before  
6           the appointment, the officer shall be appointed in  
7           the grade of major general.”.

8           (b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—  
9           Such section is further amended—

10           (1) by redesignating subsection (c) as sub-  
11           section (d); and

12           (2) by inserting after subsection (b) the fol-  
13           lowing new subsection (c):

14           “(c) The Staff Judge Advocate to the Commandant  
15           of the Marine Corps, under the direction of the Com-  
16           mandant of the Marine Corps and the Secretary of the  
17           Navy, shall—

18           “(1) perform such duties relating to legal mat-  
19           ters arising in the Marine Corps as may be assigned  
20           to the Staff Judge Advocate;

21           “(2) perform the functions and duties, and ex-  
22           ercise the powers, prescribed for the Staff Judge Ad-  
23           vocate to the Commandant of the Marine Corps in  
24           chapter 47 (the Uniform Code of Military Justice)  
25           and chapter 53 of this title; and

1           “(3) perform such other duties as may be as-  
2           signed to the Staff Judge Advocate.”.

3           (c) COMPOSITION OF HEADQUARTERS, MARINE  
4 CORPS.—Section 5041(b) of such title is amended—

5           (1) by redesignating paragraphs (4) and (5) as  
6           paragraphs (5) and (6), respectively; and

7           (2) by inserting after paragraph (3) the fol-  
8           lowing new paragraph (4):

9           “(4) The Staff Judge Advocate to the Com-  
10          mandant of the Marine Corps.”.

11          (d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

12          (1) ADMINISTRATION OF MILITARY JUSTICE.—

13          Section 806(a) of such title (article 6(a) of the Uni-  
14          form Code of Military Justice) is amended in the  
15          third sentence by striking “The Judge Advocate  
16          General” and all that follows through “shall” and  
17          inserting “The Judge Advocates General, and within  
18          the Marine Corps the Staff Judge Advocate to the  
19          Commandant of the Marine Corps, or senior mem-  
20          bers of their staffs, shall”.

21          (2) DELIVERY OF LEGAL ASSISTANCE.—Section

22          1044(b) of such title is amended by inserting “, and  
23          within the Marine Corps the Staff Judge Advocate  
24          to the Commandant of the Marine Corps,” after “ju-  
25          risdiction of the Secretary”.

1 **SEC. 532. ADDITIONAL INFORMATION IN REPORTS ON AN-**  
2 **NUAL SURVEYS OF THE COMMITTEE ON THE**  
3 **UNIFORM CODE OF MILITARY JUSTICE.**

4 Subsection (c)(2) of section 946 of title 10, United  
5 States Code (article 146 of the Uniform Code of Military  
6 Justice), is amended—

7 (1) by redesignating subparagraph (B) as sub-  
8 paragraph (C); and

9 (2) by inserting after subparagraph (A) the fol-  
10 lowing new subparagraph (B):

11 “(B) Information from the Judge Advocates  
12 General and the Staff Judge Advocate to the Com-  
13 mandant of the Marine Corps on the following:

14 “(i) The appellate review process, includ-  
15 ing—

16 “(I) information on compliance with  
17 processing time goals;

18 “(II) discussions of the circumstances  
19 surrounding cases in which general court-  
20 martial or special court-martial convictions  
21 are reversed as a result of command influ-  
22 ence or denial of the right to a speedy re-  
23 view or otherwise remitted due to loss of  
24 records of trial or other administrative de-  
25 ficiencies; and

1                   “(III) discussions of cases in which a  
2                   provision of this chapter is held unconsti-  
3                   tutional.

4                   “(ii) Measures implemented by each armed  
5                   force to ensure the ability of judge advocates to  
6                   competently participate as trial and defense  
7                   counsel in, and preside as military judges over,  
8                   capital cases, national security cases, sexual as-  
9                   sault cases, and proceedings of military com-  
10                  missions.

11                  “(iii) The independent views of the Judge  
12                  Advocates General and the Staff Judge Advo-  
13                  cate to the Commandant of the Marine Corps  
14                  on the sufficiency of resources available within  
15                  their respective armed forces, including total  
16                  workforce, funding, training, and officer and  
17                  enlisted grade structure, to capably perform  
18                  military justice functions.”.

19 **SEC. 533. PROTECTION OF RIGHTS OF CONSCIENCE OF**  
20                   **MEMBERS OF THE ARMED FORCES AND**  
21                   **CHAPLAINS OF SUCH MEMBERS.**

22                  (a) PROTECTION OF RIGHTS OF CONSCIENCE.—

23                   (1) ACCOMMODATION.—The Armed Forces  
24                   shall accommodate the beliefs of a member of the  
25                   armed forces reflecting the conscience, moral prin-

1 ciples, or religious beliefs of the member and, in so  
2 far as practicable, may not use such beliefs as the  
3 basis of any adverse personnel action, discrimina-  
4 tion, or denial of promotion, schooling, training, or  
5 assignment.

6 (2) DISCIPLINARY OR ADMINISTRATIVE AC-  
7 TION.—Nothing in paragraph (1) precludes discipli-  
8 nary or administrative action for conduct that is  
9 proscribed by chapter 47 of title 10, United States  
10 Code (the Uniform Code of Military Justice), includ-  
11 ing actions and speech that threaten good order and  
12 discipline.

13 (b) PROTECTION OF CHAPLAIN DECISIONS RELAT-  
14 ING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS  
15 BELIEFS.—No member of the Armed Forces may—

16 (1) require a chaplain to perform any rite, rit-  
17 ual, or ceremony that is contrary to the conscience,  
18 moral principles, or religious beliefs of the chaplain;  
19 or

20 (2) discriminate or take any adverse personnel  
21 action against a chaplain, including denial of pro-  
22 motion, schooling, training, or assignment, on the  
23 basis of the refusal by the chaplain to comply with  
24 a requirement prohibited by paragraph (1).

1 (c) REGULATIONS.—The Secretary of Defense shall  
2 issue regulations implementing the protections afforded by  
3 this section.

4 **SEC. 534. REPORTS ON HAZING IN THE ARMED FORCES.**

5 (a) REPORTS REQUIRED.—Not later than 180 days  
6 after the date of the enactment of this Act, each Secretary  
7 of a military department (and the Secretary of Homeland  
8 Security in the case of the Coast Guard) shall submit to  
9 the congressional committees specified in subsection (c) a  
10 report on hazing in each Armed Force under the jurisdic-  
11 tion of the Secretary.

12 (b) ELEMENTS.—The report on an Armed Force re-  
13 quired by subsection (a) shall include the following:

14 (1) An evaluation of the definition of hazing  
15 contained in the Secretary of Defense Policy Memo-  
16 randum dated August 28, 1997.

17 (2) A discussion of the policies of the Armed  
18 Force for preventing and responding to incidents of  
19 hazing.

20 (3) A description of the methods implemented  
21 to track and report, including report anonymously,  
22 incidents of hazing in the Armed Force.

23 (4) An assessment by the Secretary submitting  
24 the report of the following:

1 (A) The scope of the problem of hazing in  
2 the Armed Force.

3 (B) The training on recognizing and pre-  
4 venting hazing provided members of the Armed  
5 Force.

6 (C) The actions taken to prevent and re-  
7 spond to hazing incidents in the Armed Force.

8 (D) The extent to which the Uniform Code  
9 of Military Justice specifically addresses the  
10 prosecution of persons subject to the Code who  
11 are alleged to have committed hazing.

12 (E) The feasibility of establishing a data-  
13 base to track, respond to, and resolve incidents  
14 of hazing.

15 (5) A description of the additional actions, if  
16 any, the Secretary submitting the report proposes to  
17 take to further address the incidence of hazing in  
18 the Armed Force.

19 (6) Any recommended changes to the Uniform  
20 Code of Military Justice or the Manual for Courts-  
21 Martial to improve the prosecution of persons al-  
22 leged to have committed hazing in the Armed  
23 Forces.

24 (c) SUBMISSION OF REPORTS.—The reports required  
25 by subsection (a) shall be submitted—

1 (1) to the Committee on Armed Services and  
2 the Committee on Commerce, Science, and Trans-  
3 portation of the Senate; and

4 (2) to the Committee on Armed Services and  
5 the Committee on Transportation and Infrastructure  
6 of the House of Representatives.

7 **Subtitle E—Member Education and**  
8 **Training Opportunities and Ad-**  
9 **ministration**

10 **SEC. 541. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM**  
11 **FROM DEPARTMENT OF EDUCATION TO DE-**  
12 **PARTMENT OF DEFENSE AND ENHANCE-**  
13 **MENTS TO THE PROGRAM.**

14 (a) TRANSFER OF FUNCTIONS.—

15 (1) TRANSFER.—The responsibility and author-  
16 ity for operation and administration of the Troops-  
17 to-Teachers Program in chapter A of subpart 1 of  
18 part C of title II of the Elementary and Secondary  
19 Education Act of 1965 (20 U.S.C. 6671 et seq.) is  
20 transferred from the Secretary of Education to the  
21 Secretary of Defense.

22 (2) MEMORANDUM OF AGREEMENT.—In con-  
23 nection with the transfer of responsibility and au-  
24 thority for operation and administration of the  
25 Troops-to-Teachers Program from the Secretary of

1 Education to the Secretary of Defense under para-  
2 graph (1), the Secretaries shall enter into a memo-  
3 randum of agreement pursuant to which the Sec-  
4 retary of Education will undertake the following:

5 (A) Disseminate information about the  
6 Troops-to-Teachers Program to eligible schools  
7 (as defined in subsection (a) of section 1154 of  
8 title 10, United States Code, as added by sub-  
9 section (b)).

10 (B) Advise the Department of Defense on  
11 how to prepare eligible members of the Armed  
12 Forces described in subsection (d) of such sec-  
13 tion 1154 to become participants in the Pro-  
14 gram, to meet the requirements necessary to  
15 become a teacher in a school described in sub-  
16 section (b)(2) of such section 1154, and to find  
17 post-service employment in an eligible school.

18 (C) Advise the Department of Defense on  
19 how to identify teacher preparation programs  
20 for participants in the Program.

21 (D) Inform the Department of Defense of  
22 academic subject areas with critical teacher  
23 shortages.

24 (E) Identify geographic areas with critical  
25 teacher shortages, especially in high-need

1 schools (as defined in subsection (a) of such  
2 section 1154).

3 (3) EFFECTIVE DATE.—The transfer of respon-  
4 sibility and authority for operation and administra-  
5 tion of the Troops-to-Teachers Program under para-  
6 graph (1) shall take effect—

7 (A) on the first day of the first month be-  
8 ginning more than 90 days after the date of the  
9 enactment of this Act; or

10 (B) on such earlier date as the Secretary  
11 of Education and the Secretary of Defense may  
12 jointly provide.

13 (b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE  
14 10, UNITED STATES CODE.—

15 (1) IN GENERAL.—Chapter 58 of title 10,  
16 United States Code, is amended by adding at the  
17 end the following new section:

18 **“§ 1154. Assistance to eligible members and former**  
19 **members to obtain employment as teach-**  
20 **ers: Troops-to-Teachers Program**

21 “(a) DEFINITIONS.—In this section:

22 “(1) CHARTER SCHOOL.—The term ‘charter  
23 school’ has the meaning given that term in section  
24 5210(1) of the Elementary and Secondary Edu-  
25 cation Act of 1965 (20 U.S.C. 7221i(1)).

1           “(2) ELIGIBLE SCHOOL.—The term ‘eligible  
2 school’ means—

3           “(A) a public school, including a charter  
4 school, at which—

5           “(i) at least 30 percent of the stu-  
6 dents enrolled in the school are from fami-  
7 lies with incomes below 185 percent of pov-  
8 erty level (as defined by the Office of Man-  
9 agement and Budget and revised at least  
10 annually in accordance with section 9(b)(1)  
11 of the Richard B. Russell National School  
12 Lunch Act (42 U.S.C. 1758(b)(1)) applica-  
13 ble to a family of the size involved; or

14           “(ii) at least 13 percent of the stu-  
15 dents enrolled in the school qualify for as-  
16 sistance under part B of the Individuals  
17 with Disabilities Education Act (20  
18 U.S.C.1411 et seq.); or

19           “(B) a Bureau-funded school as defined in  
20 section 1141(3) of the Education Amendments  
21 of 1978 (25 U.S.C. 2021(3)).

22           “(3) HIGH-NEED SCHOOL.—The term ‘high-  
23 need school’ means—

24           “(A) an elementary or middle school in  
25 which at least 50 percent of the enrolled stu-

1           dents are children from low-income families,  
2           based on the number of children eligible for free  
3           and reduced priced lunches under the Richard  
4           B. Russell National School Lunch Act (42  
5           U.S.C. 1751 et seq.), the number of children in  
6           families receiving assistance under the State  
7           program funded under part A of title IV of the  
8           Social Security Act (42 U.S.C. 601 et seq.), the  
9           number of children eligible to receive medical  
10          assistance under the Medicaid program, or a  
11          composite of these indicators;

12                 “(B) a high school in which at least 40  
13                 percent of enrolled students are children from  
14                 low-income families, which may be calculated  
15                 using comparable data from feeder schools; or

16                 “(C) a school that is in a local educational  
17                 agency that is eligible under section 6211(b) of  
18                 the Elementary and Secondary Education Act  
19                 of 1965 (20 U.S.C. 7345(b)).

20                 “(4) MEMBER OF THE ARMED FORCES.—The  
21                 term ‘member of the armed forces’ includes a retired  
22                 or former member of the armed forces.

23                 “(5) PARTICIPANT.—The term ‘participant’  
24                 means an eligible member of the armed forces se-  
25                 lected to participate in the Program.

1           “(6) PROGRAM.—The term ‘Program’ means  
2           the Troops-to-Teachers Program authorized by this  
3           section.

4           “(7) SECRETARY.—The term ‘Secretary’ means  
5           the Secretary of Defense.

6           “(8) ADDITIONAL TERMS.—The terms ‘elemen-  
7           tary school’, ‘local educational agency’, ‘secondary  
8           school’, and ‘State’ have the meanings given those  
9           terms in section 9101 of the Elementary and Sec-  
10          ondary Education Act of 1965 (20 U.S.C. 7801).

11          “(b) PROGRAM AUTHORIZATION.—The Secretary of  
12          Defense may carry out a Troops-to-Teachers Program—

13               “(1) to assist eligible members of the armed  
14               forces described in subsection (d) to meet the re-  
15               quirements necessary to become a teacher in a  
16               school described in paragraph (2); and

17               “(2) to facilitate the employment of such mem-  
18               bers—

19                       “(A) by local educational agencies or char-  
20                       ter schools that the Secretary of Education  
21                       identifies as—

22                               “(i) receiving grants under part A of  
23                               title I of the Elementary and Secondary  
24                               Education Act of 1965 (20 U.S.C. 6301 et  
25                               seq.) as a result of having within their ju-

1                   risdictions concentrations of children from  
2                   low-income families; or

3                   “(ii) experiencing a shortage of teach-  
4                   ers, in particular a shortage of science,  
5                   mathematics, special education, foreign  
6                   language, or career or technical teachers;  
7                   and

8                   “(B) in elementary schools or secondary  
9                   schools, or as career or technical teachers.

10                  “(c) COUNSELING AND REFERRAL SERVICES.—The  
11                  Secretary may provide counseling and referral services to  
12                  members of the armed forces who do not meet the eligi-  
13                  bility criteria described in subsection (d), including the  
14                  education qualification requirements under paragraph  
15                  (3)(B) of such subsection.

16                  “(d) ELIGIBILITY AND APPLICATION PROCESS.—

17                         “(1) ELIGIBLE MEMBERS.—The following mem-  
18                         bers of the armed forces are eligible for selection to  
19                         participate in the Program:

20                                 “(A) Any member who—

21   “(i) on or after October 1, 1999, be-  
22   comes entitled to retired or retainer pay  
23   under this title or title 14;

24   “(ii) has an approved date of retire-  
25   ment that is within one year after the date

1 on which the member submits an applica-  
2 tion to participate in the Program; or

3 “(iii) has been transferred to the Re-  
4 tired Reserve.

5 “(B) Any member who, on or after Janu-  
6 ary 8, 2002—

7 “(i)(I) is separated or released from  
8 active duty after four or more years of con-  
9 tinuous active duty immediately before the  
10 separation or release; or

11 “(II) has completed a total of at least  
12 six years of active duty service, six years of  
13 service computed under section 12732 of  
14 this title, or six years of any combination  
15 of such service; and

16 “(ii) executes a reserve commitment  
17 agreement for a period of not less than  
18 three years under paragraph (5)(B).

19 “(C) Any member who, on or after Janu-  
20 ary 8, 2002, is retired or separated for physical  
21 disability under chapter 61 of this title.

22 “(2) SUBMISSION OF APPLICATIONS.—(A) Se-  
23 lection of eligible members of the armed forces to  
24 participate in the Program shall be made on the  
25 basis of applications submitted to the Secretary

1 within the time periods specified in subparagraph  
2 (B). An application shall be in such form and con-  
3 tain such information as the Secretary may require.

4 “(B) In the case of an eligible member of the  
5 armed forces described in subparagraph (A)(i), (B),  
6 or (C) of paragraph (1), an application shall be con-  
7 sidered to be submitted on a timely basis if the ap-  
8 plication is submitted not later than three years  
9 after the date on which the member is retired, sepa-  
10 rated, or released from active duty, whichever ap-  
11 plies to the member.

12 “(3) SELECTION CRITERIA; EDUCATIONAL  
13 BACKGROUND REQUIREMENTS; HONORABLE SERVICE  
14 REQUIREMENT.—(A) The Secretary shall prescribe  
15 the criteria to be used to select eligible members of  
16 the armed forces to participate in the Program.

17 “(B) If a member of the armed forces is apply-  
18 ing for the Program to receive assistance for place-  
19 ment as an elementary school or secondary school  
20 teacher, the Secretary shall require the member to  
21 have received a baccalaureate or advanced degree  
22 from an accredited institution of higher education.

23 “(C) If a member of the armed forces is apply-  
24 ing for the Program to receive assistance for place-

1       ment as a career or technical teacher, the Secretary  
2       shall require the member—

3               “(i) to have received the equivalent of one  
4               year of college from an accredited institution of  
5               higher education or the equivalent in military  
6               education and training as certified by the De-  
7               partment of Defense; or

8               “(ii) to otherwise meet the certification or  
9               licensing requirements for a career or technical  
10              teacher in the State in which the member seeks  
11              assistance for placement under the Program.

12             “(D) A member of the armed forces is eligible  
13             to participate in the Program only if the member’s  
14             last period of service in the armed forces was honor-  
15             able, as characterized by the Secretary concerned. A  
16             member selected to participate in the Program be-  
17             fore the retirement of the member or the separation  
18             or release of the member from active duty may con-  
19             tinue to participate in the Program after the retire-  
20             ment, separation, or release only if the member’s  
21             last period of service is characterized as honorable  
22             by the Secretary concerned.

23             “(4) SELECTION PRIORITIES.—In selecting eli-  
24             gible members of the armed forces to receive assist-  
25             ance under the Program, the Secretary—

1 “(A) shall give priority to members who—

2 “(i) have educational or military expe-  
3 rience in science, mathematics, special edu-  
4 cation, foreign language, or career or tech-  
5 nical subjects; and

6 “(ii) agree to seek employment as  
7 science, mathematics, foreign language, or  
8 special education teachers in elementary  
9 schools or secondary schools or in other  
10 schools under the jurisdiction of a local  
11 educational agency; and

12 “(B) may give priority to members who  
13 agree to seek employment in a high-need school.

14 “(5) OTHER CONDITIONS ON SELECTION.—(A)  
15 Subject to subsection (i), the Secretary may not se-  
16 lect an eligible member of the armed forces to par-  
17 ticipate in the Program and receive financial assist-  
18 ance unless the Secretary has sufficient appropri-  
19 ations for the Program available at the time of the  
20 selection to satisfy the obligations to be incurred by  
21 the United States under subsection (e) with respect  
22 to the member.

23 “(B) The Secretary may not select an eligible  
24 member of the armed forces described in paragraph  
25 (1)(B)(i) to participate in the Program and receive

1 financial assistance under subsection (e) unless the  
2 member executes a written agreement to serve as a  
3 member of the Selected Reserve of a reserve compo-  
4 nent of the armed forces for a period of not less  
5 than three years.

6 “(e) PARTICIPATION AGREEMENT AND FINANCIAL  
7 ASSISTANCE.—

8 “(1) PARTICIPATION AGREEMENT.—(A) An eli-  
9 gible member of the armed forces selected to partici-  
10 pate in the Program under subsection (b) and to re-  
11 ceive financial assistance under this subsection shall  
12 be required to enter into an agreement with the Sec-  
13 retary in which the member agrees—

14 “(i) within such time as the Secretary may  
15 require, to meet the requirements necessary to  
16 become a teacher in a school described in sub-  
17 section (b)(2); and

18 “(ii) to accept an offer of full-time employ-  
19 ment as an elementary school teacher, sec-  
20 ondary school teacher, or career or technical  
21 teacher for not less than three school years in  
22 an eligible school to begin the school year after  
23 obtaining that certification or licensing.

24 “(B) The Secretary may waive the three-year  
25 commitment described in subparagraph (A)(ii) for a

1 participant if the Secretary determines such waiver  
2 to be appropriate. If the Secretary provides the  
3 waiver, the participant shall not be considered to be  
4 in violation of the agreement and shall not be re-  
5 quired to provide reimbursement under subsection  
6 (f), for failure to meet the three-year commitment.

7 “(2) VIOLATION OF PARTICIPATION AGREE-  
8 MENT; EXCEPTIONS.—A participant shall not be  
9 considered to be in violation of the participation  
10 agreement entered into under paragraph (1) during  
11 any period in which the participant—

12 “(A) is pursuing a full-time course of  
13 study related to the field of teaching at an in-  
14 stitution of higher education;

15 “(B) is serving on active duty as a member  
16 of the armed forces;

17 “(C) is temporarily totally disabled for a  
18 period of time not to exceed three years as es-  
19 tablished by sworn affidavit of a qualified physi-  
20 cian;

21 “(D) is unable to secure employment for a  
22 period not to exceed 12 months by reason of the  
23 care required by a spouse who is disabled;

24 “(E) is unable to find full-time employ-  
25 ment as a teacher in an eligible elementary

1 school or secondary school or as a career or  
2 technical teacher for a single period not to ex-  
3 ceed 27 months; or

4 “(F) satisfies the provisions of additional  
5 reimbursement exceptions that may be pre-  
6 scribed by the Secretary.

7 “(3) STIPEND AND BONUS FOR PARTICI-  
8 PANTS.—(A) Subject to subparagraph (C), the Sec-  
9 retary may pay to a participant a stipend to cover  
10 expenses incurred by the participant to obtain the  
11 required educational level, certification, or licensing.  
12 Such stipend may not exceed \$5,000 and may vary  
13 by participant.

14 “(B)(i) Subject to subparagraph (C), the Sec-  
15 retary may pay a bonus to a participant who agrees  
16 in the participation agreement under paragraph (1)  
17 to accept full-time employment as an elementary  
18 school teacher, secondary school teacher, or career  
19 or technical teacher for not less than three school  
20 years in an eligible school.

21 “(ii) The amount of the bonus may not exceed  
22 \$5,000, unless the eligible school is a high-need  
23 school, in which case the amount of the bonus may  
24 not exceed \$10,000. Within such limits, the bonus  
25 may vary by participant and may take into account

1 the priority placements as determined by the Sec-  
2 retary.

3 “(C)(i) The total number of stipends that may  
4 be paid under subparagraph (A) in any fiscal year  
5 may not exceed 5,000.

6 “(ii) The total number of bonuses that may be  
7 paid under subparagraph (B) in any fiscal year may  
8 not exceed 3,000.

9 “(iii) A participant may not receive a stipend  
10 under subparagraph (A) if the participant is eligible  
11 for benefits under chapter 33 of title 38.

12 “(iv) The combination of a stipend under sub-  
13 paragraph (A) and a bonus under subparagraph (B)  
14 for any one participant may not exceed \$10,000.

15 “(4) TREATMENT OF STIPEND AND BONUS.—A  
16 stipend or bonus paid under this subsection to a  
17 participant shall be taken into account in deter-  
18 mining the eligibility of the participant for Federal  
19 student financial assistance provided under title IV  
20 of the Higher Education Act of 1965 (20 U.S.C.  
21 1070 et seq.).

22 “(f) REIMBURSEMENT UNDER CERTAIN CIR-  
23 CUMSTANCES.—

24 “(1) REIMBURSEMENT REQUIRED.—A partici-  
25 pant who is paid a stipend or bonus under this sub-

1 section shall be subject to the repayment provisions  
2 of section 373 of title 37 under the following cir-  
3 cumstances:

4 “(A) The participant fails to meet the re-  
5 quirements necessary to become a teacher in a  
6 school described in subsection (b)(2) or to ob-  
7 tain employment as an elementary school teach-  
8 er, secondary school teacher, or career or tech-  
9 nical teacher as required by the participation  
10 agreement under subsection (e)(1).

11 “(B) The participant voluntarily leaves, or  
12 is terminated for cause from, employment as an  
13 elementary school teacher, secondary school  
14 teacher, or career or technical teacher during  
15 the three years of required service in violation  
16 of the participation agreement.

17 “(C) The participant executed a written  
18 agreement with the Secretary concerned under  
19 subsection (d)(5)(B) to serve as a member of a  
20 reserve component of the armed forces for a pe-  
21 riod of three years and fails to complete the re-  
22 quired term of service.

23 “(2) AMOUNT OF REIMBURSEMENT.—A partici-  
24 pant required to reimburse the Secretary for a sti-  
25 pend or bonus paid to the participant under sub-

1 section (e) shall pay an amount that bears the same  
2 ratio to the amount of the stipend or bonus as the  
3 unserved portion of required service bears to the  
4 three years of required service.

5 “(3) INTEREST.—Any amount owed by a par-  
6 ticipant under this subsection shall bear interest at  
7 the rate equal to the highest rate being paid by the  
8 United States on the day on which the reimburse-  
9 ment is determined to be due for securities having  
10 maturities of 90 days or less and shall accrue from  
11 the day on which the participant is first notified of  
12 the amount due.

13 “(4) EXCEPTIONS TO REIMBURSEMENT RE-  
14 QUIREMENT.—A participant shall be excused from  
15 reimbursement under this subsection if the partici-  
16 pant becomes permanently totally disabled as estab-  
17 lished by sworn affidavit of a qualified physician.  
18 The Secretary may also waive the reimbursement in  
19 cases of extreme hardship to the participant, as de-  
20 termined by the Secretary.

21 “(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE  
22 UNDER MONTGOMERY GI BILL.—Except as provided in  
23 subsection (e)(3)(C)(iii), the receipt by a participant of a  
24 stipend or bonus under subsection (e) shall not reduce or  
25 otherwise affect the entitlement of the participant to any

1 benefits under chapter 30 or 33 of title 38 or chapter 1606  
2 of this title.

3 “(h) PARTICIPATION BY STATES.—

4 “(1) DISCHARGE OF STATE ACTIVITIES  
5 THROUGH CONSORTIA OF STATES.—The Secretary  
6 may permit States participating in the Program to  
7 carry out activities authorized for such States under  
8 the Program through one or more consortia of such  
9 States.

10 “(2) ASSISTANCE TO STATES.—(A) Subject to  
11 subparagraph (B), the Secretary may make grants  
12 to States participating in the Program, or to con-  
13 sortia of such States, in order to permit such States  
14 or consortia of States to operate offices for purposes  
15 of recruiting eligible members of the armed forces  
16 for participation in the Program and facilitating the  
17 employment of participants as elementary school  
18 teachers, secondary school teachers, and career or  
19 technical teachers.

20 “(B) The total amount of grants made under  
21 subparagraph (A) in any fiscal year may not exceed  
22 \$5,000,000.

23 “(i) LIMITATION ON TOTAL FISCAL-YEAR OBLIGA-  
24 TIONS.—The total amount obligated by the Secretary

1 under the Program for any fiscal year may not exceed  
2 \$15,000,000.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of such chapter is amended  
5 by adding at the end the following new item:

“1154. Assistance to eligible members and former members to obtain employ-  
ment as teachers: Troops-to-Teachers Program.”.

6 (c) CONFORMING AMENDMENT.—Section  
7 1142(b)(4)(C) of such title is amended by striking “under  
8 section 2302” and all that follows through “6672”).

9 (d) TERMINATION OF DEPARTMENT OF EDUCATION  
10 TROOPS-TO-TEACHERS PROGRAM.—

11 (1) TERMINATION.—Subject to paragraph (3),  
12 chapter A of subpart 1 of part C of title II of the  
13 Elementary and Secondary Education Act of 1965  
14 (20 U.S.C. 6671 et seq.) is repealed.

15 (2) CLERICAL AMENDMENT.—The table of con-  
16 tents in section 2 of the Elementary and Secondary  
17 Education Act of 1965 is amended by striking the  
18 items relating to chapter A of subpart 1 of part C  
19 of title II of such Act.

20 (3) EXISTING AGREEMENTS.—The repeal of  
21 chapter A of subpart 1 of part C of title II of the  
22 Elementary and Secondary Education Act of 1965  
23 (20 U.S.C. 6671 et seq.) by paragraph (1) shall not  
24 affect—

1 (A) the validity or terms of any agreement  
2 entered into under such chapter, as in effect  
3 immediately before such repeal, before the ef-  
4 fective date of the transfer of the Troops-to-  
5 Teachers Program under subsection (a); or

6 (B) the authority to pay assistance, make  
7 grants, or obtain reimbursement in connection  
8 with such an agreement as in effect before the  
9 effective date of the transfer of the Troops-to-  
10 Teachers Program under subsection (a).

11 **SEC. 542. SUPPORT OF NAVAL ACADEMY ATHLETIC AND**  
12 **PHYSICAL FITNESS PROGRAMS.**

13 (a) IN GENERAL.—Chapter 603 of title 10, United  
14 States Code, is amended by adding at the end the fol-  
15 lowing new section:

16 **“§ 6981. Support of athletic and physical fitness pro-**  
17 **grams**

18 “(a) AUTHORITY.—

19 “(1) CONTRACTS AND COOPERATIVE AGREE-  
20 MENTS.—The Secretary of the Navy may enter into  
21 contracts and cooperative agreements with the Naval  
22 Academy Athletic Association for the purpose of  
23 supporting the athletic and physical fitness pro-  
24 grams of the Naval Academy. Notwithstanding sec-  
25 tion 2304(k) of this title, the Secretary may enter

1       such contracts or cooperative agreements on a sole  
2       source basis pursuant to section 2304(c)(5) of this  
3       title. Notwithstanding chapter 63 of title 31, a coop-  
4       erative agreement under this section may be used to  
5       acquire property or services for the direct benefit or  
6       use of the Naval Academy.

7               “(2) LEASES.—The Secretary may enter into  
8       leases, in accordance with section 2667 of this title,  
9       or licenses with the Association for the purpose of  
10      supporting the athletic and physical fitness pro-  
11      grams of the Naval Academy. Any such lease or li-  
12      cense shall be deemed to satisfy the conditions of  
13      section 2667(h)(2) of this title.

14              “(b) USE OF NAVY PERSONAL PROPERTY BY THE  
15      ASSOCIATION.—The Secretary may allow the Association  
16      to use, at no cost, personal property of the Department  
17      of the Navy to assist the Association in supporting the  
18      athletic and physical fitness programs of the Naval Acad-  
19      emy.

20              “(c) ACCEPTANCE OF SUPPORT.—

21                      “(1) SUPPORT RECEIVED FROM THE ASSOCIA-  
22      TION.—Notwithstanding section 1342 of title 31, the  
23      Secretary may accept from the Association funds,  
24      supplies, and services for the support of the athletic  
25      and physical fitness programs of the Naval Acad-

1 emy. For purposes of this section, employees or per-  
2 sonnel of the Association may not be considered to  
3 be employees of the United States.

4 “(2) FUNDS RECEIVED FROM NCAA.—The Sec-  
5 retary may accept funds from the National Colle-  
6 giate Athletic Association to support the athletic and  
7 physical fitness programs of the Naval Academy.

8 “(3) LIMITATION.—The Secretary shall ensure  
9 that contributions under this subsection do not re-  
10 flect unfavorably on the ability of the Department of  
11 the Navy, any of its employees, or any member of  
12 the armed forces to carry out any responsibility or  
13 duty in a fair and objective manner, or compromise  
14 the integrity or appearance of integrity of any pro-  
15 gram of the Department of the Navy, or any indi-  
16 vidual involved in such a program.

17 “(d) RETENTION AND USE OF FUNDS.—Notwith-  
18 standing section 2260(d) of this title, funds received under  
19 this section may be retained for use in support of athletic  
20 and physical fitness programs of the Naval Academy and  
21 shall remain available until expended.

22 “(e) TRADEMARKS AND SERVICE MARKS.—

23 “(1) LICENSING, MARKETING, AND SPONSOR-  
24 SHIP AGREEMENTS.—An agreement under sub-  
25 section (a)(1) may, consistent with sections 2260

1 (other than subsection (d)) and 5022(b)(3) of this  
2 title, authorize the Association to enter into licens-  
3 ing, marketing, and sponsorship agreements relating  
4 to trademarks and service marks identifying the  
5 Naval Academy, subject to the approval of the De-  
6 partment of the Navy.

7 “(2) LIMITATIONS.—No such licensing, mar-  
8 keting, or sponsorship agreement may be entered  
9 into if it would reflect unfavorably on the ability of  
10 the Department of the Navy, any of its employees,  
11 or any member of the armed forces to carry out any  
12 responsibility or duty in a fair and objective manner,  
13 or if the Secretary determines that the use of the  
14 trademark or service mark would compromise the in-  
15 tegrity or appearance of integrity of any program of  
16 the Department of the Navy, or any individual in-  
17 volved in such a program.

18 “(f) SERVICE ON ASSOCIATION BOARD OF CON-  
19 TROL.—The Association is a designated entity for which  
20 authorization under sections 1033(a) and 1589(a) of this  
21 title may be provided.

22 “(g) CONDITIONS.—The authority provided in this  
23 section with respect to the Association is available only  
24 so long as the Association continues to—

1           “(1) qualify as a nonprofit organization under  
2           section 501(c)(3) of the Internal Revenue Code of  
3           1986 and operates in accordance with this section,  
4           the laws of the State of Maryland, and the constitu-  
5           tion and bylaws of the Association; and

6           “(2) operate exclusively to support the athletic  
7           and physical fitness programs of the Naval Acad-  
8           emy.

9           “(h) ASSOCIATION DEFINED.—In this section, the  
10          term ‘Association’ means the Naval Academy Athletic As-  
11          sociation.”.

12          (b) CLERICAL AMENDMENT.—The table of sections  
13          at the beginning of such chapter is amended by adding  
14          at the end the following new item:

          “6981. Support of athletic and physical fitness programs.”.

15   **SEC. 543. EXPANSION OF DEPARTMENT OF DEFENSE PILOT**  
16                           **PROGRAM ON RECEIPT OF CIVILIAN**  
17                           **CREDENTIALING FOR MILITARY OCCUPA-**  
18                           **TIONAL SPECIALTY SKILLS.**

19          (a) EXPANSION OF PROGRAM.—Subsection (b)(1) of  
20          section 558 of the National Defense Authorization Act for  
21          Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1418;  
22          10 U.S.C. 2015 note) is amended by striking “or more  
23          than five”.

1 (b) USE OF INDUSTRY-RECOGNIZED CERTIFI-  
2 CATIONS.—Subsection (b) of such section is further  
3 amended—

4 (1) by striking “and” at the end of paragraph  
5 (1);

6 (2) by redesignating paragraph (2) as para-  
7 graph (3); and

8 (3) by inserting after paragraph (1) the fol-  
9 lowing new paragraph:

10 “(2) consider utilizing industry-recognized cer-  
11 tifications or licensing standards for civilian occupa-  
12 tional skills comparable to the specialties or codes so  
13 designated; and”.

14 **SEC. 544. STATE CONSIDERATION OF MILITARY TRAINING**  
15 **IN GRANTING CERTAIN STATE CERTIFI-**  
16 **CATIONS AND LICENSES AS A CONDITION ON**  
17 **THE RECEIPT OF FUNDS FOR VETERANS EM-**  
18 **PLOYMENT AND TRAINING.**

19 (a) IN GENERAL.—Section 4102A(c) of title 38,  
20 United States Code, is amended by adding at the end the  
21 following new paragraph:

22 “(9)(A) As a condition of a grant or contract under  
23 which funds are made available to a State in order to carry  
24 out section 4103A or 4104 of this title for any program  
25 year, the Secretary may require the State—

1           “(i) to demonstrate that when the State ap-  
2           proves or denies a certification or license described  
3           in subparagraph (B) for a veteran the State takes  
4           into consideration any training received or experi-  
5           ence gained by the veteran while serving on active  
6           duty in the Armed Forces; and

7           “(ii) to disclose to the Secretary in writing the  
8           following:

9                   “(I) Criteria applicants must satisfy to re-  
10                   ceive a certification or license described in sub-  
11                   paragraph (B) by the State.

12                   “(II) A description of the standard prac-  
13                   tices of the State for evaluating training re-  
14                   ceived by veterans while serving on active duty  
15                   in the Armed Forces and evaluating the docu-  
16                   mented work experience of such veterans during  
17                   such service for purposes of approving or deny-  
18                   ing a certification or license described in sub-  
19                   paragraph (B).

20                   “(III) Identification of areas in which  
21                   training and experience described in subclause  
22                   (II) fails to meet criteria described in subclause  
23                   (I).”

24           “(B) A certification or license described in this sub-  
25           paragraph is any of the following:

1           “(i) A license to be a nonemergency medical  
2 professional.

3           “(ii) A license to be an emergency medical pro-  
4 fessional.

5           “(iii) A commercial driver’s license.

6           “(C) The Secretary shall share the information the  
7 Secretary receives under subparagraph (A)(ii) with the  
8 Secretary of Defense to help the Secretary of Defense im-  
9 prove training for military occupational specialties so that  
10 individuals who receive such training are able to receive  
11 a certification or license described in subparagraph (B)  
12 from a State.

13          “(D) The Secretary shall publish on the Internet  
14 website of the Department available to the public—

15           “(i) any guidance the Secretary gives the Sec-  
16 retary of Defense with respect to carrying out this  
17 section; and

18           “(ii) any information the Secretary receives  
19 from a State pursuant to subparagraph (A).”.

20          (b) EFFECTIVE DATE.—The amendment made by  
21 subsection (a) shall apply with respect to a program year  
22 beginning on or after the date of the enactment of this  
23 Act.

1 **SEC. 545. DEPARTMENT OF DEFENSE REVIEW OF ACCESS**  
2 **TO MILITARY INSTALLATIONS BY REP-**  
3 **RESENTATIVES OF INSTITUTIONS OF HIGHER**  
4 **EDUCATION.**

5 (a) REVIEW REQUIRED.—The Secretary of Defense  
6 shall conduct a review to assess the extent of access that  
7 representatives of institutions of higher education have to  
8 military installations.

9 (b) ELEMENTS OF REVIEW.—The review required by  
10 subsection (a) shall include, at a minimum, an assessment  
11 of the following:

12 (1) The policies and procedures that govern the  
13 availability and the degree to which representatives  
14 of institutions of higher education obtain access to  
15 military installations for marketing and recruitment  
16 purposes to members of the Armed Forces and their  
17 families.

18 (2) The extent to which persons employed by  
19 institutions of higher education who have authorized  
20 access to military installations are engaged in the  
21 unauthorized or inappropriate marketing of products  
22 and services to members of the Armed Forces  
23 through such access.

24 (3) The policies and regulations that are in ef-  
25 fect to prevent inappropriate marketing of edu-  
26 cational products and services on military installa-

1 tions and the effectiveness or shortcomings, and the  
2 adequacy of the enforcement, of those policies and  
3 regulations.

4 (c) REPORT.—Not later than 270 days after the date  
5 of enactment of this Act, the Secretary of Defense shall  
6 submit to the Committees on Armed Services of the Sen-  
7 ate and the House of Representatives a report containing  
8 the results of the review required by subsection (a). The  
9 report shall include any recommendations for statutory or  
10 regulatory change that the Secretary considers appro-  
11 priate to enhance the protection of members of the Armed  
12 Forces from inappropriate marketing and recruitment on  
13 military installations by representatives of institutions of  
14 higher education.

15 **SEC. 546. REPORT ON DEPARTMENT OF DEFENSE EFFORTS**  
16 **TO STANDARDIZE EDUCATIONAL TRAN-**  
17 **SCRIPTS ISSUED TO SEPARATING MEMBERS**  
18 **OF THE ARMED FORCES.**

19 (a) REPORT REQUIRED.—Not later than 180 days  
20 after the date of the enactment of this Act, the Secretary  
21 of Defense shall submit to the Committees on Armed Serv-  
22 ices of the Senate and the House of Representatives a re-  
23 port on the efforts of the Department of Defense to stand-  
24 ardize the educational transcripts issued to members of

1 the Armed Forces on their separation from the Armed  
2 Forces.

3 (b) ELEMENTS.—The report required by subsection  
4 (a) shall include the following:

5 (1) A description of the similarities and dif-  
6 ferences between the educational transcripts issued  
7 to members separating from the each of the Armed  
8 Forces.

9 (2) A description of any assessments done by  
10 the Department, or in conjunction with educational  
11 institutions, to identify shortcomings in the tran-  
12 scripts issued to separating members in connection  
13 with their ability to qualify for civilian educational  
14 credits.

15 (3) A description of the implementation plan  
16 for the Joint Services Transcript, including a sched-  
17 ule and the elements of existing educational tran-  
18 scripts to be incorporated into the Joint Services  
19 Transcript.

20 **SEC. 547. COMPTROLLER GENERAL OF THE UNITED**  
21 **STATES REPORTS ON JOINT PROFESSIONAL**  
22 **MILITARY EDUCATION MATTERS.**

23 (a) REPORT ON REVIEW OF MILITARY EDUCATION  
24 COORDINATION COUNCIL REPORT.—

1           (1) REVIEW OF METHODOLOGY.—The Comp-  
2           troller General of the United States shall review the  
3           methodology used by the Military Education Coordi-  
4           nation Council in compiling the report on joint pro-  
5           fessional military education that is to be submitted  
6           to the Director of Joint Force Development by  
7           March 1, 2013, pursuant to the Joint Staff Memo-  
8           randum, Joint Staff Review, dated July 16, 2012.  
9           The review shall include an examination of the ana-  
10          lytical approach used by the Council for that report,  
11          including the types of information considered, the  
12          cost savings identified, the benefits of options con-  
13          sidered, the time frames for implementation, and  
14          transparency.

15          (2) REPORT.—Not later than 90 days after re-  
16          ceiving from the Director of Joint Force Develop-  
17          ment the report described in paragraph (1), the  
18          Comptroller General shall submit to the Committees  
19          on Armed Services of the Senate and the House of  
20          Representatives a report on the review under para-  
21          graph (1) of the report described in that paragraph.  
22          The report of the Comptroller General under this  
23          paragraph shall set forth the following:

24                  (A) The results of the review under para-  
25                  graph (1).

1 (B) Such recommendations as the Comp-  
2 troller General considers appropriate in light of  
3 the results of the review.

4 (b) REPORT ON JOINT PROFESSIONAL MILITARY  
5 EDUCATION RESEARCH INSTITUTIONS.—

6 (1) REPORT REQUIRED.—Not later than Janu-  
7 ary 31, 2014, the Comptroller General of the United  
8 States shall submit to the congressional defense  
9 committees a report setting forth the assessment by  
10 the Comptroller General of the work performed by  
11 joint professional military education research institu-  
12 tions in support of professional military education  
13 and the broader mission of the Department of De-  
14 fense, the military departments, and the Defense  
15 Agencies.

16 (2) ELEMENTS.—The report required by para-  
17 graph (1) shall include an assessment of the fol-  
18 lowing:

19 (A) The systems, mechanisms, and struc-  
20 tures within the senior and intermediate joint  
21 professional military education colleges and uni-  
22 versities for oversight, governance, and manage-  
23 ment of the joint professional military education  
24 research institutions, including systems, mecha-

1 nisms, and structures relating to the develop-  
2 ment of policies and budgets for research.

3 (B) The factors contributing to and the ex-  
4 tent of growth in the number and size of joint  
5 professional military education research institu-  
6 tions since 2000.

7 (C) The causes and extent of cost growth  
8 at joint professional military education research  
9 institutions since 2000.

10 (D) The focus of research activity con-  
11 ducted by the joint professional military edu-  
12 cation research institutions, and the extent to  
13 which each joint professional military education  
14 research institution performs a unique research  
15 function or engages in similar or duplicative ef-  
16 forts with other components or elements of the  
17 Department of Defense.

18 (E) The measures of effectiveness used by  
19 the joint professional military education re-  
20 search institutions, the senior and intermediate  
21 joint professional military education colleges  
22 and universities, and other oversight entities to  
23 evaluate the performance of the joint profes-  
24 sional military education research institutions  
25 in meeting established goals or objectives.

1 (3) DEFINITIONS.—In this subsection:

2 (A) The term “joint professional military  
3 education research institutions” means subordi-  
4 nate organizations (including centers, institutes,  
5 and schools) under the senior and intermediate  
6 joint professional military education colleges  
7 and universities for which research is the pri-  
8 mary mission or reason for existence.

9 (B) The term “senior and intermediate  
10 joint professional military education colleges  
11 and universities” means the following:

12 (i) The National Defense University.

13 (ii) The Army War College.

14 (iii) The Navy War College.

15 (iv) The Air University.

16 (v) The Air War College.

17 (vi) The Marine Corp University.

18 **Subtitle F—Reserve Officers’ Train-**  
19 **ing Corps and Related Matters**

20 **SEC. 551. REPEAL OF REQUIREMENT FOR ELIGIBILITY FOR**  
21 **IN-STATE TUITION OF AT LEAST 50 PERCENT**  
22 **OF PARTICIPANTS IN SENIOR RESERVE OFFI-**  
23 **CERS’ TRAINING CORPS PROGRAM.**

24 Section 2107(c)(1) of title 10, United States Code,  
25 is amended by striking the third sentence.

1 **SEC. 552. CONSOLIDATION OF MILITARY DEPARTMENT AU-**  
2 **THORITY TO ISSUE ARMS, TENTAGE, AND**  
3 **EQUIPMENT TO EDUCATIONAL INSTITUTIONS**  
4 **NOT MAINTAINING UNITS OF JUNIOR RE-**  
5 **SERVE OFFICERS' TRAINING CORPS.**

6 (a) CONSOLIDATION.—Chapter 102 of title 10,  
7 United States Code, is amended by adding at the end the  
8 following new section:

9 **“§ 2034. Educational institutions not maintaining**  
10 **units of Junior Reserve Officers' Training**  
11 **Corps: issuance of arms, tentage, and**  
12 **equipment**

13 “The Secretary of a military department may issue  
14 arms, tentage, and equipment to an educational institution  
15 at which no unit of the Junior Reserve Officers' Training  
16 Corps is maintained if the educational institution—

17 “(1) offers a course in military training pre-  
18 scribed by that Secretary; and

19 “(2) has a student body of at least 50 students  
20 who are in a grade above the eighth grade.”.

21 (b) REPEAL OF SEPARATE AUTHORITIES.—Sections  
22 4651, 7911, and 9651 of such title are repealed.

23 (c) CLERICAL AMENDMENTS.—

24 (1) CONSOLIDATED AUTHORITY.—The table of  
25 sections at the beginning of chapter 102 of such title

1 is amended by adding at the end the following new  
2 item:

“2034. Educational institutions not maintaining units of Junior Reserve Officers’ Training Corps: issuance of arms, tentage, and equipment.”.

3 (2) ARMY AUTHORITY.—The table of sections  
4 at the beginning of chapter 441 of such title is  
5 amended by striking the item relating to section  
6 4651.

7 (3) NAVY AUTHORITY.—The table of sections at  
8 the beginning of chapter 667 of such title is amend-  
9 ed by striking the item relating to section 7911.

10 (4) AIR FORCE AUTHORITY.—The table of sec-  
11 tions at the beginning of chapter 941 of such title  
12 is amended by striking the item relating to section  
13 9651.

14 **SEC. 553. MODIFICATION OF REQUIREMENTS ON PLAN TO**  
15 **INCREASE THE NUMBER OF UNITS OF THE**  
16 **JUNIOR RESERVE OFFICERS’ TRAINING**  
17 **CORPS.**

18 (a) NUMBER OF UNITS COVERED BY PLAN.—Sub-  
19 section (a) of section 548 of the Duncan Hunter National  
20 Defense Authorization Act for Fiscal Year 2009 (Public  
21 Law 110–417; 122 Stat. 4466) is amended by striking  
22 “not less than 3,700 units” and inserting “not less than  
23 3,000, and not more than 3,700, units”.

1 (b) ADDITIONAL EXCEPTION.—Subsection (b) of  
2 such section is amended—

3 (1) in paragraph (1), by striking “or” at the  
4 end;

5 (2) in paragraph (2), by striking the period at  
6 the end and inserting “; or”; and

7 (3) by adding at the end the following new  
8 paragraph:

9 “(3) if the Secretaries of the military depart-  
10 ments determine that the level of support of all  
11 kinds (including appropriated funds) provided to  
12 youth development programs within the Armed  
13 Forces is consistent with funding limitations and the  
14 achievement of the objectives of such programs.”.

15 (c) SUBMITTAL OF REVISED PLAN AND IMPLEMEN-  
16 TATION REPORTS.—Subsection (e) of such section is  
17 amended to read as follows:

18 “(e) TIME FOR SUBMISSION.—Not later than March  
19 31, 2013, the Secretary of Defense shall submit to the  
20 congressional defense committees a revised plan under  
21 subsection (a) to reflect amendments made to subsections  
22 (a) and (b) during fiscal year 2013 and a new report  
23 under subsection (d) to address the revised plan. The Sec-  
24 retary shall submit an updated report not later than  
25 March 31 of each of 2015, 2018, and 2020.”.

1 **SEC. 554. COMPTROLLER GENERAL REPORT ON RESERVE**  
2 **OFFICERS' TRAINING CORPS PROGRAMS.**

3 (a) REPORT REQUIRED.—Not later than 270 days  
4 after the date of the enactment of this Act, the Comp-  
5 troller General of the United States shall submit to the  
6 congressional defense committees a report setting forth  
7 the assessment of the Comptroller General regarding the  
8 following:

9 (1) Whether the Reserve Officers' Training  
10 Corps (ROTC) programs of the military depart-  
11 ments are effectively meeting, and structured to  
12 meet, current and projected requirements for newly  
13 commissioned officers in the Armed Forces.

14 (2) The cost-effectiveness and unit productivity  
15 of the current Reserve Officers' Training Corps pro-  
16 grams.

17 (3) The adequacy of current oversight and cri-  
18 teria for the establishment and disestablishment of  
19 units of the Reserve Officers' Training Corps.

20 (b) ELEMENTS.—The report required by subsection  
21 (a) shall include, at a minimum, the following:

22 (1) A list of the units of the Reserve Officers'  
23 Training Corps by Armed Force, and by college or  
24 university, and the number of cadets and mid-  
25 shipman currently enrolled by class or year group.

1           (2) The number of officers commissioned in  
2           2012 from the Reserve Officers' Training Corps pro-  
3           grams, and the number projected to be commis-  
4           sioned over the period of the current future-years  
5           defense program under section 221 of title 10,  
6           United States Code, from each unit listed under  
7           paragraph (1).

8           (3) An assessment of the requirements of each  
9           Armed Force for newly commissioned officers in  
10          2012 and the strategic planning regarding such re-  
11          quirements over the period of the current future-  
12          years defense program.

13          (4) The number of military and civilian per-  
14          sonnel of the Department of Defense assigned to  
15          lead and manage units of the Reserve Officers'  
16          Training Corps, and the grades of the military per-  
17          sonnel so assigned.

18          (5) An assessment of Department of Defense-  
19          wide and Armed-Force specific standards regarding  
20          the productivity of units of the Reserve Officers'  
21          Training Corps, and an assessment of compliance  
22          with such standards.

23          (6) An assessment of the projected use by the  
24          Armed Forces of the procedures available to the  
25          Armed Forces to respond to overages in the number

1 of cadets and midshipmen in the Reserve Officers'  
2 Training Corps programs.

3 (7) A description of the plans of the Armed  
4 Forces to retain or disestablish units of the Reserve  
5 Officers' Training Corps that do not meet produc-  
6 tivity standards.

7 **Subtitle G—Defense Dependents'**  
8 **Education and Military Family**  
9 **Readiness**

10 **SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**  
11 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**  
12 **PENDENTS OF MEMBERS OF THE ARMED**  
13 **FORCES AND DEPARTMENT OF DEFENSE CI-**  
14 **VILIAN EMPLOYEES.**

15 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT  
16 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the  
17 amount authorized to be appropriated for fiscal year 2013  
18 by section 301 and available for operation and mainte-  
19 nance for Defense-wide activities as specified in the fund-  
20 ing table in section 4301, \$25,000,000 shall be available  
21 only for the purpose of providing assistance to local edu-  
22 cational agencies under subsection (a) of section 572 of  
23 the National Defense Authorization Act for Fiscal Year  
24 2006 (Public Law 109–163; 20 U.S.C. 7703b).

1 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT  
2 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE  
3 CHANGES, OR FORCE RELOCATIONS.—

4 (1) EXTENSION OF AUTHORITY TO PROVIDE AS-  
5 SISTANCE.—Section 572(b)(4) of the National De-  
6 fense Authorization Act for Fiscal Year 2006 (20  
7 U.S.C. 7703b(b)(4)) is amended by striking “Sep-  
8 tember 30, 2012” and inserting “September 30,  
9 2014”.

10 (2) AMOUNT OF ASSISTANCE AUTHORIZED.—Of  
11 the amount authorized to be appropriated for fiscal  
12 year 2013 by section 301 and available for operation  
13 and maintenance for Defense-wide activities as spec-  
14 ified in the funding table in section 4301,  
15 \$5,000,000 shall be available only for the purpose of  
16 providing assistance to local educational agencies  
17 under subsection (b) of section 572 of the National  
18 Defense Authorization Act for Fiscal Year 2006 (20  
19 U.S.C. 7703b).

20 (c) REPEAL OF OBSOLETE FUNDING REFERENCE.—  
21 Section 572 of the National Defense Authorization Act for  
22 Fiscal Year 2006 (20 U.S.C. 7703b) is amended—

23 (1) by striking subsection (e); and

24 (2) by redesignating subsection (f) as sub-  
25 section (e).

1 (d) LOCAL EDUCATIONAL AGENCY DEFINED.—In  
2 this section, the term “local educational agency” has the  
3 meaning given that term in section 8013(9) of the Ele-  
4 mentary and Secondary Education Act of 1965 (20 U.S.C.  
5 7713(9)).

6 **SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
7 **ABILITIES.**

8 Of the amount authorized to be appropriated for fis-  
9 cal year 2013 pursuant to section 301 and available for  
10 operation and maintenance for Defense-wide activities as  
11 specified in the funding table in section 4301, \$5,000,000  
12 shall be available for payments under section 363 of the  
13 Floyd D. Spence National Defense Authorization Act for  
14 Fiscal Year 2001 (as enacted into law by Public Law 106–  
15 398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

16 **SEC. 563. AMENDMENTS TO THE IMPACT AID PROGRAM.**

17 (a) SHORT TITLE.—This section may be cited as the  
18 “Impact Aid Improvement Act of 2012”.

19 (b) AMENDMENTS TO THE IMPACT AID PROGRAM.—  
20 Title VIII of the Elementary and Secondary Education  
21 Act of 1965 (20 U.S.C. 7701 et seq.) is amended—

22 (1) in section 8002 (20 U.S.C. 7702)—

23 (A) in subsection (a)—

24 (i) by striking “for a fiscal year end-  
25 ing prior to October 1, 2003”; and

1 (ii) by inserting “or (h)” after “sub-  
2 section (b)”;

3 (B) in subsection (b)—

4 (i) in paragraph (2), by striking “ag-  
5 gregate assessed” and inserting “estimated  
6 taxable”; and

7 (ii) by striking paragraph (3) and in-  
8 serting the following:

9 “(3) DETERMINATION OF TAXABLE VALUE FOR  
10 ELIGIBLE FEDERAL PROPERTY.—

11 “(A) IN GENERAL.—In determining the es-  
12 timated taxable value of such acquired Federal  
13 property for fiscal year 2010 and each suc-  
14 ceeding fiscal year, the Secretary shall—

15 “(i) first determine the total taxable  
16 value for the purpose of levying property  
17 tax for school purposes for current expend-  
18 itures of real property located within the  
19 boundaries of such local educational agen-  
20 cy;

21 “(ii) then determine the per acre  
22 value of the eligible Federal property by di-  
23 viding the total taxable value as deter-  
24 mined in clause (i) by the difference be-  
25 tween the total acres located within the

1 boundaries of the local educational agency  
2 and the number of Federal acres eligible  
3 under this section; and

4 “(iii) then determine the total taxable  
5 value of the eligible Federal property by  
6 multiplying the per acre value as calculated  
7 under clause (ii) by the number of Federal  
8 acres eligible under this section.

9 “(B) SPECIAL RULE.—In the case of Fed-  
10 eral property eligible under this section that is  
11 within the boundaries of 2 or more local edu-  
12 cational agencies, such a local educational agen-  
13 cy may ask the Secretary to calculate the per  
14 acre value of each such local educational agency  
15 as provided under subparagraph (A) and apply  
16 the average of these per acre values to the acres  
17 of the Federal property in such agency.”; and

18 (C) in subsection (h)—

19 (i) in paragraph (1)—

20 (I) in the paragraph heading, by  
21 striking “FOR PRE-1995 RECIPIENTS ”  
22 and inserting “FOR PRE-2010 RECIPI-  
23 ENTS”; and

1 (II) by striking subparagraphs  
2 (A) and (B) and inserting the fol-  
3 lowing:

4 “(A) IN GENERAL.—The Secretary shall  
5 first make a foundation payment to each local  
6 educational agency that is determined by the  
7 Secretary to be eligible to receive a payment  
8 under this section for the fiscal year involved  
9 and that filed a timely application, and met, or  
10 has been determined by statute to meet, the eli-  
11 gibility requirements of subsection (a) for fiscal  
12 year 2009.

13 “(B) AMOUNT.—

14 “(i) IN GENERAL.—The amount of a  
15 payment under subparagraph (A) for a  
16 local educational agency shall be equal to  
17 the greater of 90 percent of the payment  
18 the local educational agency received from  
19 dollars appropriated for fiscal year 2009 or  
20 90 percent of the average payment that  
21 the local educational agency received from  
22 dollars appropriated for fiscal years 2006,  
23 2007, 2008, and 2009, and shall be cal-  
24 culated without regard to the maximum  
25 payment provisions in subsection (b)(1)(C).

1                   “(ii) EXCEPTION.—In calculating  
2                   such average payment for a local edu-  
3                   cational agency that did not receive a pay-  
4                   ment under subsection (b) for 1 or more of  
5                   the fiscal years between fiscal year 2006  
6                   and 2009, inclusive, the lowest such pay-  
7                   ment made to the agency for fiscal year  
8                   2006, 2007, 2008, or 2009, shall be treat-  
9                   ed as the payment that the agency received  
10                  under subsection (b) for each fiscal year  
11                  for which the agency did not receive such  
12                  a payment.”; and

13                  (ii) by striking paragraphs (2)  
14                  through (4) and inserting the following:

15                  “(2) FOUNDATION PAYMENTS FOR NEW APPLI-  
16                  CANTS.—

17                  “(A) FIRST YEAR.—From any amounts re-  
18                  maining after making payments under para-  
19                  graph (1) and subsection (i)(1) for the fiscal  
20                  year involved, the Secretary shall make a pay-  
21                  ment, in an amount determined in accordance  
22                  with subparagraph (C), to each local edu-  
23                  cational agency that the Secretary determines  
24                  eligible for a payment under this section for a  
25                  fiscal year after fiscal year 2009 and that did

1 not receive a payment under paragraph (1) for  
2 the fiscal year for which such agency was deter-  
3 mined eligible for such payment.

4 “(B) SECOND AND SUCCEEDING YEARS.—  
5 For any succeeding fiscal year after the first  
6 fiscal year that a local educational agency re-  
7 ceives a foundation payment under subpara-  
8 graph (A), the amount of the local educational  
9 agency’s foundation payment under this para-  
10 graph for such succeeding fiscal year shall be  
11 equal to the local educational agency’s founda-  
12 tion payment under this paragraph for the first  
13 fiscal year.

14 “(C) AMOUNTS.—The amount of a pay-  
15 ment under subparagraph (A) for a local edu-  
16 cational agency shall be determined as follows:

17 “(i) Calculate the local educational  
18 agency’s maximum payment under sub-  
19 section (b).

20 “(ii) Calculate the percentage that the  
21 amount appropriated under section  
22 8014(a) for the most recent fiscal year for  
23 which the Secretary has completed making  
24 payments under this section is of the total  
25 maximum payments for such fiscal year for

1 all local educational agencies eligible for a  
2 payment under subsection (b) and multiply  
3 the agency's maximum payment by such  
4 percentage.

5 “(iii) Multiply the amount determined  
6 under clause (ii) by 90 percent.

7 “(D) INSUFFICIENT FUNDS.—If the  
8 amount appropriated under section 8014(a) of  
9 this title is insufficient to pay the full amount  
10 determined under this paragraph for all eligible  
11 local educational agencies for the fiscal year,  
12 then the Secretary shall ratably reduce the pay-  
13 ment to each local educational agency under  
14 this paragraph.

15 “(3) REMAINING FUNDS.—From any funds re-  
16 maining after making payments under paragraphs  
17 (1) and (2) for the fiscal year involved, the Sec-  
18 retary shall make a payment to each local edu-  
19 cational agency that received a foundation payment  
20 under paragraph (1) or (2) or subsection (i)(1), for  
21 the fiscal year involved in an amount that bears the  
22 same relation to the remainder as a percentage  
23 share determined for the local educational agency  
24 (by dividing the maximum amount that the agency  
25 is eligible to receive under subsection (b) by the total

1 of the maximum amounts for all such agencies)  
2 bears to the percentage share determined (in the  
3 same manner) for all local educational agencies eligi-  
4 ble to receive a payment under this section for the  
5 fiscal year involved, except that, for the purpose of  
6 calculating a local educational agency's maximum  
7 amount under subsection (b), data from the most  
8 current fiscal year shall be used.

9 “(4) DATA.—For each local educational agency  
10 that received a payment under this section for fiscal  
11 year 2010 through the fiscal year in which the Im-  
12 pact Aid Improvement Act of 2012 is enacted, the  
13 Secretary shall not make a payment under para-  
14 graph (3) to a local educational agency that fails to  
15 submit, within 60 days of the date the Secretary no-  
16 tifies the agency that the information is needed, the  
17 data necessary to calculate the maximum amount of  
18 a payment under subsection (b) for that local edu-  
19 cational agency.”;

20 (2) by striking section 8003(a)(4) (20 U.S.C.  
21 7703(a)(4)) and inserting the following:

22 “(4) MILITARY INSTALLATION AND INDIAN  
23 HOUSING UNDERGOING RENOVATION OR REBUILD-  
24 ING.—

1           “(A) MILITARY INSTALLATION HOUSING.—  
2           Beginning in fiscal year 2014, in determining  
3           the amount of a payment for a local educational  
4           agency for children described in paragraph  
5           (1)(D)(i), the Secretary shall consider those  
6           children as if they were children described in  
7           paragraph (1)(B) if the Secretary determines,  
8           on the basis of a certification provided to the  
9           Secretary by a designated representative of the  
10          Secretary of Defense, that those children would  
11          have resided in housing on Federal property if  
12          the housing was not undergoing renovation or  
13          rebuilding. The total number of children treated  
14          as children described in paragraph (1)(B) shall  
15          not exceed the lesser of—

16                 “(i) the total number of children eligi-  
17                 ble under paragraph (1)(B) for the year  
18                 prior to the initiation of the housing  
19                 project on Federal property undergoing  
20                 renovation or rebuilding; or

21                 “(ii) the total number of Federally  
22                 connected children enrolled at the local  
23                 educational agency as stated in the appli-  
24                 cation filed for the payment for the year  
25                 for which the determination is made.

1           “(B) INDIAN LANDS.—Beginning in fiscal  
2           year 2014, in determining the amount of a pay-  
3           ment for a local educational agency that re-  
4           ceived a payment for children that resided on  
5           Indian lands in accordance with paragraph  
6           (1)(C) for the fiscal year prior to the fiscal year  
7           for which the local educational agency is mak-  
8           ing an application, the Secretary shall consider  
9           those children to be children described in para-  
10          graph (1)(C) if the Secretary determines on the  
11          basis of a certification provided to the Secretary  
12          by a designated representative of the Secretary  
13          of the Interior or the Secretary of Housing and  
14          Urban Development that those children would  
15          have resided in housing on Indian lands if the  
16          housing was not undergoing renovation or re-  
17          building. The total number of children treated  
18          as children described in paragraph (1)(C) shall  
19          not exceed the lessor of—

20                   “(i) the total number of children eligi-  
21                   ble under paragraph (1)(C) for the year  
22                   prior to the initiation of the housing  
23                   project on Indian lands undergoing renova-  
24                   tion or rebuilding; or

1           “(ii) the total number of Federally  
2           connected children enrolled at the local  
3           educational agency as stated in the appli-  
4           cation filed for the payment for the year  
5           for which the determination is made.

6           “(C) ELIGIBLE HOUSING.—Renovation or  
7           rebuilding shall be defined as projects consid-  
8           ered as capitalization, modernization, or res-  
9           toration, as defined by the Secretary of Defense  
10          or the Secretary of the Interior (as the case  
11          may be) and are projects that last more than  
12          30 days, but do not include ‘sustainment  
13          projects’ such as painting, carpeting, or minor  
14          repairs.”; and

15          (3) in section 8010 (20 U.S.C. 7710)—

16                 (A) in subsection (c)(1), by striking “para-  
17                 graph (3) of this subsection” both places the  
18                 term appears and inserting “paragraph (2)”;  
19                 and

20                 (B) by adding at the end the following:

21          “(d) TIMELY PAYMENTS.—

22                 “(1) IN GENERAL.—Subject to paragraph (2),  
23                 the Secretary shall pay a local educational agency  
24                 the full amount that the agency is eligible to receive  
25                 under this title for a fiscal year not later than Sep-

1       tember 30 of the second fiscal year following the fis-  
2       cal year for which such amount has been appro-  
3       priated if, not later than 1 calendar year following  
4       the fiscal year in which such amount has been ap-  
5       propriated, such local educational agency submits to  
6       the Secretary all the data and information necessary  
7       for the Secretary to pay the full amount that the  
8       agency is eligible to receive under this title for such  
9       fiscal year.

10           “(2) PAYMENTS WITH RESPECT OF FISCAL  
11       YEARS IN WHICH INSUFFICIENT FUNDS ARE APPRO-  
12       PRIATED.—For a fiscal year in which the amount  
13       appropriated under section 8014 is insufficient to  
14       pay the full amount a local educational agency is eli-  
15       gible to receive under this title, paragraph (1) shall  
16       be applied by substituting ‘is available to pay the  
17       agency’ for ‘the agency is eligible to receive’ each  
18       place the term appears.”.

19       (c) EFFECTIVE DATE, IMPLEMENTATION, AND RE-  
20       PEAL.—

21           (1) IN GENERAL.—The amendments made by  
22       subsection (b) shall be effective for a 2-year period  
23       beginning on the date of enactment of this Act.

24           (2) EFFECTIVE DATE.—Notwithstanding sec-  
25       tion 8005(d) of the Elementary and Secondary Edu-

1 cation Act of 1965 (20 U.S.C. 7705(d)), subsection  
2 (b)(1), and the amendments made by subsection  
3 (b)(1), shall take effect with respect to applications  
4 submitted under section 8002 of the Elementary and  
5 Secondary Education Act of 1965 (20 U.S.C. 7702)  
6 for fiscal year 2010.

7 (3) IMPLEMENTATION.—The Secretary of Edu-  
8 cation shall carry out the amendments made by this  
9 section without regard to the rulemaking procedures  
10 under section 553 of title 5, United States Code.

11 (4) REPEAL.—The amendments made by sub-  
12 section (b) shall be repealed on the day after the 2-  
13 year period described in paragraph (1) and title VIII  
14 of the Elementary and Secondary Education Act of  
15 1965 (20 U.S.C. 7701 et seq.) shall be applied as  
16 if such subsection and the amendments made by  
17 such subsection had never been enacted.

18 **SEC. 564. TRANSITIONAL COMPENSATION FOR DEPENDENT**  
19 **CHILDREN WHO ARE CARRIED DURING**  
20 **PREGNANCY AT TIME OF DEPENDENT-ABUSE**  
21 **OFFENSE COMMITTED BY AN INDIVIDUAL**  
22 **WHILE A MEMBER OF THE ARMED FORCES.**

23 (a) IN GENERAL.—Section 1059 of title 10, United  
24 States Code, is amended—

1           (1) in subsection (f), by adding at the end the  
2 following new paragraph:

3           “(4) Payment to a child under this section shall not  
4 cover any period before the birth of the child.”; and

5           (2) in subsection (l), by striking “at the time of  
6 the dependent-abuse offense resulting in the separa-  
7 tion of the former member” in the matter preceding  
8 paragraph (1) and inserting “or eligible spouse at  
9 the time of the dependent-abuse offense resulting in  
10 the separation of the former member or who was  
11 carried during pregnancy at the time of the depend-  
12 ent-abuse offense resulting in the separation of the  
13 former member and was subsequently born alive to  
14 the eligible spouse or former spouse”.

15           (b) PROSPECTIVE APPLICABILITY.—No benefits shall  
16 accrue by reason of the amendments made by this section  
17 for any month that begins before the date of the enact-  
18 ment of this Act.

19 **SEC. 565. MODIFICATION OF AUTHORITY TO ALLOW DE-**  
20 **PARTMENT OF DEFENSE DOMESTIC DEPEND-**  
21 **ENT ELEMENTARY AND SECONDARY**  
22 **SCHOOLS TO ENROLL CERTAIN STUDENTS.**

23           Section 2164 of title 10, United States Code, is  
24 amended by adding at the end the following new sub-  
25 sections:

1           “(k) ENROLLMENT OF RELOCATED DEFENSE DE-  
2 PENDENTS’ EDUCATION SYSTEM STUDENTS.—(1) The  
3 Secretary of Defense may authorize the enrollment in a  
4 Department of Defense education program provided by  
5 the Secretary pursuant to subsection (a) of a dependent  
6 of a member of the armed forces or a dependent of a Fed-  
7 eral employee who is enrolled in the defense dependents’  
8 education system established under section 1402 of the  
9 Defense Dependents’ Education Act of 1978 (20 U.S.C.  
10 921) if—

11           “(A) the dependents departed the overseas loca-  
12 tion as a result of a evacuation order;

13           “(B) the designated safe haven of the depend-  
14 ent is located within reasonable commuting distance  
15 of a school operated by the Department of Defense  
16 education program; and

17           “(C) the school possesses the capacity and re-  
18 sources necessary to enable the student to attend the  
19 school.

20           “(2) Unless waived by the Secretary of Defense, a  
21 dependent described in paragraph (1) who is enrolled in  
22 a school operated by the Department of Defense education  
23 program pursuant to such paragraph may attend the  
24 school only through the end of the school year.

1           “(1) ENROLLMENT IN VIRTUAL ELEMENTARY AND  
2 SECONDARY EDUCATION PROGRAM.—(1) Under regula-  
3 tions prescribed by the Secretary of Defense, the Secretary  
4 may authorize the enrollment in the virtual elementary  
5 and secondary education program established as a compo-  
6 nent of the Department of Defense education program of  
7 a dependent of a member of the armed forces on active  
8 duty who—

9           “(A) is enrolled in an elementary or secondary  
10 school operated by a local educational agency or an-  
11 other accredited educational program in the United  
12 States (other than a school operated by the Depart-  
13 ment of Defense education program); and

14           “(B) immediately before such enrollment, was  
15 enrolled in the defense dependents’ education system  
16 established under section 1402 of the Defense De-  
17 pendents’ Education Act of 1978 (20 U.S.C. 921).

18           “(2) Enrollment of a dependent described in para-  
19 graph (1) pursuant to such paragraph shall be on a tuition  
20 basis.”.

21 **SEC. 566. NONCOMPETITIVE APPOINTMENT AUTHORITY**  
22 **REGARDING CERTAIN MILITARY SPOUSES.**

23           (a) IN GENERAL.—Subchapter I of chapter 33 of title  
24 5, United States Code, is amended by adding at the end  
25 the following new section:

1 **“§ 3330d. Appointment of certain military spouses**

2 “(a) DEFINITIONS.—In this section:

3 “(1) The term ‘active duty’—

4 “(A) has the meaning given that term in  
5 section 101(d)(1) of title 10;

6 “(B) includes full-time National Guard  
7 duty (as defined in section 101(d)(5) of title  
8 10); and

9 “(C) for a member of a reserve component  
10 (as described in section 10101 of title 10), does  
11 not include training duties or attendance at a  
12 service school.

13 “(2) The term ‘agency’—

14 “(A) has the meaning given the term ‘Ex-  
15 ecutive agency’ in section 105 of this title; and

16 “(B) does not include the Government Ac-  
17 countability Office.

18 “(3) The term ‘geographic area of the perma-  
19 nent duty station’ means the area from which indi-  
20 viduals reasonably can be expected to travel daily to  
21 and from work at the location of a member’s perma-  
22 nent duty station.

23 “(4) The term ‘permanent change of station’  
24 means the assignment, detail, or transfer of a mem-  
25 ber of the Armed Forces who is on active duty and

1 serving at a permanent duty station under a com-  
2 petent authorization or order that does not—

3 “(A) specify the duty as temporary;

4 “(B) provide for assignment, detail, or  
5 transfer, after that different permanent duty  
6 station, to a further different permanent duty  
7 station; or

8 “(C) direct return to the initial permanent  
9 duty station.

10 “(5) The term ‘relocating spouse of a member  
11 of the Armed Forces’ means an individual who—

12 “(A) is married to a member of the Armed  
13 Forces (on or prior to a permanent change of  
14 station of the member) who is ordered to active  
15 duty for a period of more than 180 consecutive  
16 days;

17 “(B) relocates to the member’s permanent  
18 duty station; and

19 “(C) before relocating as described in sub-  
20 paragraph (B), resided outside the geographic  
21 area of the permanent duty station.

22 “(6) The term ‘spouse of a disabled or deceased  
23 member of the Armed Forces’ means an individual—

24 “(A) who is married to a member of the  
25 Armed Forces who—

1                   “(i) is retired, released, or discharged  
2                   from the Armed Forces; and

3                   “(ii) on the date on which the member  
4                   retires, is released, or is discharged, has a  
5                   disability rating of 100 percent under the  
6                   standard schedule of rating disabilities in  
7                   use by the Department of Veterans Af-  
8                   fairs; or

9                   “(B) who—

10                   “(i) was married to a member of the  
11                   Armed Forces on the date on which the  
12                   member dies while on active duty in the  
13                   Armed Forces; and

14                   “(ii) has not remarried.

15                   “(b) APPOINTMENT AUTHORITY.—The head of an  
16 agency may appoint noncompetitively—

17                   “(1) a relocating spouse of a member of the  
18                   Armed Forces; or

19                   “(2) a spouse of a disabled or deceased member  
20                   of the Armed Forces.

21                   “(c) SPECIAL RULES REGARDING RELOCATING  
22 SPOUSE.—

23                   “(1) IN GENERAL.—An appointment of a relo-  
24                   cating spouse of a member of the Armed Forces  
25                   under this section may only be to a position the duty

1 station for which is within the geographic area of  
2 the permanent duty station of the member of the  
3 Armed Forces, unless there is no agency with a posi-  
4 tion with a duty station within the geographic area  
5 of the permanent duty station of the member of the  
6 Armed Forces.

7 “(2) SINGLE PERMANENT APPOINTMENT PER  
8 DUTY STATION.—A relocating spouse of a member  
9 of the Armed Forces may not receive more than 1  
10 permanent appointment under this section for each  
11 time the spouse relocates as described in subpara-  
12 graphs (B) and (C) of subsection (a)(5).

13 “(d) SPECIAL RULES REGARDING SPOUSE OF A DIS-  
14 ABLED OR DECEASED MEMBER OF THE ARMED  
15 FORCES.—

16 “(1) IN GENERAL.—An appointment of an eligi-  
17 ble spouse as described in subparagraph (A) or (B)  
18 of subsection (a)(6) is not restricted to a geo-  
19 graphical area.

20 “(2) SINGLE PERMANENT APPOINTMENT.—A  
21 spouse of a disabled or deceased member of the  
22 Armed Forces may not receive more than 1 perma-  
23 nent appointment under this section.”.

24 (b) REGULATIONS.—Not later than 180 after the  
25 date of the enactment of this Act, the Director of the Of-

1 fice of Personnel Management shall amend section  
2 315.612 of title 5, Code of Federal Regulations (relating  
3 to noncompetitive appointment of certain military  
4 spouses), in accordance with the amendment made by sub-  
5 section (a) and promulgate or amend any other regula-  
6 tions necessary to carry out the amendment made by sub-  
7 section (a).

8 (c) CLERICAL AMENDMENT.—The table of sections  
9 for chapter 33 of title 5, United States Code, is amended  
10 by inserting after the item relating to section 3330c the  
11 following new item:

“3330d. Appointment of certain military spouses.”.

12 **SEC. 567. REPORT ON FUTURE OF FAMILY SUPPORT PRO-**  
13 **GRAMS OF THE DEPARTMENT OF DEFENSE.**

14 (a) REPORT REQUIRED.—Not later than 180 days  
15 after the date of the enactment of this Act, the Secretary  
16 of Defense shall submit to the congressional defense com-  
17 mittees a report on the anticipated future of the family  
18 support programs of the Department of Defense during  
19 the five-year period beginning on the date of the submittal  
20 of the report as end strengths for the Armed Forces are  
21 reduced and the Armed Forces are drawn down from com-  
22 bat operations in Afghanistan.

23 (b) ELEMENTS.—The report required by subsection  
24 (a) shall include the following:

1           (1) A description of the current family support  
2 programs of each of the Armed Forces and the De-  
3 partment of Defense, including the name, scope and  
4 intended purpose of each program.

5           (2) An assessment of the current costs of the  
6 family support programs covered by paragraph (1),  
7 and an estimate of the costs of anticipated family  
8 support programs of the Armed Forces and Depart-  
9 ment over the period covered by the report.

10          (3) An assessment of the costs and other con-  
11 sequences associated with the elimination or reduc-  
12 tion of any current family support programs covered  
13 by paragraph (1) over the period covered by the re-  
14 port.

15          (4) An assessment of the family support pro-  
16 grams of each of the Armed Forces covered by para-  
17 graph (1), including any planned or anticipated  
18 changes to the programs over the period covered by  
19 the report.

20 **SEC. 568. SENSE OF CONGRESS REGARDING SUPPORT FOR**  
21 **YELLOW RIBBON DAY.**

22 Congress supports the goals and ideals of Yellow Rib-  
23 bon Day in honor of members of the Armed Forces and  
24 other individuals of the United States who are serving  
25 overseas apart from their families and loved ones.

1 **Subtitle H—Improved Sexual As-**  
2 **sault Prevention and Response**  
3 **in the Armed Forces**

4 **SEC. 570. ARMED FORCES WORKPLACE AND GENDER RELA-**  
5 **TIONS SURVEYS.**

6 (a) **ADDITIONAL CONTENT OF SURVEYS.**—Sub-  
7 section (c) of section 481 of title 10, United States Code,  
8 is amended—

9 (1) by striking “harassment and discrimina-  
10 tion” and inserting “harassment, assault, and dis-  
11 crimination”;

12 (2) by redesignating paragraphs (2) and (3) as  
13 paragraphs (3) and (4); respectively;

14 (3) by inserting after paragraph (1) the fol-  
15 lowing new paragraph (2):

16 “(2) The specific types of assault that have oc-  
17 curred, and the number of times each respondent  
18 has been assaulted during the preceding year.”;

19 (4) in paragraph (4), as so redesignated, by  
20 striking “discrimination” and inserting “discrimina-  
21 tion, harassment, and assault”; and

22 (5) by adding at the end the following new  
23 paragraph:

1           “(5) Any other issues relating to discrimination,  
2 harassment, or assault as the Secretary of Defense  
3 considers appropriate.”.

4           (b) TIME FOR CONDUCTING OF SURVEYS.—Such sec-  
5 tion is further amended—

6           (1) in subsection (a)(1), by striking “four quad-  
7 rennial surveys (each in a separate year)” and in-  
8 serting “four surveys”; and

9           (2) by striking subsection (d) and inserting the  
10 following new subsection:

11          “(d) WHEN SURVEYS REQUIRED.—(1) One of the  
12 two Armed Forces Workplace and Gender Relations Sur-  
13 veys shall be conducted in 2014 and then every second  
14 year thereafter and the other Armed Forces Workplace  
15 and Gender Relations Survey shall be conducted in 2015  
16 and then every second year thereafter, so that one of the  
17 two surveys is being conducted each year.

18          “(2) The two Armed Forces Workplace and Equal  
19 Opportunity Surveys shall be conducted at least once every  
20 four years. The two surveys may not be conducted in the  
21 same year.”.

1 **SEC. 571. AUTHORITY TO RETAIN OR RECALL TO ACTIVE**  
2 **DUTY RESERVE COMPONENT MEMBERS WHO**  
3 **ARE VICTIMS OF SEXUAL ASSAULT WHILE ON**  
4 **ACTIVE DUTY.**

5 (a) IN GENERAL.—Chapter 1209 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 12323. Active duty pending line of duty determina-**  
9 **tion required for response to sexual as-**  
10 **sault**

11 “(a) CONTINUATION ON ACTIVE DUTY.—In the case  
12 of a member of a reserve component who is the alleged  
13 victim of sexual assault committed while on active duty  
14 and who is expected to be released from active duty before  
15 the determination is made regarding whether the member  
16 was assaulted while in the line of duty (in this section re-  
17 ferred to as a ‘line of duty determination’), the Secretary  
18 concerned, upon the request of the member, may order  
19 the member to be retained on active duty until completion  
20 of the line of duty determination. A member eligible for  
21 continuation on active duty under this subsection shall be  
22 informed as soon as practicable after the alleged assault  
23 of the option to request continuation on active duty under  
24 this subsection.

25 “(b) RETURN TO ACTIVE DUTY.—In the case of a  
26 member of a reserve component not on active duty who

1 is the alleged victim of a sexual assault that occurred while  
2 the member was on active duty and when the line of duty  
3 determination is not completed, the Secretary concerned,  
4 upon the request of the member, may order the member  
5 to active duty for such time as necessary for completion  
6 of the line of duty determination.

7 “(c) REGULATIONS.—The Secretaries of the military  
8 departments shall prescribe regulations to carry out this  
9 section, subject to guidelines prescribed by the Secretary  
10 of Defense. The guidelines of the Secretary of Defense  
11 shall provide that—

12 “(1) a request submitted by a member de-  
13 scribed in subsection (a) or (b) to continue on active  
14 duty, or to be ordered to active duty, respectively,  
15 must be decided within 30 days from the date of the  
16 request; and

17 “(2) if the request is denied, the member may  
18 appeal to the first general officer or flag officer in  
19 the chain of command of the member, and in the  
20 case of such an appeal a decision on the appeal must  
21 be made within 15 days from the date of the ap-  
22 peal.”.

23 (b) CLERICAL AMENDMENT.—The table of sections  
24 at the beginning of chapter 1209 of such title is amended  
25 adding at the end the following new item:

“12323. Active duty pending line of duty determination required for response to sexual assault.”.

1 **SEC. 572. ADDITIONAL ELEMENTS IN COMPREHENSIVE DE-**  
2 **PARTMENT OF DEFENSE POLICY ON SEXUAL**  
3 **ASSAULT PREVENTION AND RESPONSE.**

4 (a) POLICY MODIFICATIONS.—Not later than 180  
5 days after the date of the enactment of this Act, the Sec-  
6 retary of Defense shall modify the revised comprehensive  
7 policy for the Department of Defense sexual assault pre-  
8 vention and response program required by section 1602  
9 of the Ike Skelton National Defense Authorization Act for  
10 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4430;  
11 10 U.S.C. 1561 note) to include in the policy the following  
12 new requirements:

13 (1) Subject to subsection (b), a requirement  
14 that the Secretary of each military department es-  
15 tablish a record on the disposition of any Unre-  
16 stricted Report of sexual assault involving a member  
17 of the Armed Forces, whether such disposition is  
18 court martial, nonjudicial punishment, or other ad-  
19 ministrative action.

20 (2) A requirement that the Secretary of each  
21 military department establish policies to require the  
22 processing for administrative separation of any  
23 member of the Armed Forces under the jurisdiction  
24 of such Secretary whose conviction for a covered of-

1 fense is final and who is not punitively discharged  
2 from the Armed Forces in connection with such con-  
3 viction. Such requirement—

4 (A) shall ensure that any separation deci-  
5 sion is based on the full facts of the case and  
6 that due process procedures are provided under  
7 regulations prescribed by the Secretary of De-  
8 fense; and

9 (B) shall not be interpreted to limit or  
10 alter the authority of the Secretary of the mili-  
11 tary department concerned to process members  
12 of the Armed Forces for administrative separa-  
13 tion for other offenses or under other provisions  
14 of law.

15 (3) A requirement that the commander of each  
16 military command and other units specified by the  
17 Secretary of Defense for purposes of the policy shall  
18 conduct, within 120 days after the commander as-  
19 sumes command and at least annually thereafter  
20 while retaining command, a climate assessment of  
21 the command or unit for purposes of preventing and  
22 responding to sexual assaults. The climate assess-  
23 ment shall include an opportunity for members of  
24 the Armed Forces to express their opinions regard-  
25 ing the manner and extent to which their leaders, in-

1 including commanders, respond to allegations of sexual  
2 assault and complaints of sexual harassment and  
3 the effectiveness of such response.

4 (4) A requirement to post and widely disseminate  
5 information about resources available to report  
6 and respond to sexual assaults, including the establishment  
7 of hotline phone numbers and Internet  
8 websites available to all members of the Armed  
9 Forces.

10 (5) A requirement for a general education campaign  
11 to notify members of the Armed Forces regarding the  
12 authorities available under chapter 79 of title 10,  
13 United States Code, for the correction of military  
14 records when a member experiences any retaliatory  
15 personnel action for making a report of sexual  
16 assault or sexual harassment.

17 (b) ADDITIONAL REQUIREMENTS REGARDING DISPOSITION  
18 RECORDS OF SEXUAL ASSAULT REPORTS.—

19 (1) ELEMENTS.—The record of the disposition  
20 of an Unrestricted Report of sexual assault established  
21 under subsection (a)(1) shall include information  
22 regarding the following, as appropriate:

23 (A) Documentary information collected  
24 about the incident, other than investigator case  
25 notes.

1 (B) Punishment imposed, including the  
2 sentencing by judicial or non-judicial means, in-  
3 cluding incarceration, fines, restriction, and  
4 extra duty as a result of military court-martial,  
5 Federal or local court and other sentencing, or  
6 any other punishment imposed.

7 (C) Adverse administrative actions taken  
8 against the subject of the investigation, if any.

9 (D) Any pertinent referrals made for the  
10 subject of the investigation, offered as a result  
11 of the incident, such as drug and alcohol coun-  
12 seling and other types of counseling or interven-  
13 tion.

14 (2) RETENTION OF RECORDS.—The Secretary  
15 of Defense shall require that—

16 (A) the disposition records established pur-  
17 suant to subsection (a)(1) be retained for a pe-  
18 riod of not less than 20 years; and

19 (B) information from the records that sat-  
20 isfies the reporting requirements established in  
21 section 1631 of the Ike Skelton National De-  
22 fense Authorization Act for Fiscal Year 2011  
23 (Public Law 111–383; 10 U.S.C. 1561 note) be  
24 incorporated into the Defense Sexual Assault  
25 Incident Database and maintained for the same

1 period as applies to retention of the records  
2 under subparagraph (A).

3 (c) COVERED OFFENSE DEFINED.—For purposes of  
4 subsection (a)(2), the term “covered offense” means the  
5 following:

6 (1) Rape or sexual assault under subsection (a)  
7 or (b) of section 920 of title 10, United States Code  
8 (article 120 of the Uniform Code of Military Jus-  
9 tice).

10 (2) Forcible sodomy under section 925 of title  
11 10, United States Code (article 125 of the Uniform  
12 Code of Military Justice).

13 (3) An attempt to commit an offense specified  
14 in paragraph (1) or (2) under section 880 of title  
15 10, United States Code (article 80 of the Uniform  
16 Code of Military Justice).

17 **SEC. 573. ESTABLISHMENT OF SPECIAL VICTIM CAPABILI-**  
18 **TIES WITHIN THE MILITARY DEPARTMENTS**  
19 **TO RESPOND TO ALLEGATIONS OF CERTAIN**  
20 **SPECIAL VICTIM OFFENSES.**

21 (a) ESTABLISHMENT REQUIRED.—Under regulations  
22 prescribed by the Secretary of Defense, the Secretary of  
23 each military department shall establish special victim ca-  
24 pabilities for the purposes of—

1           (1) investigating and prosecuting allegations of  
2           child abuse, serious domestic violence, or sexual of-  
3           fenses; and

4           (2) providing support for the victims of such of-  
5           fenses.

6           (b) PERSONNEL.—The special victim capabilities de-  
7           veloped under subsection (a) shall include specially trained  
8           and selected—

9           (1) investigators from the Army Criminal Inves-  
10          tigative Command, Naval Criminal Investigative  
11          Service, or Air Force Office of Special Investiga-  
12          tions;

13          (2) judge advocates;

14          (3) victim witness assistance personnel; and

15          (4) administrative paralegal support personnel.

16          (c) TRAINING, SELECTION, AND CERTIFICATION  
17          STANDARDS.—The Secretary of Defense shall prescribe  
18          standards for the training, selection, and certification of  
19          personnel who will provide special victim capabilities for  
20          a military department.

21          (d) DISCRETION REGARDING EXTENT OF CAPABILI-  
22          TIES.—

23          (1) IN GENERAL.—Subject to paragraph (2),  
24          the Secretary of a military department shall deter-  
25          mine the extent to which special victim capabilities

1 will be established within the military department  
2 and prescribe regulations for the management and  
3 use of the special victim capabilities.

4 (2) REQUIRED ELEMENTS.—At a minimum, the  
5 special victim capabilities established within a mili-  
6 tary department must provide effective, timely, and  
7 responsive world-wide support for the purposes de-  
8 scribed in subsection (a).

9 (e) TIME FOR ESTABLISHMENT.—

10 (1) IMPLEMENTATION PLAN.—Not later than  
11 270 days after the date of the enactment of this Act,  
12 the Secretary of Defense shall submit to the Com-  
13 mittees on Armed Services of the Senate and the  
14 House of Representatives a report containing—

15 (A) the plans and time lines of the Secre-  
16 taries of the military departments for the estab-  
17 lishment of the special victims capabilities; and

18 (B) an assessment by the Secretary of De-  
19 fense of the plans and time lines.

20 (2) INITIAL CAPABILITIES.—Not later than one  
21 year after the date of the enactment of this Act, the  
22 Secretary of each military department shall have  
23 available an initial special victim capability con-  
24 sisting of the personnel specified in subsection (b).

1 (f) EVALUATION OF EFFECTIVENESS.—Not later  
2 than 180 days after the date of the enactment of this Act,  
3 the Secretary of Defense shall—

4 (1) prescribe the common criteria to be used by  
5 the Secretaries of the military departments to meas-  
6 ure the effectiveness and impact of the special victim  
7 capabilities from the investigative, prosecutorial, and  
8 victim’s perspectives; and

9 (2) require the Secretaries of the military de-  
10 partments to collect and report the data used to  
11 measure such effectiveness and impact.

12 (g) SPECIAL VICTIM CAPABILITIES DEFINED.—In  
13 this section, the term “special victim capabilities” means  
14 a distinct, recognizable group of appropriately skilled pro-  
15 fessionals who work collaboratively to achieve the purposes  
16 described in subsection (a). This section does not require  
17 that the special victim capabilities be created as separate  
18 military unit or have a separate chain of command.

19 **SEC. 574. ENHANCEMENT TO TRAINING AND EDUCATION**  
20 **FOR SEXUAL ASSAULT PREVENTION AND RE-**  
21 **SPONSE.**

22 Section 585 of the National Defense Authorization  
23 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
24 1434; 10 U.S.C. 1561 note) is amended by adding at the  
25 end the following new subsections:

1           “(d) COMMANDERS’ TRAINING.—The Secretary of  
2 Defense shall provide for the inclusion of a sexual assault  
3 prevention and response training module in the training  
4 for new or prospective commanders at all levels of com-  
5 mand. The training shall be tailored to the responsibilities  
6 and leadership requirements of members of the Armed  
7 Forces as they are assigned to command positions. Such  
8 training shall include the following:

9           “(1) Fostering a command climate that does  
10         not tolerate sexual assault.

11          “(2) Fostering a command climate in which  
12         persons assigned to the command are encouraged to  
13         intervene to prevent potential incidents of sexual as-  
14         sault.

15          “(3) Fostering a command climate that encour-  
16         ages victims of sexual assault to report any incident  
17         of sexual assault.

18          “(4) Understanding the needs of, and the re-  
19         sources available to, the victim after an incident of  
20         sexual assault.

21          “(5) Use of military criminal investigative orga-  
22         nizations for the investigation of alleged incidents of  
23         sexual assault.

24          “(6) Available disciplinary options, including  
25         court-martial, non-judicial punishment, administra-

1       tive action, and deferral of discipline for collateral  
2       misconduct, as appropriate.

3       “(e) EXPLANATION TO BE INCLUDED IN INITIAL  
4 ENTRY AND ACCESSION TRAINING.—

5           “(1) REQUIREMENT.—The Secretary of De-  
6 fense shall require that the matters specified in  
7 paragraph (2) be carefully explained to each member  
8 of the Army, Navy, Air Force, and Marine Corps at  
9 the time of (or within fourteen duty days after)—

10           “(A) the member’s initial entrance on ac-  
11 tive duty; or

12           “(B) the member’s initial entrance into a  
13 duty status with a reserve component.

14       “(2) MATTERS TO BE EXPLAINED.—This sub-  
15 section applies with respect to the following:

16           “(A) Department of Defense policy with  
17 respect to sexual assault.

18           “(B) The resources available with respect  
19 to sexual assault reporting and prevention and  
20 the procedures to be followed by a member  
21 seeking to access those resources.”.

1 **SEC. 575. MODIFICATION OF ANNUAL DEPARTMENT OF DE-**  
2 **FENSE REPORTING REQUIREMENTS REGARD-**  
3 **ING SEXUAL ASSAULTS.**

4 (a) GREATER DETAIL IN CASE SYNOPSES PORTION  
5 OF REPORT.—Section 1631 of the Ike Skelton National  
6 Defense Authorization Act for Fiscal Year 2011 (Public  
7 Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note) is  
8 amended by adding at the end the following new sub-  
9 section:

10 “(f) ADDITIONAL DETAILS FOR CASE SYNOPSES  
11 PORTION OF REPORT.—The Secretary of each military de-  
12 partment shall include in the case synopses portion of each  
13 report described in subsection (b)(3) the following addi-  
14 tional information:

15 “(1) If charges are dismissed following an in-  
16 vestigation conducted under section 832 of title 10,  
17 United States Code (article 32 of the Uniform Code  
18 of Military Justice), the case synopsis shall include  
19 the reason for the dismissal of the charges.

20 “(2) If the case synopsis states that a member  
21 of the Armed Forces accused of committing a sexual  
22 assault was administratively separated or, in the  
23 case of an officer, allowed to resign in lieu of facing  
24 a court-martial, the case synopsis shall include the  
25 characterization (honorable, general, or other than

1       honorable) given the service of the member upon  
2       separation.

3           “(3) The case synopsis shall indicate whether a  
4       member of the Armed Forces accused of committing  
5       a sexual assault was ever previously accused of a  
6       substantiated sexual assault or was admitted to the  
7       Armed Forces under a moral waiver granted with re-  
8       spect to prior sexual misconduct.

9           “(4) The case synopsis shall indicate the branch  
10       of the Armed Forces of each member accused of  
11       committing a sexual assault and the branch of the  
12       Armed Forces of each member who is a victim of a  
13       sexual assault.

14          “(5) If the case disposition includes non-judicial  
15       punishment, the case synopsis shall explicitly state  
16       the nature of the punishment.

17          “(6) The case synopsis shall indicate whether  
18       alcohol was involved in any way in a substantiated  
19       sexual assault incident.”.

20       (b) ADDITIONAL ELEMENTS OF EACH REPORT.—

21       Subsection (b) of such section is amended by adding at  
22       the end the following new paragraphs:

23           “(7) The number of applications submitted  
24       under section 673 of title 10, United States Code,  
25       during the year covered by the report for a perma-

1        nent change of station or unit transfer for members  
2        of the Armed Forces on active duty who are the vic-  
3        tim of a sexual assault or related offense, the num-  
4        ber of applications denied, and, for each application  
5        denied, a description of the reasons why the applica-  
6        tion was denied.

7            “(8) An analysis and assessment of trends in  
8        the incidence, disposition, and prosecution of sexual  
9        assaults by units, commands, and installations dur-  
10       ing the year covered by the report, including trends  
11       relating to prevalence of incidents, prosecution of in-  
12       cidents, and avoidance of incidents.

13           “(9) An assessment of the adequacy of sexual  
14       assault prevention and response activities carried out  
15       by training commands during the year covered by  
16       the report.

17           “(10) An analysis of the specific factors that  
18       may have contributed to sexual assault during the  
19       year covered by the report, an assessment of the role  
20       of such factors in contributing to sexual assaults  
21       during that year, and recommendations for mecha-  
22       nisms to eliminate or reduce the incidence of such  
23       factors or their contributions to sexual assaults.”.

24        (c) APPLICATION OF AMENDMENTS.—The amend-  
25       ments made by this section shall apply beginning with the

1 report regarding sexual assaults involving members of the  
2 Armed Forces required to be submitted by March 1, 2014,  
3 under section 1631 of the Ike Skelton National Defense  
4 Authorization Act for Fiscal Year 2011.

5 **SEC. 576. INDEPENDENT REVIEWS AND ASSESSMENTS OF**  
6 **UNIFORM CODE OF MILITARY JUSTICE AND**  
7 **JUDICIAL PROCEEDINGS OF SEXUAL AS-**  
8 **SAULT CASES.**

9 (a) INDEPENDENT REVIEWS AND ASSESSMENTS RE-  
10 QUIRED.—

11 (1) RESPONSE SYSTEMS TO ADULT SEXUAL AS-  
12 SAULT CRIMES.—The Secretary of Defense shall es-  
13 tablish a panel to conduct an independent review  
14 and assessment of the systems used to investigate,  
15 prosecute, and adjudicate crimes involving adult sex-  
16 ual assault and related offenses under section 920 of  
17 title 10, United States Code (article 120 of the Uni-  
18 form Code of Military Justice), for the purpose of  
19 developing recommendations regarding how to im-  
20 prove the effectiveness of such systems.

21 (2) JUDICIAL PROCEEDINGS SINCE FISCAL  
22 YEAR 2012 AMENDMENTS.—The Secretary of De-  
23 fense shall establish a panel to conduct an inde-  
24 pendent review and assessment of judicial pro-  
25 ceedings conducted under the Uniform Code of Mili-

1 tary Justice involving adult sexual assault and re-  
2 lated offenses since the amendments made to the  
3 Uniform Code of Military Justice by section 541 of  
4 the National Defense Authorization Act for Fiscal  
5 Year 2012 (Public Law 112–81; 125 Stat. 1404) for  
6 the purpose of developing recommendations for im-  
7 provements to such proceedings.

8 (b) ESTABLISHMENT OF INDEPENDENT REVIEW  
9 PANELS.—

10 (1) COMPOSITION.—

11 (A) RESPONSE SYSTEMS PANEL.—The  
12 panel required by subsection (a)(1) shall be  
13 composed of nine members, five of whom are  
14 appointed by the Secretary of Defense and one  
15 member each appointed by the chairman and  
16 ranking member of the Committees on Armed  
17 Services of the Senate and the House of Rep-  
18 resentatives.

19 (B) JUDICIAL PROCEEDINGS PANEL.—The  
20 panel required by subsection (a)(2) shall be ap-  
21 pointed by the Secretary of Defense and consist  
22 of five members, two of whom must have also  
23 served on the panel established under sub-  
24 section (a)(1).

1           (2) QUALIFICATIONS.—The members of each  
2 panel shall be selected from among private United  
3 States citizens who collectively possess expertise in  
4 military law, civilian law, the investigation, prosecu-  
5 tion, and adjudication of sexual assaults in State  
6 and Federal criminal courts, victim advocacy, treat-  
7 ment for victims, military justice, the organization  
8 and missions of the Armed Forces, and offenses re-  
9 lating to rape, sexual assault, and other adult sexual  
10 assault crimes.

11           (3) CHAIR.—The chair of each panel shall be  
12 appointed by the Secretary of Defense from among  
13 the members of the panel.

14           (4) PERIOD OF APPOINTMENT; VACANCIES.—  
15 Members shall be appointed for the life of the panel.  
16 Any vacancy in a panel shall be filled in the same  
17 manner as the original appointment.

18           (5) DEADLINE FOR APPOINTMENTS.—

19           (A) RESPONSE SYSTEMS PANEL.—All  
20 original appointments to the panel required by  
21 subsection (a)(1) shall be made not later than  
22 120 days after the date of the enactment of this  
23 Act.

24           (B) JUDICIAL PROCEEDINGS PANEL.—All  
25 original appointments to the panel required by

1 subsection (a)(2) shall be made before the ter-  
2 mination date of the panel established under  
3 subsection (a)(1), but no later than 30 days be-  
4 fore the termination date.

5 (6) MEETINGS.—A panel shall meet at the call  
6 of the chair.

7 (7) FIRST MEETING.—The chair shall call the  
8 first meeting of a panel not later than 60 days after  
9 the date of the appointment of all the members of  
10 the panel.

11 (c) REPORTS AND DURATION.—

12 (1) RESPONSE SYSTEMS PANEL.—The panel es-  
13 tablished under subsection (a)(1) shall terminate  
14 upon the earlier of the following:

15 (A) Thirty days after the panel has sub-  
16 mitted a report of its findings and recommenda-  
17 tions, through the Secretary of Defense, to the  
18 Committees on Armed Services of the Senate  
19 and the House of Representatives.

20 (B) Eighteen months after the first meet-  
21 ing of the panel, by which date the panel is ex-  
22 pected to have made its report.

23 (2) JUDICIAL PROCEEDINGS PANEL.—

24 (A) FIRST REPORT.—The panel estab-  
25 lished under subsection (a)(2) shall submit a

1 first report, including any proposals for legisla-  
2 tive or administrative changes the panel con-  
3 siders appropriate, to the Secretary of Defense  
4 and the Committees on Armed Services of the  
5 Senate and the House of Representatives not  
6 later than 180 days after the first meeting of  
7 the panel.

8 (B) SUBSEQUENT REPORTS.—The panel  
9 established under subsection (a)(2) shall submit  
10 subsequent reports during fiscal years 2014  
11 through 2017.

12 (C) TERMINATION.—The panel established  
13 under subsection (a)(2) shall terminate on Sep-  
14 tember 30, 2017.

15 (d) DUTIES OF PANELS.—

16 (1) RESPONSE SYSTEMS PANEL.—In conducting  
17 a systemic review and assessment, the panel re-  
18 quired by subsection (a)(1) shall provide rec-  
19 ommendations on how to improve the effectiveness  
20 of the investigation, prosecution, and adjudication of  
21 crimes involving adult sexual assault and related of-  
22 fenses under section 920 of title 10, United States  
23 Code (article 120 of the Uniform Code of Military  
24 Justice). The review shall include the following:

1 (A) Using criteria the panel considers ap-  
2 propriate, an assessment of the strengths and  
3 weaknesses of the systems, including the admin-  
4 istration of the Uniform Code of the Military  
5 Justice, and the investigation, prosecution, and  
6 adjudication, of adult sexual assault crimes dur-  
7 ing the period 2007 through 2011.

8 (B) A comparison of military and civilian  
9 systems for the investigation, prosecution, and  
10 adjudication of adult sexual assault crimes.  
11 This comparison shall include an assessment of  
12 differences in providing support and protection  
13 to victims and the identification of civilian best  
14 practices that may be incorporated into any  
15 phase of the military system.

16 (C) An assessment of advisory sentencing  
17 guidelines used in civilian courts in adult sexual  
18 assault cases and whether it would be advisable  
19 to promulgate sentencing guidelines for use in  
20 courts-martial.

21 (D) An assessment of the training level of  
22 military defense and trial counsel, including  
23 their experience in defending or prosecuting  
24 adult sexual assault crimes and related offenses,  
25 as compared to prosecution and defense counsel

1 for similar cases in the Federal and State court  
2 systems.

3 (E) An assessment and comparison of mili-  
4 tary court-martial conviction rates with those in  
5 the Federal and State courts and the reasons  
6 for any differences.

7 (F) An assessment of the roles and effec-  
8 tiveness of commanders at all levels in pre-  
9 venting sexual assaults and responding to re-  
10 ports of sexual assault.

11 (G) An assessment of the strengths and  
12 weakness of proposed legislative initiatives to  
13 modify the current role of commanders in the  
14 administration of military justice and the inves-  
15 tigation, prosecution, and adjudication of adult  
16 sexual assault crimes.

17 (H) An assessment of the adequacy of the  
18 systems and procedures to support and protect  
19 victims in all phases of the investigation, pros-  
20 ecution, and adjudication of adult sexual as-  
21 sault crimes, including whether victims are pro-  
22 vided the rights afforded by section 3771 of  
23 title 18, United States Code, Department of  
24 Defense Directive 1030.1, and Department of  
25 Defense Instruction 1030.2.

1 (I) Such other matters and materials the  
2 panel considers appropriate.

3 (2) JUDICIAL PROCEEDINGS PANEL.—The  
4 panel required by subsection (a)(2) shall perform the  
5 following duties:

6 (A) Assess and make recommendations for  
7 improvements in the implementation of the re-  
8 forms to the offenses relating to rape, sexual  
9 assault, and other sexual misconduct under the  
10 Uniform Code of Military Justice that were en-  
11 acted by section 541 of the National Defense  
12 Authorization Act for Fiscal Year 2012 (Public  
13 Law 112–81; 125 Stat. 1404).

14 (B) Review and evaluate current trends in  
15 response to sexual assault crimes whether by  
16 courts-martial proceedings, non-judicial punish-  
17 ment and administrative actions, including the  
18 number of punishments by type, and the con-  
19 sistency and appropriateness of the decisions,  
20 punishments, and administrative actions based  
21 on the facts of individual cases.

22 (C) Identify any trends in punishments  
23 rendered by military courts, including general,  
24 special, and summary courts-martial, in re-  
25 sponse to sexual assault, including the number

1 of punishments by type, and the consistency of  
2 the punishments, based on the facts of each  
3 case compared with the punishments rendered  
4 by Federal and State criminal courts.

5 (D) Review and evaluate court-martial con-  
6 victions for sexual assault in the year covered  
7 by the most-recent report required by sub-  
8 section (c)(2) and the number and description  
9 of instances when punishments were reduced or  
10 set aside upon appeal and the instances in  
11 which the defendant appealed following a plea  
12 agreement, if such information is available.

13 (E) Review and assess those instances in  
14 which prior sexual conduct of the alleged victim  
15 was considered in a proceeding under section  
16 832 of title 10, United States Code (article 32  
17 of the Uniform Code of Military Justice), and  
18 any instances in which prior sexual conduct was  
19 determined to be inadmissible.

20 (F) Review and assess those instances in  
21 which evidence of prior sexual conduct of the al-  
22 leged victim was introduced by the defense in a  
23 court-martial and what impact that evidence  
24 had on the case.

1           (G) Building on the data compiled as a re-  
2           sult of paragraph (1)(D), assess the trends in  
3           the training and experience levels of military  
4           defense and trial counsel in adult sexual assault  
5           cases and the impact of those trends in the  
6           prosecution and adjudication of such cases.

7           (H) Monitor trends in the development,  
8           utilization and effectiveness of the special vic-  
9           tims capabilities required by section 573 of this  
10          Act.

11          (I) Monitor the implementation of the  
12          April 20, 2012, Secretary of Defense policy  
13          memorandum regarding withholding initial dis-  
14          position authority under the Uniform Code of  
15          Military Justice in certain sexual assault cases.

16          (J) Consider such other matters and mate-  
17          rials as the panel considers appropriate for pur-  
18          poses of the reports.

19          (3) UTILIZATION OF OTHER STUDIES.—In con-  
20          ducting reviews and assessments and preparing re-  
21          ports, a panel may review, and incorporate as appro-  
22          priate, the data and findings of applicable ongoing  
23          and completed studies.

24          (e) AUTHORITY OF PANELS.—

1           (1) HEARINGS.—A panel may hold such hear-  
2           ings, sit and act at such times and places, take such  
3           testimony, and receive such evidence as the panel  
4           considers appropriate to carry out its duties under  
5           this section.

6           (2) INFORMATION FROM FEDERAL AGENCIES.—  
7           Upon request by the chair of a panel, a department  
8           or agency of the Federal Government shall provide  
9           information that the panel considers necessary to  
10          carry out its duties under this section.

11          (f) PERSONNEL MATTERS.—

12           (1) PAY OF MEMBERS.—Members of a panel  
13           shall serve without pay by reason of their work on  
14           the panel.

15           (2) TRAVEL EXPENSES.—The members of a  
16           panel shall be allowed travel expenses, including per  
17           diem in lieu of subsistence, at rates authorized for  
18           employees of agencies under subchapter I of chapter  
19           57 of title 5, United States Code, while away from  
20           their homes or regular places of business in the per-  
21           formance or services for the panel.

22           (3) STAFFING AND RESOURCES.—The Sec-  
23           retary of Defense shall provide staffing and re-  
24           sources to support the panels, except that the Sec-  
25           retary may not assign primary responsibility for

1 such staffing and resources to the Sexual Assault  
2 Prevention and Response Office.

3 **SEC. 577. RETENTION OF CERTAIN FORMS IN CONNECTION**  
4 **WITH RESTRICTED REPORTS ON SEXUAL AS-**  
5 **SAULT AT REQUEST OF THE MEMBER OF THE**  
6 **ARMED FORCES MAKING THE REPORT.**

7 (a) PERIOD OF RETENTION.—At the request of a  
8 member of the Armed Forces who files a Restricted Re-  
9 port on an incident of sexual assault involving the mem-  
10 ber, the Secretary of Defense shall ensure that all copies  
11 of Department of Defense Form 2910 and Department  
12 of Defense Form 2911 filed in connection with the Re-  
13 stricted Report be retained for the longer of—

14 (1) 50 years commencing on the date of signa-  
15 ture of the member on Department of Defense Form  
16 2910; or

17 (2) the time provided for the retention of such  
18 forms in connection with Unrestricted Reports on in-  
19 cidents of sexual assault involving members of the  
20 Armed Forces under Department of Defense Direc-  
21 tive-Type Memorandum (DTM) 11-062, entitled  
22 “Document Retention in Cases of Restricted and  
23 Unrestricted Reports of Sexual Assault”, or any suc-  
24 cessor directive or policy.

1 (b) PROTECTION OF CONFIDENTIALITY.—Any De-  
2 partment of Defense form retained under subsection (a)  
3 shall be retained in a manner that protects the confiden-  
4 tiality of the member of the Armed Forces concerned in  
5 accordance with procedures for the protection of confiden-  
6 tiality of information in Restricted Reports under Depart-  
7 ment of Defense memorandum JTF–SAPR–009, relating  
8 to the Department of Defense policy on confidentiality for  
9 victims of sexual assault, or any successor policy or direc-  
10 tive.

11 **SEC. 578. GENERAL OR FLAG OFFICER REVIEW OF AND**  
12 **CONCURRENCE IN SEPARATION OF MEM-**  
13 **BERS OF THE ARMED FORCES MAKING AN**  
14 **UNRESTRICTED REPORT OF SEXUAL AS-**  
15 **SAULT.**

16 (a) REVIEW REQUIRED.—The Secretary of Defense  
17 shall develop a policy to require a general officer or flag  
18 officer of the Armed Forces to review the circumstances  
19 of, and grounds for, the proposed involuntary separation  
20 of any member of the Armed Forces who—

21 (1) made an Unrestricted Report of a sexual as-  
22 sault;

23 (2) within one year after making the Unre-  
24 stricted Report of a sexual assault, is recommended

1 for involuntary separation from the Armed Forces;  
2 and

3 (3) requests the review on the grounds that the  
4 member believes the recommendation for involuntary  
5 separation from the Armed Forces was initiated in  
6 retaliation for making the report.

7 (b) CONCURRENCE REQUIRED.—If a review is re-  
8 quested by a member of the Armed Forces as authorized  
9 by subsection (a), the concurrence of the general officer  
10 or flag officer conducting the review of the proposed invol-  
11 untary separation of the member is required in order to  
12 separate the member.

13 (c) SUBMISSION OF POLICY.—Not later than 180  
14 days after the date of the enactment of this Act, the Sec-  
15 retary of Defense shall submit to the Committees on  
16 Armed Services of the Senate and the House of Represent-  
17 atives a report containing the policy developed under sub-  
18 section (a).

19 (d) APPLICATION OF POLICY.—The policy developed  
20 under subsection (a) shall take effect on the date of the  
21 submission of the policy to Congress under subsection (c)  
22 and apply to members of the Armed Forces described in  
23 subsection (a) who are proposed to be involuntarily sepa-  
24 rated from the Armed Forces on or after that date.

1 **SEC. 579. DEPARTMENT OF DEFENSE POLICY AND PLAN**  
2 **FOR PREVENTION AND RESPONSE TO SEX-**  
3 **UAL HARASSMENT IN THE ARMED FORCES.**

4 (a) COMPREHENSIVE PREVENTION AND RESPONSE  
5 POLICY.—

6 (1) POLICY REQUIRED.—The Secretary of De-  
7 fense shall develop a comprehensive policy to prevent  
8 and respond to sexual harassment in the Armed  
9 Forces. The policy shall provide for the following:

10 (A) Training for members of the Armed  
11 Forces on the prevention of sexual harassment.

12 (B) Mechanisms for reporting incidents of  
13 sexual harassment in the Armed Forces, includ-  
14 ing procedures for reporting anonymously.

15 (C) Mechanisms for responding to and re-  
16 solving incidents of alleged sexual harassment  
17 incidences involving members of the Armed  
18 Forces, including through the prosecution of of-  
19 fenders.

20 (2) REPORT.—Not later than one year after the  
21 date of the enactment of this Act, the Secretary of  
22 Defense shall submit to the Committees on Armed  
23 Services of the Senate and the House of Representa-  
24 tives a report setting forth the policy required by  
25 paragraph (1).

1           (3) CONSULTATION.—The Secretary of Defense  
2 shall prepare the policy and report required by this  
3 subsection in consultation with the Secretaries of the  
4 military departments and the Equal Opportunity Of-  
5 fice of the Department of Defense.

6           (b) DATA COLLECTION AND REPORTING REGARDING  
7 SUBSTANTIATED INCIDENTS OF SEXUAL HARASSMENT.—

8           (1) PLAN REQUIRED.—The Secretary of De-  
9 fense shall develop a plan to collect information and  
10 data regarding substantiated incidents of sexual har-  
11 assment involving members of the Armed Forces.  
12 The plan shall specifically deal with the need to  
13 identify cases in which a member is accused of mul-  
14 tiple incidents of sexual harassment.

15           (2) SUBMISSION OF PLAN.—Not later than  
16 June 1, 2013, the Secretary of Defense shall submit  
17 to the Committees on Armed Services of the Senate  
18 and the House of Representatives the plan developed  
19 under paragraph (1).

20           (3) REPORTING REQUIREMENT.—As part of the  
21 reports required to be submitted in 2014 under sec-  
22 tion 1631 of the Ike Skelton National Defense Au-  
23 thorization Act for Fiscal Year 2011 (Public Law  
24 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note), the  
25 Secretary of Defense shall include information and

1 data collected under the plan during the preceding  
2 year regarding substantiated incidents of sexual har-  
3 assment involving members of the Armed Forces.

## 4 **Subtitle I—Suicide Prevention and** 5 **Resilience**

### 6 **SEC. 580. ENHANCEMENT OF OVERSIGHT AND MANAGE-** 7 **MENT OF DEPARTMENT OF DEFENSE SUI-** 8 **CIDE PREVENTION AND RESILIENCE PRO-** 9 **GRAMS.**

10 (a) IN GENERAL.—The Secretary of Defense shall,  
11 acting through the Under Secretary of Defense for Per-  
12 sonnel and Readiness, establish within the Office of the  
13 Secretary of Defense a position with responsibility for  
14 oversight of all suicide prevention and resilience programs  
15 of the Department of Defense (including those of the mili-  
16 tary departments and the Armed Forces).

17 (b) SCOPE OF RESPONSIBILITIES.—The individual  
18 serving in the position established under subsection (a)  
19 shall have the responsibilities as follows:

20 (1) To establish a uniform definition of resil-  
21 iency for use in the suicide prevention and resilience  
22 programs and preventative behavioral health pro-  
23 grams of the Department of Defense (including  
24 those of the military departments and the Armed  
25 Forces).

1           (2) To oversee the implementation of the com-  
2           prehensive policy on the prevention of suicide among  
3           members of the Armed Forces required by section  
4           582.

5 **SEC. 581. RESERVE COMPONENT SUICIDE PREVENTION**  
6                                   **AND RESILIENCE PROGRAM.**

7           (a) CODIFICATION, TRANSFER OF RESPONSIBILITY,  
8           AND EXTENSION.—

9                   (1) IN GENERAL.—Chapter 1007 of title 10,  
10           United States Code, is amended by adding at the  
11           end the following new section:

12 **“§ 10219. Suicide prevention and resilience program**

13           “(a) PROGRAM REQUIREMENT.—The Secretary of  
14           Defense shall establish and carry out a program to provide  
15           members of the National Guard and Reserves and their  
16           families with training in suicide prevention, resilience, and  
17           community healing and response to suicide, including pro-  
18           vision of such training at Yellow Ribbon Reintegration  
19           Program events and activities authorized under section  
20           582 of the National Defense Authorization Act for Fiscal  
21           Year 2008 (10 U.S.C. 10101 note).

22           “(b) SUICIDE PREVENTION TRAINING.—Under the  
23           program, the Secretary shall provide members of the Na-  
24           tional Guard and Reserves with training in suicide preven-  
25           tion. Such training may include—

1           “(1) describing the warning signs for suicide  
2           and teaching effective strategies for prevention and  
3           intervention;

4           “(2) examining the influence of military culture  
5           on risk and protective factors for suicide; and

6           “(3) engaging in interactive case scenarios and  
7           role plays to practice effective intervention strate-  
8           gies.

9           “(c) COMMUNITY RESPONSE TRAINING.—Under the  
10          program, the Secretary shall provide the families and com-  
11          munities of members of the National Guard and Reserves  
12          with training in responses to suicide that promote indi-  
13          vidual and community healing. Such training may in-  
14          clude—

15           “(1) enhancing collaboration among community  
16           members and local service providers to create an in-  
17           tegrated, coordinated community response to suicide;

18           “(2) communicating best practices for pre-  
19           venting suicide, including safe messaging, appro-  
20           priate memorial services, and media guidelines;

21           “(3) addressing the impact of suicide on the  
22           military and the larger community, and the in-  
23           creased risk that can result; and

24           “(4) managing resources to assist key commu-  
25           nity and military service providers in helping the

1 families, friends, and fellow servicemembers of a sui-  
2 cide victim through the processes of grieving and  
3 healing.

4 “(d) COMMUNITY TRAINING ASSISTANCE.—The pro-  
5 gram shall include the provision of assistance with such  
6 training to the local communities of those servicemembers  
7 and families, to be provided in coordination with local  
8 community programs.

9 “(e) COLLABORATION.—In carrying out the program,  
10 the Secretary shall collect and analyze ‘lessons learned’  
11 and suggestions from State National Guard and Reserve  
12 organizations with existing or developing suicide preven-  
13 tion and community response programs.

14 “(f) TERMINATION.—The program under this section  
15 shall terminate on October 1, 2017.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-  
17 tions at the beginning of chapter 1007 of such title  
18 is amended by adding at the end the following new  
19 item:

“10219. Suicide prevention and resilience program.”.

20 (b) REPEAL OF SUPERSEDED PROVISION.—Sub-  
21 section (i) of section 582 of the National Defense Author-  
22 ization Act for Fiscal Year 2008 (Public Law 110–181;  
23 10 U.S.C. 10101 note) is repealed.

1 **SEC. 582. COMPREHENSIVE POLICY ON PREVENTION OF**  
2 **SUICIDE AMONG MEMBERS OF THE ARMED**  
3 **FORCES.**

4 (a) **COMPREHENSIVE POLICY REQUIRED.**—Not later  
5 than 180 days after the date of the enactment of this Act,  
6 the Secretary of Defense shall, acting through the Under  
7 Secretary of Defense for Personnel and Readiness, develop  
8 within the Department of Defense a comprehensive policy  
9 on the prevention of suicide among members of the Armed  
10 Forces. In developing the policy, the Secretary shall con-  
11 sider recommendations from the operational elements of  
12 the Armed Forces regarding the feasibility of the imple-  
13 mentation and execution of particular elements of the pol-  
14 icy.

15 (b) **ELEMENTS.**—The policy required by subsection  
16 (a) shall cover each of the following:

17 (1) Increased awareness among members of the  
18 Armed Forces about mental health conditions and  
19 the stigma associated with mental health conditions  
20 and mental health care.

21 (2) The means of identifying members who are  
22 at risk for suicide (including enhanced means for  
23 early identification and treatment of such members).

24 (3) The continuous access by members to sui-  
25 cide prevention services, including suicide crisis serv-  
26 ices.

1           (4) The means to evaluate and assess the effec-  
2           tiveness of the suicide prevention and resilience pro-  
3           grams and preventative behavioral health programs  
4           of the Department of Defense (including those of  
5           the military departments and the Armed Forces), in-  
6           cluding the development of metrics for that purpose.

7           (5) The means to evaluate and assess the cur-  
8           rent diagnostic tools and treatment methods in the  
9           programs referred to in paragraph (4) to ensure  
10          clinical best practices are used in such programs.

11          (6) The standard of care for suicide prevention  
12          to be used throughout the Department.

13          (7) The training of mental health care providers  
14          on suicide prevention.

15          (8) The training standards for behavioral health  
16          care providers to ensure that such providers receive  
17          training on clinical best practices and evidence-based  
18          treatments as information on such practices and  
19          treatments becomes available.

20          (9) The integration of mental health screenings  
21          and suicide risk and prevention for members into the  
22          delivery of primary care for such members.

23          (10) The standards for responding to attempted  
24          or completed suicides among members, including  
25          guidance and training to assist commanders in ad-

1 dressing incidents of attempted or completed suicide  
2 within their units.

3 (11) The means to ensure the protection of the  
4 privacy of members seeking or receiving treatment  
5 relating to suicide.

6 (12) Such other matters as the Secretary con-  
7 siders appropriate in connection with the prevention  
8 of suicide among members.

9 **SEC. 583. STUDY OF RESILIENCE PROGRAMS FOR MEM-**  
10 **BERS OF THE ARMY.**

11 (a) **STUDY REQUIRED.**—The Secretary of the Army  
12 shall conduct a study of resilience programs within the  
13 Army for the purpose of assessing the effectiveness of the  
14 current Comprehensive Soldier and Family Fitness  
15 (CSF2) Program of the Army, while verifying the current  
16 means of the Army to reduce trends in high risk or self-  
17 destructive behavior and to prepare members of the Army  
18 to manage stressful or traumatic situations by training  
19 members in resilience strategies and techniques.

20 (b) **ELEMENTS.**—In conducting the study, the Sec-  
21 retary of the Army shall determine the effectiveness and  
22 quality of training under the Comprehensive Soldier and  
23 Family Fitness program in—

1           (1) enhancing individual performance through  
2           resiliency techniques and use of positive and sports  
3           psychology; and

4           (2) identifying and responding to early signs of  
5           high-risk behavior in members of the Army.

6           (c) USE OF SCIENCE-BASED EVIDENCE AND TECH-  
7           NIQUES.—In conducting the study, the Secretary of the  
8           Army shall utilize scientific evidence, including profes-  
9           sionally accepted measurements and assessments, to  
10          evaluate those interventions that show positive results and  
11          those interventions that have no impact.

12          (d) DURATION OF STUDY.—The study shall be con-  
13          ducted through September 30, 2014.

14          (e) REPORT ON STUDY RESULTS.—Not later than  
15          October 31, 2014, the Secretary of the Army shall submit  
16          to the Committees on Armed Forces of the Senate and  
17          the House of Representatives a report containing the re-  
18          sults of the study. The report shall include the following:

19               (1) A description of the trends in high risk or  
20               self-destructive behavior among members of the  
21               Army.

22               (2) A description and measurements of the ef-  
23               fectiveness of Comprehensive Soldier and Family  
24               Fitness Program training in enhancing individual

1 performance through resiliency techniques, utiliza-  
2 tion of positive psychology.

3 (3) Such recommendations or other information  
4 as the Secretary considers appropriate.

## 5 **Subtitle J—Other Matters**

### 6 **SEC. 584. ISSUANCE OF PRISONER-OF-WAR MEDAL.**

7 Section 1128 of title 10, United States Code, is  
8 amended—

9 (1) in subsection (a)—

10 (A) by inserting “or” at the end of para-  
11 graph (2);

12 (B) by striking “; or” at the end of para-  
13 graph (3) and inserting a period; and

14 (C) by striking paragraph (4);

15 (2) by redesignating subsections (b) through (h)  
16 as subsections (c) through (i), respectively; and

17 (3) by inserting after subsection (a) the fol-  
18 lowing new subsection (b):

19 “(b) Under uniform regulations prescribed by the  
20 Secretary of Defense, the Secretary concerned may issue  
21 a prisoner-of-war medal to any person who, while serving  
22 in any capacity with the armed forces, was held captive  
23 under circumstances not covered by paragraph (1), (2),  
24 or (3) of subsection (a), but which the Secretary concerned  
25 finds were comparable to those circumstances under which

1 persons have generally been held captive by enemy armed  
2 forces during periods of armed conflict.”.

3 **SEC. 585. TECHNICAL AMENDMENTS RELATING TO THE**  
4 **TERMINATION OF THE ARMED FORCES INSTI-**  
5 **TUTE OF PATHOLOGY UNDER DEFENSE BASE**  
6 **CLOSURE AND REALIGNMENT.**

7 Section 177 of title 10, United States Code, is  
8 amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2)—

11 (i) by striking “those professional so-  
12 cieties” and all that follows through “the  
13 Armed Forces Institute of Pathology” and  
14 inserting “the professional societies and or-  
15 ganizations that support the activities of  
16 the American Registry of Pathology”; and

17 (ii) by striking the second sentence;

18 and

19 (B) in paragraph (3), by striking “with the  
20 concurrence of the Director of the Armed  
21 Forces Institute of Pathology”;

22 (2) in subsection (b)—

23 (A) by striking paragraph (1); and

1 (B) by redesignating paragraphs (2), (3),  
2 (4), and (5) as paragraphs (1), (2), (3), and  
3 (4), respectively; and  
4 (3) in subsection (d), by striking “to the Direc-  
5 tor” and all that follows through “it deems desir-  
6 able,” and inserting “annually to its Board and sup-  
7 porting organizations referred to in subsection  
8 (a)(2)”.

9 **SEC. 586. MODIFICATION OF REQUIREMENT FOR REPORTS**  
10 **IN FEDERAL REGISTER ON INSTITUTIONS OF**  
11 **HIGHER EDUCATION INELIGIBLE FOR CON-**  
12 **TRACTS AND GRANTS FOR DENIAL OF ROTC**  
13 **OR MILITARY RECRUITER ACCESS TO CAM-**  
14 **PUS.**

15 Section 983 of title 10, United States Code, is  
16 amended by striking subsection (f).

17 **SEC. 587. ACCEPTANCE OF GIFTS AND SERVICES RELATED**  
18 **TO EDUCATIONAL ACTIVITIES AND VOL-**  
19 **UNTARY SERVICES TO ACCOUNT FOR MISS-**  
20 **ING PERSONS.**

21 (a) **ACTIVITIES BENEFITTING EDUCATION AS SERV-**  
22 **ICES ELIGIBLE FOR ACCEPTANCE.**—Section 2601(i)(2) of  
23 title 10, United States Code, is amended by inserting  
24 “education,” before “morale,”.

1 (b) ACCEPTANCE OF VOLUNTARY SERVICES RE-  
2 LATED TO ACCOUNTING FOR MISSING PERSONS.—Section  
3 1588(a) of such title is amended by adding at the end  
4 the following new paragraph:

5 “(9) Voluntary services to facilitate accounting  
6 for missing persons.”.

7 **SEC. 588. DISPLAY OF STATE, DISTRICT OF COLUMBIA,**  
8 **COMMONWEALTH, AND TERRITORIAL FLAGS**  
9 **BY THE ARMED FORCES.**

10 (a) DISPLAY.—Subsection (a) of section 2249b of  
11 title 10, United States Code, is amended to read as fol-  
12 lows:

13 “(a) DISPLAY OF FLAGS BY ARMED FORCES.—The  
14 Secretary of Defense shall ensure that, whenever the offi-  
15 cial flags of all 50 States are displayed by the armed  
16 forces, such display shall include the flags of the District  
17 of Columbia, the Commonwealth of Puerto Rico, the  
18 United States Virgin Islands, Guam, American Samoa,  
19 and the Commonwealth of the Northern Mariana Is-  
20 lands.”.

21 (b) CLERICAL AMENDMENTS.—

22 (1) SECTION HEADING.—The heading of such  
23 section is amended to read as follows:

1 **“§ 2249b. Display of State, District of Columbia, com-**  
2 **monwealth, and territorial flags by the**  
3 **armed forces”.**

4 (2) TABLE OF SECTIONS.—The table of sections  
5 at the beginning of chapter 134 of such title is  
6 amended by striking the item relating to section  
7 2249b and inserting the following new item:

“2249b. Display of State, District of Columbia, commonwealth, and territorial  
flags by the armed forces.”.

8 **SEC. 589. ENHANCEMENT OF AUTHORITIES ON ADMISSION**  
9 **OF DEFENSE INDUSTRY CIVILIANS TO CER-**  
10 **TAIN DEPARTMENT OF DEFENSE EDU-**  
11 **CATIONAL INSTITUTIONS AND PROGRAMS.**

12 (a) NAVY DEFENSE PRODUCT DEVELOPMENT PRO-  
13 GRAM.—Section 7049(a) of title 10, United States Code,  
14 is amended—

15 (1) in the second sentence, by inserting “or pro-  
16 fessional continuing education certificate” after  
17 “master’s degree”; and

18 (2) in the last sentence, by inserting before the  
19 period at the end the following: “or an appropriate  
20 professional continuing education certificate, as ap-  
21 plicable”.

22 (b) UNITED STATES AIR FORCE INSTITUTE OF  
23 TECHNOLOGY.—Section 9314a(a) of such title is amend-  
24 ed—

1           (1) in paragraph (1), by inserting “or profes-  
2           sional continuing education certificate” after “grad-  
3           uate degree”; and

4           (2) in paragraph (3), by inserting before the pe-  
5           riod at the end the following: “or an appropriate  
6           professional continuing education certificate, as ap-  
7           plicable”.

8           (c) REQUEST FOR INCREASE IN NUMBER OF DE-  
9           FENSE INDUSTRY CIVILIANS AUTHORIZED FOR ADMIS-  
10          SION.—If the Secretary of Defense determines that it is  
11          in the best interest of the Department of Defense to in-  
12          crease the maximum number of defense industry employ-  
13          ees authorized to be enrolled in the Naval Defense Devel-  
14          opment Program or the Air Force Institute of Technology  
15          at any one time, as specified in sections 7049(a) and  
16          9314a(a) of title 10, United States Code, the Secretary  
17          shall submit to the Committees on Armed Services of the  
18          Senate and the House of Representatives a request for  
19          such an increase, including draft legislation to effectuate  
20          the increase.

1 **SEC. 590. EXTENSION OF AUTHORITIES TO CARRY OUT A**  
2 **PROGRAM OF REFERRAL AND COUNSELING**  
3 **SERVICES TO VETERANS AT RISK OF HOME-**  
4 **LESSNESS WHO ARE TRANSITIONING FROM**  
5 **CERTAIN INSTITUTIONS.**

6 Section 2023(d) of title 38, United States Code, is  
7 amended by striking “September 30, 2012” and inserting  
8 “September 30, 2013”.

9 **SEC. 591. INSPECTION OF MILITARY CEMETERIES UNDER**  
10 **THE JURISDICTION OF DEPARTMENT OF DE-**  
11 **FENSE.**

12 (a) DOD INSPECTOR GENERAL INSPECTION OF AR-  
13 LINGTON NATIONAL CEMETERY AND UNITED STATES  
14 SOLDIERS’ AND AIRMEN’S HOME NATIONAL CEME-  
15 TERY.—Section 1(d) of Public Law 111–339 (124 Stat.  
16 3592) is amended—

17 (1) in paragraph (1), by striking “The Sec-  
18 retary” in the first sentence and inserting “Subject  
19 to paragraph (2), the Secretary”; and

20 (2) in paragraph (2), by adding at the end the  
21 following new sentence: “However, in the case of the  
22 report required to be submitted during 2013, the as-  
23 sessment described in paragraph (1) shall be con-  
24 ducted, and the report shall be prepared and sub-  
25 mitted, by the Inspector General of the Department  
26 of Defense instead of the Secretary of the Army.”.

1 (b) TIME FOR SUBMISSION OF REPORT AND PLAN  
2 OF ACTION REGARDING INSPECTION OF CEMETERIES AT  
3 MILITARY INSTALLATIONS.—Section 592(d)(2) of the Na-  
4 tional Defense Authorization Act for Fiscal Year 2012  
5 (Public Law 112–81; 125 Stat. 1443) is amended—

6 (1) by striking “December 31, 2012” and in-  
7 serting “June 29, 2013”; and

8 (2) by striking “April 1, 2013” and inserting  
9 “October 1, 2013”.

10 **SEC. 592. REPORT ON RESULTS OF INVESTIGATIONS AND**  
11 **REVIEWS CONDUCTED WITH RESPECT TO**  
12 **PORT MORTUARY DIVISION OF THE AIR**  
13 **FORCE MORTUARY AFFAIRS OPERATIONS**  
14 **CENTER AT DOVER AIR FORCE BASE.**

15 (a) REPORT REQUIRED.—Not later than 180 days  
16 after the date of the enactment of this Act, the Secretary  
17 of Defense shall submit to the Committees on Armed Serv-  
18 ices of the Senate and the House of Representatives a re-  
19 port of the investigations and reviews that were conducted  
20 with respect to the improper handling and preparation of  
21 the remains of deceased members of the Armed Forces  
22 and civilians at the Port Mortuary Division of the Air  
23 Force Mortuary Affairs Operations Center at Dover Air  
24 Force Base. The investigations and reviews considered  
25 shall include—

1 (1) the 436th Air Wing Inspector General re-  
2 view;

3 (2) the Air Force Office of Special Investiga-  
4 tions report;

5 (3) the Air Force Office of Inspector General  
6 investigation;

7 (4) the Office of Special Counsel review;

8 (5) the Defense Health Board's Dover Port  
9 Mortuary Independent Review Subcommittee report;  
10 and

11 (6) any other reviews or investigations of oper-  
12 ations at Dover Port Mortuary that have been con-  
13 ducted since January 1, 2011.

14 (b) ELEMENTS OF REPORT.—The report shall—

15 (1) summarize and evaluate the recommenda-  
16 tions made, and the actions undertaken, as a result  
17 of the investigations and reviews, and the current  
18 status of implementation of such recommendations  
19 and actions; and

20 (2) provide any additional recommendations for  
21 improvement of operations at Dover Port Mortuary,  
22 including any best practices for casualty notification,  
23 family support, and mortuary affairs operations.

1 **SEC. 593. PRESERVATION OF EDITORIAL INDEPENDENCE**  
2 **OF STARS AND STRIPES.**

3 (a) **MAINTENANCE OF GEOGRAPHIC SEPARATION.**—

4 To preserve the actual and perceived editorial and man-  
5 agement independence of the Stars and Stripes news-  
6 paper, the Secretary of Defense shall extend the lease for  
7 the commercial office space in the District of Columbia  
8 currently occupied by the editorial and management oper-  
9 ations of the Stars and Stripes newspaper until such time  
10 as the Secretary provides space and information tech-  
11 nology and other support for such operations in a Govern-  
12 ment-owned facility in the National Capital Region geo-  
13 graphically remote from facilities of the Defense Media  
14 Activity at Fort Meade, Maryland.

15 (b) **IMPLEMENTATION REPORT.**—Not later than Feb-  
16 ruary 1, 2013, the Secretary of Defense shall submit to  
17 the Committees on Armed Services of the Senate and the  
18 House of Representatives a report describing the imple-  
19 mentation of subsection (a).

20 **SEC. 594. NATIONAL PUBLIC AWARENESS AND PARTICIPA-**  
21 **TION CAMPAIGN FOR VETERANS' HISTORY**  
22 **PROJECT OF AMERICAN FOLKLIFE CENTER.**

23 (a) **IN GENERAL.**—The Director of the American  
24 Folklife Center at the Library of Congress shall carry out  
25 a national public awareness and participation campaign  
26 for the program required by section 3(a) of the Veterans'

1 Oral History Project Act (20 U.S.C. 2142(a)). Such cam-  
2 paign shall provide for the following:

3 (1) Encouraging the people of the United  
4 States, veterans organizations, community groups,  
5 and national organizations to participate in such  
6 program.

7 (2) Ensuring greater awareness and participa-  
8 tion throughout the United States in such program.

9 (3) Providing meaningful opportunities for  
10 learning about the experiences of veterans.

11 (4) Complementing the efforts supporting the  
12 readjustment and successful reintegration of vet-  
13 erans into civilian life after service in the Armed  
14 Forces.

15 (b) COORDINATION AND COOPERATION.—To the de-  
16 gree practicable, the Director shall, in carrying out the  
17 campaign required by subsection (a), coordinate and co-  
18 operate with veterans service organizations.

19 (c) VETERANS SERVICE ORGANIZATION DEFINED.—  
20 In this section, the term “veterans service organization”  
21 means any organization recognized by the Secretary of  
22 Veterans Affairs for the representation of veterans under  
23 section 5902 of title 38, United States Code.

1 **SEC. 595. REPORT ON ACCURACY OF DATA IN THE DE-**  
2 **FENSE ENROLLMENT ELIGIBILITY REPORT-**  
3 **ING SYSTEM.**

4 Not later than 90 days after the date of the enact-  
5 ment of this Act, the Secretary of Defense shall submit  
6 to the Committees on Armed Services of the Senate and  
7 the House of Representatives a plan to improve the com-  
8 pleteness and accuracy of the data contained in the De-  
9 fense Enrollment Eligibility Reporting System (DEERS)  
10 in order—

11 (1) to provide for the standardization of identi-  
12 fication credentials required for eligibility, enroll-  
13 ment, transactions, and updates across all Depart-  
14 ment of Defense installations; and

15 (2) to ensure that persons issued military iden-  
16 tification cards and receiving benefits based on  
17 DEERS data are actually eligible for such cards and  
18 benefits.

19 **SEC. 596. SENSE OF CONGRESS THAT THE BUGLE CALL**  
20 **COMMONLY KNOWN AS TAPS SHOULD BE**  
21 **DESIGNATED AS THE NATIONAL SONG OF**  
22 **MILITARY REMEMBRANCE.**

23 It is the sense of Congress that the bugle call com-  
24 monly known as “Taps” should be designated as the Na-  
25 tional Song of Military Remembrance.

# 1 **TITLE VI—COMPENSATION AND**

## 2 **OTHER PERSONNEL BENEFITS**

### Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2013 increase in military basic pay.
- Sec. 602. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
- Sec. 603. Basic allowance for housing for two-member couples when one member is on sea duty.
- Sec. 604. Rates of basic allowance for housing for members performing active Guard and Reserve duty.
- Sec. 605. Payment of benefit for nonparticipation of eligible members in Post-Deployment/Mobilization Respite Absence program due to Government error.

### Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
- Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
- Sec. 616. Increase in maximum amount of officer affiliation bonus for officers in the Selected Reserve.
- Sec. 617. Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages.

### Subtitle C—Travel and Transportation Allowances

- Sec. 621. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.
- Sec. 622. Authority for comprehensive program for space-available travel on Department of Defense aircraft.

### Subtitle D—Benefits and Services for Members Being Separated or Recently Separated

- Sec. 631. Extension of authority to provide two years of commissary and exchange benefits after separation.
- Sec. 632. Transitional use of military family housing.

### Subtitle E—Disability, Retired Pay, and Survivor Benefits

- Sec. 641. Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and terminating payment of the Survivor Benefit Plan annuity.

Sec. 642. Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the Armed Forces married to other members.

Sec. 643. Clarification of computation of combat-related special compensation for chapter 61 disability retirees.

Subtitle F—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Repeal of certain recordkeeping and reporting requirements applicable to commissary and exchange stores overseas.

Sec. 652. Treatment of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House.

Subtitle G—Military Lending

Sec. 661. Additional enhancements of protections on consumer credit for members of the Armed Forces and their dependents.

Sec. 662. Effect of violations of protections on consumer credit extended to members of the Armed Forces and their dependents.

Sec. 663. Consistent definition of dependent for purposes of applying limitations on terms of consumer credit extended to certain members of the Armed Forces and their dependents.

Subtitle H—Military Compensation and Retirement Modernization Commission

Sec. 671. Purpose, scope, and definitions.

Sec. 672. Military Compensation and Retirement Modernization Commission.

Sec. 673. Commission hearings and meetings.

Sec. 674. Principles and procedure for Commission recommendations.

Sec. 675. Consideration of Commission recommendations by the President.

Sec. 676. Executive Director.

Sec. 677. Staff.

Sec. 678. Judicial review precluded.

Sec. 679. Termination.

Sec. 680. Funding.

Subtitle I—Other Matters

Sec. 681. Equal treatment for members of Coast Guard Reserve called to active duty under title 14, United States Code.

Sec. 682. Report regarding Department of Veterans Affairs claims process transformation plan.

1 **Subtitle A—Pay and Allowances**

2 **SEC. 601. FISCAL YEAR 2013 INCREASE IN MILITARY BASIC**

3 **PAY.**

4 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The

5 adjustment to become effective during fiscal year 2013 re-

1 quired by section 1009 of title 37, United States Code,  
2 in the rates of monthly basic pay authorized members of  
3 the uniformed services shall not be made.

4 (b) INCREASE IN BASIC PAY.—Effective on January  
5 1, 2013, the rates of monthly basic pay for members of  
6 the uniformed services are increased by 1.7 percent.

7 **SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEM-**  
8 **PORARY INCREASE IN RATES OF BASIC AL-**  
9 **LOWANCE FOR HOUSING UNDER CERTAIN**  
10 **CIRCUMSTANCES.**

11 Section 403(b)(7)(E) of title 37, United States Code,  
12 is amended by striking “December 31, 2012” and insert-  
13 ing “December 31, 2013”.

14 **SEC. 603. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEM-**  
15 **BER COUPLES WHEN ONE MEMBER IS ON SEA**  
16 **DUTY.**

17 (a) IN GENERAL.—Subparagraph (C) of section  
18 403(f)(2) of title 37, United States Code, is amended to  
19 read as follows:

20 “(C) Notwithstanding section 421 of this title, a  
21 member of a uniformed service in a pay grade below pay  
22 grade E–6 who is assigned to sea duty and is married  
23 to another member of a uniformed service is entitled to  
24 a basic allowance for housing subject to the limitations  
25 of subsection (e).”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect on January 1, 2013.

3 **SEC. 604. RATES OF BASIC ALLOWANCE FOR HOUSING FOR**  
4 **MEMBERS PERFORMING ACTIVE GUARD AND**  
5 **RESERVE DUTY.**

6 (a) TREATMENT OF ACTIVE GUARD AND RESERVE  
7 DUTY.—Section 403(g) of title 37, United States Code,  
8 is amended by adding at the end the following new para-  
9 graph:

10 “(6)(A) This paragraph applies with respect to a  
11 member of a reserve component who performs active  
12 Guard and Reserve duty (as defined in section 101(d)(6)  
13 of title 10).

14 “(B) The rate of basic allowance for housing to be  
15 paid to a member described in subparagraph (A) shall be  
16 based on the member’s permanent duty station, even dur-  
17 ing instances in which the member is mobilized for service  
18 on active duty other than active Guard and Reserve duty.

19 “(C)(i) During transitions in service status from ac-  
20 tive Guard and Reserve duty to other active duty and back  
21 to active Guard and Reserve duty, or following the start  
22 of new periods of service resulting from a change in or-  
23 ders, a member described in subparagraph (A) shall be  
24 considered as retaining uninterrupted eligibility to receive  
25 a basic allowance for housing in an area as provided for

1 under subsections (b)(6) and (c)(2) so long as the member  
2 remains on active duty without a break in service.

3 “(ii) Clause (i) does not apply if the member’s perma-  
4 nent duty station changes as a result of orders directing  
5 a permanent change in station with the authority for the  
6 movement of household goods.

7 “(iii) For purposes of clause (i), a break in active  
8 service occurs when one or more calendar days between  
9 active service periods do not qualify as active service.

10 “(D) Subsections (d)(3) and (o) also apply to a mem-  
11 ber described in subparagraph (A).”.

12 (b) TRANSITIONAL PROVISIONS.—

13 (1) IN GENERAL.—The basic allowance for  
14 housing paid to a member of a reserve component  
15 described in subparagraph (A) of paragraph (6) of  
16 section 403(g) of title 37, United States Code, as  
17 added by subsection (a), who on the date of the en-  
18 actment of the National Defense Authorization Act  
19 for Fiscal Year 2013 is being paid basic allowance  
20 for housing at a rate that is based on a housing area  
21 other than the member’s permanent duty station,  
22 shall be paid at that current rate until the member  
23 is assigned to perform duty at the member’s perma-  
24 nent duty station, at which time the member shall  
25 be paid basic allowance for housing at the prevailing

1 permanent duty station housing area rate or at the  
2 permanent duty station housing rate for which the  
3 member has qualified under such paragraph (6).

4 (2) ALTERNATIVE RATE.—The Secretary of a  
5 military department, with the approval of the Sec-  
6 retary of Defense, may pay a member covered by  
7 paragraph (1) and under the jurisdiction of that  
8 Secretary a basic allowance for housing at a rate  
9 higher than the rate provided under such paragraph  
10 to ensure that the member is treated fairly and equi-  
11 tably or to serve the best interests of the United  
12 States.

13 **SEC. 605. PAYMENT OF BENEFIT FOR NONPARTICIPATION**  
14 **OF ELIGIBLE MEMBERS IN POST-DEPLOY-**  
15 **MENT/MOBILIZATION RESPITE ABSENCE**  
16 **PROGRAM DUE TO GOVERNMENT ERROR.**

17 (a) PAYMENT OF BENEFIT.—

18 (1) IN GENERAL.—Upon application, the Sec-  
19 retary concerned shall make a payment to each indi-  
20 vidual described in paragraph (2) of \$200 for each  
21 day of nonparticipation of such individual in the  
22 Post-Deployment/Mobilization Respite Absence pro-  
23 gram as described in that paragraph.

24 (2) COVERED INDIVIDUALS.—An individual de-  
25 scribed in this paragraph is an individual who—

1 (A) was eligible for participation as a  
2 member of the Armed Forces in the Post-De-  
3 ployment/Mobilization Respite Absence pro-  
4 gram; but

5 (B) as determined by the Secretary con-  
6 cerned pursuant to an application for the cor-  
7 rection of the military records of such indi-  
8 vidual pursuant to section 1552 of title 10,  
9 United States Code, or other process as deter-  
10 mined by the Secretary, did not participate in  
11 one or more days in the program for which the  
12 individual was so eligible due to Government  
13 error.

14 (b) DECEASED INDIVIDUALS.—

15 (1) APPLICATIONS.—If an individual otherwise  
16 covered by subsection (a) is deceased, the application  
17 required by that subsection shall be made by the in-  
18 dividual's legal representative.

19 (2) PAYMENT.—If an individual to whom pay-  
20 ment would be made under subsection (a) is de-  
21 ceased at time of payment, payment shall be made  
22 in the manner specified in section 1552(c)(2) of title  
23 10, United States Code, or other process as deter-  
24 mined by the Secretary concerned.

1 (c) PAYMENT IN LIEU OF ADMINISTRATIVE AB-  
2 SENCE.—Payment under subsection (a) with respect to a  
3 day described in that subsection shall be in lieu of any  
4 entitlement of the individual concerned to a day of admin-  
5 istrative absence for such day.

6 (d) CONSTRUCTION.—

7 (1) CONSTRUCTION WITH OTHER PAY.—Any  
8 payment with respect to an individual under sub-  
9 section (a) is in addition to any other pay provided  
10 by law.

11 (2) CONSTRUCTION OF AUTHORITY.—It is the  
12 sense of Congress that—

13 (A) the sole purpose of the authority in  
14 this section is to remedy administrative errors;  
15 and

16 (B) the authority in this section is not in-  
17 tended to establish any entitlement in connec-  
18 tion with the Post-Deployment/Mobilization  
19 Respite Absence program.

20 (e) DEFINITIONS.—In this section, the terms “Post-  
21 Deployment/Mobilization Respite Absence program” and  
22 “Secretary concerned” have the meaning given such terms  
23 in section 604(f) of the National Defense Authorization  
24 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
25 2350).

1     **Subtitle B—Bonuses and Special**  
2                     **and Incentive Pays**

3     **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
4                     **SPECIAL PAY AUTHORITIES FOR RESERVE**  
5                     **FORCES.**

6             The following sections of title 37, United States  
7 Code, are amended by striking “December 31, 2012” and  
8 inserting “December 31, 2013”:

9             (1) Section 308b(g), relating to Selected Re-  
10             serve reenlistment bonus.

11            (2) Section 308c(i), relating to Selected Reserve  
12            affiliation or enlistment bonus.

13            (3) Section 308d(c), relating to special pay for  
14            enlisted members assigned to certain high-priority  
15            units.

16            (4) Section 308g(f)(2), relating to Ready Re-  
17            serve enlistment bonus for persons without prior  
18            service.

19            (5) Section 308h(e), relating to Ready Reserve  
20            enlistment and reenlistment bonus for persons with  
21            prior service.

22            (6) Section 308i(f), relating to Selected Reserve  
23            enlistment and reenlistment bonus for persons with  
24            prior service.

1           (7) Section 408a(e), relating to reimbursement  
2           of travel expenses for inactive-duty training outside  
3           of normal commuting distance.

4           (8) Section 910(g), relating to income replace-  
5           ment payments for reserve component members ex-  
6           periencing extended and frequent mobilization for  
7           active duty service.

8   **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
9                           **SPECIAL PAY AUTHORITIES FOR HEALTH**  
10                           **CARE PROFESSIONALS.**

11       (a) TITLE 10 AUTHORITIES.—The following sections  
12       of title 10, United States Code, are amended by striking  
13       “December 31, 2012” and inserting “December 31,  
14       2013”:

15           (1) Section 2130a(a)(1), relating to nurse offi-  
16           cer candidate accession program.

17           (2) Section 16302(d), relating to repayment of  
18           education loans for certain health professionals who  
19           serve in the Selected Reserve.

20       (b) TITLE 37 AUTHORITIES.—The following sections  
21       of title 37, United States Code, are amended by striking  
22       “December 31, 2012” and inserting “December 31,  
23       2013”:

24           (1) Section 302e–1(f), relating to accession and  
25           retention bonuses for psychologists.

1           (2) Section 302d(a)(1), relating to accession  
2           bonus for registered nurses.

3           (3) Section 302e(a)(1), relating to incentive  
4           special pay for nurse anesthetists.

5           (4) Section 302g(e), relating to special pay for  
6           Selected Reserve health professionals in critically  
7           short wartime specialties.

8           (5) Section 302h(a)(1), relating to accession  
9           bonus for dental officers.

10          (6) Section 302j(a), relating to accession bonus  
11          for pharmacy officers.

12          (7) Section 302k(f), relating to accession bonus  
13          for medical officers in critically short wartime spe-  
14          cialties.

15          (8) Section 302l(g), relating to accession bonus  
16          for dental specialist officers in critically short war-  
17          time specialties.

18 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
19                                   **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
20                                   **CERS.**

21          The following sections of title 37, United States  
22          Code, are amended by striking “December 31, 2012” and  
23          inserting “December 31, 2013”:

1           (1) Section 312(f), relating to special pay for  
2 nuclear-qualified officers extending period of active  
3 service.

4           (2) Section 312b(c), relating to nuclear career  
5 accession bonus.

6           (3) Section 312c(d), relating to nuclear career  
7 annual incentive bonus.

8 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
9 **ING TO TITLE 37 CONSOLIDATED SPECIAL**  
10 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**  
11 **TIES.**

12       The following sections of title 37, United States  
13 Code, are amended by striking “December 31, 2012” and  
14 inserting “December 31, 2013”:

15           (1) Section 331(h), relating to general bonus  
16 authority for enlisted members.

17           (2) Section 332(g), relating to general bonus  
18 authority for officers.

19           (3) Section 333(i), relating to special bonus and  
20 incentive pay authorities for nuclear officers.

21           (4) Section 334(i), relating to special aviation  
22 incentive pay and bonus authorities for officers.

23           (5) Section 335(k), relating to special bonus  
24 and incentive pay authorities for officers in health  
25 professions.

1 (6) Section 351(h), relating to hazardous duty  
2 pay.

3 (7) Section 352(g), relating to assignment pay  
4 or special duty pay.

5 (8) Section 353(i), relating to skill incentive  
6 pay or proficiency bonus.

7 (9) Section 355(h), relating to retention incen-  
8 tives for members qualified in critical military skills  
9 or assigned to high priority units.

10 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
11 **ING TO PAYMENT OF OTHER TITLE 37 BO-**  
12 **NUSES AND SPECIAL PAYS.**

13 The following sections of title 37, United States  
14 Code, are amended by striking “December 31, 2012” and  
15 inserting “December 31, 2013”:

16 (1) Section 301b(a), relating to aviation officer  
17 retention bonus.

18 (2) Section 307a(g), relating to assignment in-  
19 centive pay.

20 (3) Section 308(g), relating to reenlistment  
21 bonus for active members.

22 (4) Section 309(e), relating to enlistment  
23 bonus.

24 (5) Section 324(g), relating to accession bonus  
25 for new officers in critical skills.

1           (6) Section 326(g), relating to incentive bonus  
2           for conversion to military occupational specialty to  
3           ease personnel shortage.

4           (7) Section 327(h), relating to incentive bonus  
5           for transfer between armed forces.

6           (8) Section 330(f), relating to accession bonus  
7           for officer candidates.

8   **SEC. 616. INCREASE IN MAXIMUM AMOUNT OF OFFICER AF-**  
9                           **FILIATION BONUS FOR OFFICERS IN THE SE-**  
10                           **LECTED RESERVE.**

11          Section 308j(d) of title 37, United States Code, is  
12          amended by striking “\$10,000” and inserting “\$20,000”.

13   **SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE**  
14                           **BONUS FOR RESERVE COMPONENT MEM-**  
15                           **BERS WHO CONVERT MILITARY OCCUPA-**  
16                           **TIONAL SPECIALTY TO EASE PERSONNEL**  
17                           **SHORTAGES.**

18          Section 326(c)(1) of title 37, United States Code, is  
19          amended by striking “\$4,000, in the case of a member  
20          of a regular component of the armed forces, and \$2,000,  
21          in the case of a member of a reserve component of the  
22          armed forces.” and inserting “\$4,000.”.

1                   **Subtitle C—Travel and**  
2                   **Transportation Allowances**

3   **SEC. 621. PERMANENT CHANGE OF STATION ALLOWANCES**  
4                   **FOR MEMBERS OF SELECTED RESERVE**  
5                   **UNITS FILLING A VACANCY IN ANOTHER**  
6                   **UNIT AFTER BEING INVOLUNTARILY SEPA-**  
7                   **RATED.**

8           (a) TRAVEL AND TRANSPORTATION ALLOWANCES  
9   GENERALLY.—Section 474 of title 37, United States  
10 Code, is amended—

11           (1) in subsection (a)—

12                   (A) in paragraph (4), by striking “and” at  
13                   the end;

14                   (B) in paragraph (5), by striking the pe-  
15                   riod at the end and inserting “; and”; and

16                   (C) by adding at the end the following new  
17                   paragraph:

18                   “(6) upon filling a vacancy in a Selected Re-  
19                   serve unit at a duty station that is more than 150  
20                   miles from the member’s residence if—

21                           “(A) during the preceding three years the  
22                           member was involuntarily separated under  
23                           other than adverse conditions (as characterized  
24                           by the Secretary concerned) while assigned to a  
25                           unit of the Selected Reserve certified by the

1 Secretary concerned as having been adversely  
2 affected by force structure reductions during  
3 the period beginning on October 1, 2012, and  
4 ending on December 31, 2018;

5 “(B) the involuntary separation occurred  
6 during the period beginning on October 1,  
7 2012, and ending on December 31, 2018; and

8 “(C) the member is—

9 “(i) qualified in a skill designated as  
10 critically short by the Secretary concerned;

11 or

12 “(ii) filling a vacancy in a Selected  
13 Reserve unit with a critical manpower  
14 shortage, or in a pay grade with a critical  
15 manpower shortage in such unit.”;

16 (2) in subsection (f), by adding at the end the  
17 following new paragraph:

18 “(4)(A) A member may be provided travel and trans-  
19 portation allowances under subsection (a)(6) only with re-  
20 spect to the filling of a vacancy in a Selected Reserve unit  
21 one time.

22 “(B) Regulations under this section shall provide that  
23 whenever travel and transportation allowances are paid  
24 under subsection (a)(6), the cost shall be borne by the unit  
25 filling the vacancy.”; and

1           (3) in subsection (j), by inserting “(except sub-  
2           section (a)(6))” after “In this section”.

3           (b) TRAVEL AND TRANSPORTATION ALLOWANCES  
4 FOR DEPENDENTS AND HOUSEHOLD EFFECTS.—Section  
5 476 of such title is amended—

6           (1) by redesignating subsections (l), (m), and  
7           (n) as subsections (m), (n), and (o), respectively;  
8           and

9           (2) by inserting after subsection (k) the fol-  
10          lowing new subsection (l):

11          “(l)(1) A member described in paragraph (2) is enti-  
12          tled to the travel and transportation allowances, including  
13          allowances with respect to dependents, authorized by this  
14          section upon filling a vacancy as described in that para-  
15          graph as if the member were undergoing a permanent  
16          change of station under orders in filling such vacancy.

17          “(2) A member described in this paragraph is a mem-  
18          ber who is filling a vacancy in a Selected Reserve unit at  
19          a duty station that is more than 150 miles from the mem-  
20          ber’s residence if—

21                  “(A) during the three years preceding filling the  
22          vacancy, the member was involuntarily separated  
23          under other than adverse conditions (as character-  
24          ized by the Secretary concerned) while assigned to a  
25          unit of the Selected Reserve certified by the Sec-

1       retary concerned as having been adversely affected  
2       by force structure reductions during the period be-  
3       ginning on October 1, 2012, and ending on Decem-  
4       ber 31, 2018;

5               “(B) the involuntary separation occurred during  
6       the period beginning on October 1, 2012, and ending  
7       on December 31, 2018; and

8               “(C) the member is—

9                       “(i) qualified in a skill designated as criti-  
10       cally short by the Secretary concerned; or

11                      “(ii) filling a vacancy in a Selected Reserve  
12       unit with a critical manpower shortage, or in a  
13       pay grade with a critical manpower shortage in  
14       such unit.

15       “(3) Any allowances authorized by this section that  
16       are payable under this subsection may be payable in ad-  
17       vance if payable in advance to a member undergoing a  
18       permanent change of station under orders under the appli-  
19       cable provision of this section.”.

20       **SEC. 622. AUTHORITY FOR COMPREHENSIVE PROGRAM**  
21                       **FOR SPACE-AVAILABLE TRAVEL ON DEPART-**  
22                       **MENT OF DEFENSE AIRCRAFT.**

23       (a) PROGRAM AUTHORIZED.—Section 2641b of title  
24       10, United States Code, is amended to read as follows:

1 **“§ 2641b. Space-available travel on Department of De-**  
2 **fense aircraft: program authorized and**  
3 **eligible recipients**

4 “(a) AUTHORITY TO ESTABLISH PROGRAM.—(1) The  
5 Secretary of Defense may establish a program (in this sec-  
6 tion referred to as the ‘travel program’) to provide trans-  
7 portation on Department of Defense aircraft on a space-  
8 available basis to the categories of individuals eligible  
9 under subsection (c).

10 “(2) If the Secretary makes a determination to estab-  
11 lish the travel program, the Secretary shall prescribe regu-  
12 lations for the operation of the travel program not later  
13 than one year after the date on which the determination  
14 was made. The regulations shall take effect on that date  
15 or such earlier date as the Secretary shall specify in the  
16 regulations.

17 “(3) Not later than 30 days after making the deter-  
18 mination to establish the travel program, the Secretary  
19 shall submit to the congressional defense committees an  
20 initial implementation report describing—

21 “(A) the basis for the determination;

22 “(B) any additional categories of individuals to  
23 be eligible for the travel program under subsection  
24 (c)(5);

25 “(C) how the Secretary will ensure that the  
26 travel program is established and operated in com-

1       pliance with the conditions specified in subsection  
2       (b); and

3               “(D) the metrics by which the Secretary will  
4       monitor the travel program to determine the effi-  
5       cient and effective execution of the travel program.

6       “(b) CONDITIONS ON ESTABLISHMENT AND OPER-  
7       ATION.—(1) The Secretary of Defense shall operate the  
8       travel program in a budget-neutral manner.

9               “(2) No additional funds may be used, or flight hours  
10       performed, for the purpose of providing transportation  
11       under the travel program.

12       “(c) ELIGIBLE INDIVIDUALS.—Subject to subsection  
13       (d), the Secretary of Defense shall provide transportation  
14       under the travel program (if established) to the following  
15       categories of individuals:

16               “(1) Members of the armed forces on active  
17       duty.

18               “(2) Members of the Selected Reserve who hold  
19       a valid Uniformed Services Identification and Privi-  
20       lege Card.

21               “(3) Retired members of a regular or reserve  
22       component of the armed forces, including retired  
23       members of reserve components who, but for being  
24       under the eligibility age applicable under section

1       12731 of this title, would be eligible for retired pay  
2       under chapter 1223 of this title.

3           “(4) Such categories of dependents of individ-  
4       uals described in paragraphs (1) through (3) as the  
5       Secretary shall specify in the regulations under sub-  
6       section (a), under such conditions and circumstances  
7       as the Secretary shall specify in such regulations.

8           “(5) Such other categories of individuals as the  
9       Secretary, in the discretion of the Secretary, con-  
10      siders appropriate.

11      “(d) PRIORITIES AND RESTRICTIONS.—In operating  
12      the travel program, the Secretary of Defense shall—

13           “(1) in the sole discretion of the Secretary, es-  
14      tablish an order of priority for transportation under  
15      the travel program for categories of eligible individ-  
16      uals that is based on considerations of military ne-  
17      cessity, humanitarian concerns, and enhancement of  
18      morale;

19           “(2) give priority in consideration of transpor-  
20      tation under the travel program to the demands of  
21      members of the armed forces in the regular compo-  
22      nents and in the reserve components on active duty  
23      and to the need to provide such members, and their  
24      dependents, a means of respite from such demands;  
25      and

1           “(3) implement policies aimed at ensuring cost  
2           control (as required by subsection (b)) and the safe-  
3           ty, security, and efficient processing of travelers, in-  
4           cluding limiting the benefit under the travel program  
5           to one or more categories of otherwise eligible indi-  
6           viduals if considered necessary by the Secretary.

7           “(e) SPECIAL PRIORITY FOR RETIRED MEMBERS RE-  
8           SIDING IN COMMONWEALTHS AND POSSESSIONS OF THE  
9           UNITED STATES WHO NEED CERTAIN HEALTH CARE  
10          SERVICES.—(1) Notwithstanding subsection (d)(1), in es-  
11          tablishing space-available transportation priorities under  
12          the travel program, the Secretary of Defense shall provide  
13          transportation for an individual described in paragraph  
14          (2), and a single dependent of the individual if needed to  
15          accompany the individual, at a priority level in the same  
16          category as the priority level for an unaccompanied de-  
17          pendent over the age of 18 traveling on environmental and  
18          morale leave.

19          “(2) Subject to paragraph (3), paragraph (1) applies  
20          with respect to an individual described in subsection (e)(3)  
21          who—

22                 “(A) resides in or is located in a Common-  
23          wealth or possession of the United States; and

24                 “(B) is referred by a military or civilian pri-  
25          mary care provider located in that Commonwealth or

1       possession to a specialty care provider for services to  
2       be provided outside of that Commonwealth or pos-  
3       session.

4       “(3) If an individual described in subsection (c)(3)  
5       is a retired member of a reserve component who is ineli-  
6       gible for retired pay under chapter 1223 of this title by  
7       reason of being under the eligibility age applicable under  
8       section 12731 of this title, paragraph (1) applies to the  
9       individual only if the individual is also enrolled in the  
10      TRICARE program for certain members of the Retired  
11      Reserve authorized under section 1076e of this title.

12      “(4) The priority for space-available transportation  
13      required by this subsection applies with respect to both—

14              “(A) the travel from the Commonwealth or pos-  
15              session of the United States to receive the specialty  
16              care services; and

17              “(B) the return travel.

18      “(5) The requirement to provide transportation on  
19      Department of Defense aircraft on a space-available basis  
20      on the priority basis described in paragraph (1) to individ-  
21      uals covered by this subsection applies whether or not the  
22      travel program is established under this section.

23      “(6) In this subsection, the terms ‘primary care pro-  
24      vider’ and ‘specialty care provider’ refer to a medical or

1 dental professional who provides health care services  
2 under chapter 55 of this title.

3 “(f) CONSTRUCTION.—The authority to provide  
4 transportation under the travel program is in addition to  
5 any other authority under law to provide transportation  
6 on Department of Defense aircraft on a space-available  
7 basis.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of chapter 157 of such title is amended  
10 by striking the item relating to section 2641b and insert-  
11 ing the following new item:

“2641b. Space-available travel on Department of Defense aircraft: program au-  
thorized and eligible recipients.”.

12 **Subtitle D—Benefits and Services**  
13 **for Members Being Separated or**  
14 **Recently Separated**

15 **SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TWO**  
16 **YEARS OF COMMISSARY AND EXCHANGE**  
17 **BENEFITS AFTER SEPARATION.**

18 (a) EXTENSION OF AUTHORITY.—Section 1146 of  
19 title 10, United States Code, is amended—

20 (1) in subsection (a), by striking “2012” and  
21 inserting “2018”; and

22 (2) in subsection (b), by striking “2012” and  
23 inserting “2018”.

1 (b) CORRECTION OF REFERENCE TO ADMINISTERING  
2 SECRETARY.—Such section is further amended—

3 (1) in subsection (a), by striking “The Sec-  
4 retary of Transportation” and inserting “The Sec-  
5 retary concerned”; and

6 (2) in subsection (b), by striking “The Sec-  
7 retary of Homeland Security” and inserting “The  
8 Secretary concerned”.

9 **SEC. 632. TRANSITIONAL USE OF MILITARY FAMILY HOUS-**  
10 **ING.**

11 (a) RESUMPTION OF AUTHORITY TO AUTHORIZE  
12 TRANSITIONAL USE.—Subsection (a) of section 1147 of  
13 title 10, United States Code, is amended—

14 (1) in paragraph (1), by striking “October 1,  
15 1990, and ending on December 31, 2001” and in-  
16 serting “October 1, 2012, and ending on December  
17 31, 2018”; and

18 (2) in paragraph (2), by striking “October 1,  
19 1994, and ending on December 31, 2001” and in-  
20 serting “October 1, 2012, and ending on December  
21 31, 2018”.

22 (b) PROHIBITION ON PROVISION OF TRANSITIONAL  
23 BASIC ALLOWANCE FOR HOUSING.—Such section is fur-  
24 ther amended by adding at the end the following new sub-  
25 section:

1           “(c) NO TRANSITIONAL BASIC ALLOWANCE FOR  
2 HOUSING.—Nothing in this section shall be construed to  
3 authorize the Secretary concerned to continue to provide  
4 for any period of time to an individual who is involuntarily  
5 separated all or any portion of a basic allowance for hous-  
6 ing to which the individual was entitled under section 403  
7 of title 37 immediately before being involuntarily sepa-  
8 rated, even in cases in which the individual or members  
9 of the individual’s household continue to reside after the  
10 separation in a housing unit acquired or constructed under  
11 the alternative authority of subchapter IV of chapter 169  
12 of this title that is not owned or leased by the United  
13 States.”.

14           (c) CORRECTION OF REFERENCE TO ADMINISTERING  
15 SECRETARY.—Subsection (a)(2) of such section is further  
16 amended by striking “The Secretary of Transportation”  
17 and inserting “The Secretary concerned”.

1 **Subtitle E—Disability, Retired Pay,**  
2 **and Survivor Benefits**

3 **SEC. 641. REPEAL OF REQUIREMENT FOR PAYMENT OF**  
4 **SURVIVOR BENEFIT PLAN PREMIUMS WHEN**  
5 **PARTICIPANT WAIVES RETIRED PAY TO PRO-**  
6 **VIDE A SURVIVOR ANNUITY UNDER FEDERAL**  
7 **EMPLOYEES RETIREMENT SYSTEM AND TER-**  
8 **MINATING PAYMENT OF THE SURVIVOR BEN-**  
9 **EFIT PLAN ANNUITY.**

10 (a) DEPOSITS NOT REQUIRED.—Section 1452(e) of  
11 title 10, United States Code, is amended—

12 (1) in the subsection heading, by inserting  
13 “AND FERS” after “CSRS”;

14 (2) by inserting “or chapter 84 of such title”  
15 after “chapter 83 of title 5”;

16 (3) by inserting “or 8416(a)” after “8339(j)”;

17 and

18 (4) by inserting “or 8442(a)” after “8341(b)”.

19 (b) CONFORMING AMENDMENTS.—Section 1450(d)  
20 of such title is amended—

21 (1) by inserting “or chapter 84 of such title”  
22 after “chapter 83 of title 5”;

23 (2) by inserting “or 8416(a)” after “8339(j)”;

24 and

25 (3) by inserting “or 8442(a)” after “8341(b)”.

1 (c) APPLICATION OF AMENDMENTS.—The amend-  
2 ments made by this section shall apply with respect to any  
3 participant electing an annuity for survivors under chapter  
4 84 of title 5, United States Code, on or after the date  
5 of the enactment of this Act.

6 **SEC. 642. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY**  
7 **SERVICEMEMBERS' GROUP LIFE INSURANCE**  
8 **FOR MEMBERS OF THE ARMED FORCES MAR-**  
9 **RIED TO OTHER MEMBERS.**

10 Section 1967(a)(1) of title 38, United States Code,  
11 is amended—

12 (1) in subparagraph (A)(ii), by inserting after  
13 “insurable dependent of the member” the following:  
14 “(other than a dependent who is also a member of  
15 a uniformed service and, because of such member-  
16 ship, is automatically insured under this para-  
17 graph)”; and

18 (2) in subparagraph (C)(ii), by inserting after  
19 “insurable dependent of the member” the following:  
20 “(other than a dependent who is also a member of  
21 a uniformed service and, because of such member-  
22 ship, is automatically insured under this para-  
23 graph)”.

1 **SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-**  
2 **RELATED SPECIAL COMPENSATION FOR**  
3 **CHAPTER 61 DISABILITY RETIREES.**

4 (a) IN GENERAL.—Section 1413a(b)(3) of title 10,  
5 United States Code, is amended by striking “shall be re-  
6 duced by the amount (if any) by which the amount of the  
7 member’s retired pay under chapter 61 of this title ex-  
8 ceeds” both places it appears and inserting “may not,  
9 when combined with the amount of retired pay payable  
10 to the retiree after any such reduction under sections 5304  
11 and 5305 of title 38, cause the total of such combined  
12 payment to exceed”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 this section shall take effect as of January 1, 2013, and  
15 shall apply to payments for months beginning on or after  
16 that date.

17 **Subtitle F—Commissary and Non-**  
18 **appropriated Fund Instrumen-**  
19 **tality Benefits and Operations**

20 **SEC. 651. REPEAL OF CERTAIN RECORDKEEPING AND RE-**  
21 **PORTING REQUIREMENTS APPLICABLE TO**  
22 **COMMISSARY AND EXCHANGE STORES OVER-**  
23 **SEAS.**

24 (a) REPEAL.—Section 2489 of title 10, United States  
25 Code, is amended by striking subsections (b) and (c).

1 (b) CONFORMING AMENDMENTS.—Such section is  
2 further amended—

3 (1) by striking “GENERAL AUTHORITY.—(1)”  
4 and inserting “AUTHORITY TO ESTABLISH RESTRIC-  
5 TIONS.—”;

6 (2) by striking “(2)” and inserting “(b) LIM-  
7 TATIONS ON USE OF AUTHORITY.—”; and

8 (3) by redesignating subparagraphs (A) and  
9 (B) as paragraphs (1) and (2), respectively.

10 **SEC. 652. TREATMENT OF FISHER HOUSE FOR THE FAMI-**  
11 **LIES OF THE FALLEN AND MEDITATION PA-**  
12 **VILION AT DOVER AIR FORCE BASE, DELA-**  
13 **WARE, AS A FISHER HOUSE.**

14 (a) FISHER HOUSES AND AUTHORIZED FISHER  
15 HOUSE RESIDENTS.—Subsection (a) of section 2493 of  
16 title 10, United States Code, is amended—

17 (1) in paragraph (1)(B), by striking “by pa-  
18 tients” and all that follows through “such patients;”  
19 and inserting “by authorized Fisher House resi-  
20 dents;”;

21 (2) by redesignating paragraph (2) as para-  
22 graph (3);

23 (3) by inserting after paragraph (1) the fol-  
24 lowing new paragraph:

1           “(2) The term ‘Fisher House’ includes the  
2 Fisher House for the Families of the Fallen and  
3 Meditation Pavilion at Dover Air Force Base, Dela-  
4 ware, so long as such facility is available for residen-  
5 tial use on a temporary basis by authorized Fisher  
6 House residents.”; and

7           (4) by adding at the end the following new  
8 paragraph:

9           “(4) The term ‘authorized Fisher House resi-  
10 dents’ means the following:

11           “(A) With respect to a Fisher House de-  
12 scribed in paragraph (1) that is located in prox-  
13 imity to a health care facility of the Army, the  
14 Air Force, or the Navy, the following persons:

15           “(i) Patients of that health care facil-  
16 ity.

17           “(ii) Members of the families of such  
18 patients.

19           “(iii) Other persons providing the  
20 equivalent of familial support for such pa-  
21 tients.

22           “(B) With respect to the Fisher House de-  
23 scribed in paragraph (2), the following persons:

1           “(i) The primary next of kin of a  
2           member of the armed forces who dies while  
3           located or serving overseas.

4           “(ii) Other family members of the de-  
5           ceased member who are eligible for trans-  
6           portation under section 481f(e) of title 37.

7           “(iii) An escort of a family member  
8           described in clause (i) or (ii).”.

9           (b) CONFORMING AMENDMENTS.—Subsections (b),  
10          (e), and (f) of such section are amended by striking  
11          “health care” each place it appears.

12          (c) REPEAL OF FISCAL YEAR 2012 FREESTANDING  
13          DESIGNATION.—Section 643 of the National Defense Au-  
14          thorization Act for Fiscal Year 2012 (Public Law 112–  
15          81; 125 Stat. 1466) is repealed.

## 16           **Subtitle G—Military Lending**

### 17          **SEC. 661. ADDITIONAL ENHANCEMENTS OF PROTECTIONS** 18                           **ON CONSUMER CREDIT FOR MEMBERS OF** 19                           **THE ARMED FORCES AND THEIR DEPEND-** 20                           **ENTS.**

21          (a) PROTECTIONS AGAINST DIFFERENTIAL TREAT-  
22          MENT ON CONSUMER CREDIT UNDER STATE LAW.—Sub-  
23          section (d)(2) of section 987 of title 10, United States  
24          Code, is amended—

1           (1) in subparagraph (A), by inserting “any con-  
2           sumer credit or” before “loans”; and

3           (2) in subparagraph (B), by inserting “covering  
4           consumer credit” after “State consumer lending pro-  
5           tections”.

6           (b) REGULAR CONSULTATIONS ON PROTECTION.—

7           Subsection (h)(3) of such section is amended—

8           (1) in the matter preceding subparagraph (A),  
9           by inserting “and not less often than once every two  
10          years thereafter,” after “under this subsection,”;  
11          and

12          (2) by striking subparagraph (E) and inserting  
13          the following new subparagraph:

14               “(E) The Bureau of Consumer Financial Pro-  
15               tection.”.

16          (c) EFFECTIVE DATE.—

17               (1) MODIFICATION OF REGULATIONS.—The  
18               Secretary of Defense shall modify the regulations  
19               prescribed under subsection (h) of section 987 of  
20               title 10, United States Code, to take into account  
21               the amendments made by subsection (a).

22               (2) EFFECTIVE DATE.—The amendments made  
23               by subsection (a) shall take effect on—

24                       (A) the date that is one year after the date  
25                       of the enactment of this Act; or

1 (B) such earlier date as the Secretary shall  
2 specify in the modification of regulations re-  
3 quired by paragraph (1).

4 (3) PUBLICATION OF EARLIER DATE.—If the  
5 Secretary specifies an earlier effective date for the  
6 amendments made by subsection (a) pursuant to  
7 paragraph (2)(B), the Secretary shall publish notice  
8 of such earlier effective date in the Federal Register  
9 not later than 90 days before such earlier effective  
10 date.

11 **SEC. 662. EFFECT OF VIOLATIONS OF PROTECTIONS ON**  
12 **CONSUMER CREDIT EXTENDED TO MEMBERS**  
13 **OF THE ARMED FORCES AND THEIR DEPEND-**  
14 **ENTS.**

15 (a) CIVIL LIABILITY.—Section 987(f) of title 10,  
16 United States Code, is amended by adding at the end the  
17 following new paragraph:

18 “(5) CIVIL LIABILITY.—

19 “(A) IN GENERAL.—A person who violates  
20 this section with respect to any person is civilly  
21 liable to such person for—

22 “(i) any actual damage sustained as a  
23 result, but not less than \$500 for each vio-  
24 lation;

25 “(ii) appropriate punitive damages;

1                   “(iii) appropriate equitable or declara-  
2                   tory relief; and

3                   “(iv) any other relief provided by law.

4                   “(B) COSTS OF THE ACTION.—In any suc-  
5                   cessful action to enforce the civil liability de-  
6                   scribed in subparagraph (A), the person who  
7                   violated this section is also liable for the costs  
8                   of the action, together with reasonable attorney  
9                   fees as determined by the court.

10                  “(C) EFFECT OF FINDING OF BAD FAITH  
11                  AND HARASSMENT.—In any successful action  
12                  by a defendant under this section, if the court  
13                  finds the action was brought in bad faith and  
14                  for the purpose of harassment, the plaintiff is  
15                  liable for the attorney fees of the defendant as  
16                  determined by the court to be reasonable in re-  
17                  lation to the work expended and costs incurred.

18                  “(D) DEFENSES.—A person may not be  
19                  held liable for civil liability under this para-  
20                  graph if the person shows by a preponderance  
21                  of evidence that the violation was not inten-  
22                  tional and resulted from a bona fide error not-  
23                  withstanding the maintenance of procedures  
24                  reasonably adapted to avoid any such error. Ex-  
25                  amples of a bona fide error include clerical, cal-

1            culation, computer malfunction and program-  
2            ming, and printing errors, except that an error  
3            of legal judgment with respect to a person's ob-  
4            ligations under this section is not a bona fide  
5            error.

6            “(E) JURISDICTION, VENUE, AND STATUTE  
7            OF LIMITATIONS.—An action for civil liability  
8            under this paragraph may be brought in any  
9            appropriate United States district court, with-  
10           out regard to the amount in controversy, or in  
11           any other court of competent jurisdiction, not  
12           later than the earlier of—

13                    “(i) two years after the date of dis-  
14                    covery by the plaintiff of the violation that  
15                    is the basis for such liability; or

16                    “(ii) five years after the date on which  
17                    the violation that is the basis for such li-  
18                    ability occurs.”.

19            (b) ENFORCEMENT AUTHORITY.—Such section is  
20            further amended by inserting after paragraph (5), as  
21            added by subsection (a), the following new paragraph:

22                    “(6) ADMINISTRATIVE ENFORCEMENT.—The  
23            provisions of this section (other than paragraph (1)  
24            of this subsection) shall be enforced by the agencies  
25            specified in section 108 of the Truth in Lending Act

1 (15 U.S.C. 1607) in the manner set forth in that  
2 section or under any other applicable authorities  
3 available to such agencies by law.”.

4 (c) APPLICATION OF AMENDMENT.—The amendment  
5 made by subsection (a) shall apply with respect to con-  
6 sumer credit extended on or after the date of the enact-  
7 ment of this Act.

8 **SEC. 663. CONSISTENT DEFINITION OF DEPENDENT FOR**  
9 **PURPOSES OF APPLYING LIMITATIONS ON**  
10 **TERMS OF CONSUMER CREDIT EXTENDED TO**  
11 **CERTAIN MEMBERS OF THE ARMED FORCES**  
12 **AND THEIR DEPENDENTS.**

13 Paragraph (2) of section 987(i) of title 10, United  
14 States Code, is amended to read as follows:

15 “(2) DEPENDENT.—The term ‘dependent’, with  
16 respect to a covered member, means a person de-  
17 scribed in subparagraph (A), (D), (E), or (I) of sec-  
18 tion 1072(2) of this title.”.

19 **Subtitle H—Military Compensation**  
20 **and Retirement Modernization**  
21 **Commission**

22 **SEC. 671. PURPOSE, SCOPE, AND DEFINITIONS.**

23 (a) PURPOSE.—The purpose of this subtitle is to es-  
24 tablish the Military Compensation and Retirement Mod-  
25 ernization Commission to conduct a review of the military

1 compensation and retirement systems and to make rec-  
2 ommendations to modernize such systems in order to—

3 (1) ensure the long-term viability of the All-Vol-  
4 unteer Force by sustaining the required human re-  
5 sources of that force during all levels of conflict and  
6 economic conditions;

7 (2) enable the quality of life for members of the  
8 Armed Forces and the other uniformed services and  
9 their families in a manner that fosters successful re-  
10 cruitment, retention, and careers for members of the  
11 Armed Forces and the other uniformed services; and

12 (3) modernize and achieve fiscal sustainability  
13 for the compensation and retirement systems for the  
14 Armed Forces and the other uniformed services for  
15 the 21st century.

16 (b) SCOPE OF REVIEW.—

17 (1) REQUIRED ELEMENTS OF REVIEW.—In  
18 order to provide the fullest understanding of the  
19 matters required to balance the primary purpose of  
20 the review specified in subsection (a), the Commis-  
21 sion shall make its recommendations for changes to  
22 the military compensation and retirement systems  
23 only after—

24 (A) examining all laws, policies, and prac-  
25 tices of the Federal Government that result in

1 any direct payment of authorized or appro-  
2 priated funds to—

3 (i) current and former members (vet-  
4 eran and retired) of the uniformed serv-  
5 ices, including the reserve components of  
6 those services; and

7 (ii) the spouses, family members, chil-  
8 dren, survivors, and other persons author-  
9 ized to receive such payments as a result  
10 of their connection to the members of the  
11 uniformed services named in clause (i);

12 (B) examining all laws, policies, and prac-  
13 tices of the Federal Government that result in  
14 any expenditure of authorized or appropriated  
15 funds to support the persons named in subpara-  
16 graph (A) and their quality of life, including—

17 (i) health, disability, survivor, edu-  
18 cation, and dependent support programs of  
19 the Department of Defense and the De-  
20 partment of Veterans Affairs, including  
21 outlays from the various Federal trust  
22 funds supporting those programs;

23 (ii) Department of Education impact  
24 aid;

1 (iii) support or funding provided to  
2 States, territories, colleges and universities;

3 (iv) Department of Defense morale,  
4 recreation, and welfare programs, the re-  
5 sale programs (military exchanges and  
6 commissaries), and dependent school sys-  
7 tem;

8 (v) the tax treatment of military com-  
9 pensation and benefits; and

10 (vi) military family housing; and

11 (C) such other matters as the Commission  
12 considers appropriate.

13 (2) PRIORITIES.—In weighing its recommenda-  
14 tions on those matters necessary to sustain the  
15 human resources of the All-Volunteer Force, the  
16 Commission shall—

17 (A) pay particular attention to the inter-  
18 relationships and interplay of impact between  
19 and among the various programs of the Federal  
20 Government, especially as those programs influ-  
21 ence decisions of persons about joining the uni-  
22 formed services and of members of the uni-  
23 formed services about remaining in the those  
24 services; and

1 (B) closely weigh its recommendations re-  
2 garding the web of interrelated programs sup-  
3 porting spouses and families of members of the  
4 uniformed services, so that changes in such pro-  
5 grams do not adversely impact decisions to re-  
6 main in the uniformed services.

7 (3) EXCEPTION.—The Commission shall not ex-  
8 amine any program that uses appropriated funding  
9 for initial entry training or unit training of members  
10 of the uniformed services.

11 (c) DEFINITIONS.—In this subtitle:

12 (1) The term “Armed Forces” has the meaning  
13 given the term “armed forces” in section 101(a)(4)  
14 of title 10, United States Code.

15 (2) The term “Commission” means the Military  
16 Compensation and Retirement Modernization Com-  
17 mission established by section 672.

18 (3) The term “Commission establishment date”  
19 means the first day of the first month beginning on  
20 or after the date of the enactment of this Act.

21 (4) The term “military compensation and re-  
22 tirement systems” means the military compensation  
23 system and the military retirement system.

24 (5) The term “military compensation system”  
25 means provisions of law providing eligibility for and

1 the computation of military compensation, including  
2 regular military compensation, special and incentive  
3 pays and allowances, medical and dental care, edu-  
4 cational assistance and related benefits, and com-  
5 missary and exchange benefits and related benefits  
6 and activities.

7 (6) The term “military retirement system”  
8 means retirement benefits, including retired pay  
9 based upon service in the uniformed services and  
10 survivor annuities based upon such service.

11 (7) The term “Secretary” means the Secretary  
12 of Defense.

13 (8) The term “uniformed services” has the  
14 meaning given that term in section 101(a)(5) of title  
15 10, United States Code.

16 (9) The terms “veterans service organization”  
17 and “military-related advocacy group or association”  
18 mean an organization whose primary purpose is to  
19 advocate for veterans, military personnel, military  
20 retirees, or military families.

21 **SEC. 672. MILITARY COMPENSATION AND RETIREMENT**  
22 **MODERNIZATION COMMISSION.**

23 (a) ESTABLISHMENT.—There is established in the ex-  
24 ecutive branch an independent commission to be known  
25 as the Military Compensation and Retirement Moderniza-

1 tion Commission. The Commission shall be considered an  
2 independent establishment of the Federal Government as  
3 defined by section 104 of title 5, United States Code, and  
4 a temporary organization under section 3161 of such title.

5 (b) MEMBERSHIP.—

6 (1) NUMBER AND APPOINTMENT.—The Com-  
7 mission shall be composed of nine members ap-  
8 pointed as follows:

9 (A) The President shall appoint one mem-  
10 ber.

11 (B) The Majority Leader of the Senate, in  
12 consultation with the Chairman of the Com-  
13 mittee on Armed Services of the Senate, shall  
14 appoint two members.

15 (C) The Minority Leader of the Senate, in  
16 consultation with the Ranking Member of the  
17 Committee on Armed Services of the Senate,  
18 shall appoint two members.

19 (D) The Speaker of the House of Rep-  
20 resentatives, in consultation with the Chairman  
21 of the Committee on Armed Services of the  
22 House of Representatives, shall appoint two  
23 members.

24 (E) The Minority Leader of the House of  
25 Representatives, in consultation with the Rank-

1           ing Member of the Committee on Armed Serv-  
2           ices of the House of Representatives, shall ap-  
3           point two members.

4           (2) DEADLINE FOR APPOINTMENT.—Members  
5           shall be appointed to the Commission under para-  
6           graph (1) not later than four months after the Com-  
7           mission establishment date.

8           (3) QUALIFICATIONS OF INDIVIDUALS AP-  
9           POINTED.—In appointing members of the Commis-  
10          sion, the President and Members of Congress speci-  
11          fied in paragraph (1) shall ensure that, collectively,  
12          there are members with significant expertise regard-  
13          ing the matters described in section 671. The types  
14          of specific expertise and experience to be considered  
15          include the following:

16                (A) Federal civilian employee compensation  
17                and retirement.

18                (B) Military compensation and retirement.

19                (C) Private sector compensation, retire-  
20                ment, or human resource systems.

21                (D) Active duty service in a regular compo-  
22                nent of the uniformed services.

23                (E) Service in a reserve component.

24                (F) Experience as a spouse of a member of  
25                the uniformed services.

1 (G) Service as an enlisted member of the  
2 uniformed services.

3 (H) Military family policy development and  
4 implementation.

5 (I) Department of Veterans Affairs benefit  
6 programs.

7 (J) Actuarial science.

8 (4) LIMITATION.—An individual who, within  
9 the preceding year, has been employed by a veterans  
10 service organization or military-related advocacy  
11 group or association may not be appointed to the  
12 Commission.

13 (c) CHAIR.—The President shall designate one of the  
14 members of the Commission to be Chair of the Commis-  
15 sion. The individual designated as Chair of the Commis-  
16 sion shall be a person who has expertise in the military  
17 compensation and retirement systems. The Chair, or the  
18 designee of the Chair, shall preside over meetings of the  
19 Commission and be responsible for establishing the agenda  
20 of Commission meetings and hearings.

21 (d) TERMS.—Members shall be appointed for the life  
22 of the Commission. A vacancy in the Commission shall not  
23 affect its powers, and shall be filled in the same manner  
24 as the original appointment was made.

1 (e) STATUS AS FEDERAL EMPLOYEES.—Notwith-  
2 standing the requirements of section 2105 of title 5,  
3 United States Code, including the required supervision  
4 under subsection (a)(3) of such section, the members of  
5 the Commission shall be deemed to be Federal employees.

6 (f) PAY FOR MEMBERS OF THE COMMISSION.—

7 (1) IN GENERAL.—Each member, other than  
8 the Chair, of the Commission shall be paid at a rate  
9 equal to the daily equivalent of the annual rate of  
10 basic pay payable for level IV of the Executive  
11 Schedule under section 5315 of title 5, United  
12 States Code, for each day (including travel time)  
13 during which the member is engaged in the actual  
14 performance of duties vested in the Commission.

15 (2) CHAIR.—The Chair of the Commission shall  
16 be paid at a rate equal to the daily equivalent of the  
17 annual rate of basic pay payable for level III of the  
18 Executive Schedule under section 5314, of title 5,  
19 United States Code, for each day (including travel  
20 time) during which the member is engaged in the ac-  
21 tual performance of duties vested in the Commis-  
22 sion.

23 **SEC. 673. COMMISSION HEARINGS AND MEETINGS.**

24 (a) IN GENERAL.—The Commission shall conduct  
25 hearings on the recommendations it is taking under con-

1 sideration. Any such hearing, except a hearing in which  
2 classified information is to be considered, shall be open  
3 to the public. Any hearing open to the public shall be an-  
4 nounced on a Federal website at least 14 days in advance.  
5 For all hearings open to the public, the Commission shall  
6 release an agenda and a listing of materials relevant to  
7 the topics to be discussed.

8 (b) MEETINGS.—

9 (1) INITIAL MEETING.—The Commission shall  
10 hold its initial meeting not later than 30 days after  
11 the date as of which all members have been ap-  
12 pointed.

13 (2) SUBSEQUENT MEETINGS.—After its initial  
14 meeting, the Commission shall meet upon the call of  
15 the Chair or a majority of its members.

16 (3) PUBLIC MEETINGS.—Each meeting of the  
17 Commission shall be held in public unless any mem-  
18 ber objects.

19 (c) QUORUM.—Five members of the Commission  
20 shall constitute a quorum, but a lesser number may hold  
21 hearings.

22 (d) PUBLIC COMMENTS.—

23 (1) SOLICITATION.—The Commission shall seek  
24 written comments from the general public and inter-  
25 ested parties on measures to modernize the military

1 compensation and retirement systems. Comments  
2 shall be requested through a solicitation in the Fed-  
3 eral Register and announcement on the Internet  
4 website of the Commission.

5 (2) PERIOD FOR SUBMITTAL.—The period for  
6 the submittal of comments pursuant to the solicita-  
7 tion under paragraph (1) shall end not earlier than  
8 30 days after the date of the solicitation and shall  
9 end on or before the date on which the Secretary  
10 transmits the recommendations of the Secretary to  
11 the Commission under section 674(b).

12 (3) USE BY COMMISSION.—The Commission  
13 shall consider the comments submitted under this  
14 subsection when developing its recommendations.

15 (e) SPACE FOR USE OF COMMISSION.—Not later  
16 than 90 days after the date of the enactment of this Act,  
17 the Administrator of General Services, in consultation  
18 with the Secretary, shall identify and make available suit-  
19 able excess space within the Federal space inventory to  
20 house the operations of the Commission. If the Adminis-  
21 trator is not able to make such suitable excess space avail-  
22 able within such 90-day period, the Commission may lease  
23 space to the extent the funds are available.

1 (f) CONTRACTING AUTHORITY.—The Commission  
2 may acquire administrative supplies and equipment for  
3 Commission use to the extent funds are available.

4 **SEC. 674. PRINCIPLES AND PROCEDURE FOR COMMISSION**  
5 **RECOMMENDATIONS.**

6 (a) CONTEXT OF COMMISSION REVIEW.—The Com-  
7 mission shall conduct a review of the matters described  
8 in section 671, including current military compensation  
9 and retirement systems, force management objectives, and  
10 changes in life expectancy and the labor force.

11 (b) DEVELOPMENT OF COMMISSION RECOMMENDA-  
12 TIONS.—

13 (1) CONSISTENCY WITH PRESIDENTIAL PRIN-  
14 CIPLES.—Subject to paragraph (2), the Commission  
15 shall develop recommendations that are consistent  
16 with the principles established by the President  
17 under subsection (c) and section 671.

18 (2) GRANDFATHERING OF RETIRED PAY.—

19 (A) CONDITIONS.—In developing its rec-  
20 ommendations, the Commission shall comply  
21 with the following conditions with regard to the  
22 treatment of retired pay for members and re-  
23 tired members of the uniformed services who  
24 joined a uniformed service before the date of

1 the enactment of an Act to modernize the mili-  
2 tary compensation and retirement systems:

3 (i) For members of the uniformed  
4 services as of such date, who became mem-  
5 bers before the enactment of such an Act,  
6 the monthly amount of their retired pay  
7 may not be less than they would have re-  
8 ceived under the current military com-  
9 pensation and retirement system, nor may  
10 the date at which they are eligible to re-  
11 ceive their military retired pay be adjusted  
12 to the financial detriment of the member.

13 (ii) For members of the uniformed  
14 services retired as of such date, the eligi-  
15 bility for and receipt of their retired pay  
16 may not be adjusted pursuant to any  
17 change made by the enactment of such an  
18 Act.

19 (B) VOLUNTARY ELECTION EXCEPTION.—  
20 Nothing in subparagraph (A) prevents a mem-  
21 ber described in such subparagraph from volun-  
22 tarily electing to be covered under the provi-  
23 sions of an Act to modernize the military com-  
24 pensation and retirement systems.

1           (c) PRESIDENTIAL PRINCIPLES.—Not later than five  
2 months after the Commission establishment date, the  
3 President shall establish and transmit to the Commission  
4 and Congress principles for modernizing the military com-  
5 pensation and retirement systems. The principles estab-  
6 lished by the President shall address the following:

7           (1) Maintaining recruitment and retention of  
8 the best military personnel.

9           (2) Modernizing the regular and reserve mili-  
10 tary compensation and retirement systems.

11           (3) Differentiating between regular and reserve  
12 military service.

13           (4) Differentiating between service in the  
14 Armed Forces and service in the other uniformed  
15 services.

16           (5) Assisting with force management.

17           (6) Ensuring the fiscal sustainability of the  
18 military compensation and retirement systems.

19           (7) Compliance with the purpose and scope of  
20 the review prescribed in section 671.

21           (d) SECRETARY OF DEFENSE RECOMMENDATIONS.—

22           (1) DEADLINE.—Not later than nine months  
23 after the Commission establishment date, the Sec-  
24 retary shall transmit to the Commission the rec-  
25 ommendations of the Secretary for modernization of

1 the military compensation and retirement systems.  
2 The Secretary shall concurrently transmit the rec-  
3 ommendations to Congress.

4 (2) DEVELOPMENT OF RECOMMENDATIONS.—  
5 The Secretary shall develop the recommendations of  
6 the Secretary under paragraph (1)—

7 (A) on the basis of the principles estab-  
8 lished by the President pursuant to subsection  
9 (c);

10 (B) in consultation with the Secretary of  
11 Homeland Security, with respect to rec-  
12 ommendations concerning members of the  
13 Coast Guard;

14 (C) in consultation with the Secretary of  
15 Health and Human Services, with respect to  
16 recommendations concerning members of the  
17 Public Health Service;

18 (D) in consultation with the Secretary of  
19 Commerce, with respect to recommendations  
20 concerning members of the National Oceanic  
21 and Atmospheric Administration; and

22 (E) in consultation with the Director of  
23 the Office of Management and Budget.

24 (3) JUSTIFICATION.—The Secretary shall in-  
25 clude with the recommendations under paragraph

1 (1) the justification of the Secretary for each rec-  
2 ommendation.

3 (4) AVAILABILITY OF INFORMATION.—The Sec-  
4 retary shall make available to the Commission and  
5 to Congress the information used by the Secretary  
6 to prepare the recommendations of the Secretary  
7 under paragraph (1).

8 (e) COMMISSION HEARINGS ON RECOMMENDATIONS  
9 OF SECRETARY.—After receiving from the Secretary the  
10 recommendations of the Secretary for modernization of  
11 the military compensation and retirement systems under  
12 subsection (d), the Commission shall conduct public hear-  
13 ings on the recommendations.

14 (f) COMMISSION REPORT AND RECOMMENDA-  
15 TIONS.—

16 (1) REPORT.—Not later than 15 months after  
17 the Commission establishment date, the Commission  
18 shall transmit to the President a report containing  
19 the findings and conclusions of the Commission, to-  
20 gether with the recommendations of the Commission  
21 for the modernization of the military compensation  
22 and retirement systems. The Commission shall in-  
23 clude in the report legislative language to implement  
24 the recommendations of the Commission. The find-  
25 ings and conclusions in the report shall be based on

1 the review and analysis by the Commission of the  
2 recommendations made by the Secretary under sub-  
3 section (d).

4 (2) REQUIREMENT FOR APPROVAL.—The rec-  
5 ommendations of the Commission must be approved  
6 by at least five members of the Commission before  
7 the recommendations may be transmitted to the  
8 President under paragraph (1).

9 (3) PROCEDURES FOR CHANGING REC-  
10 OMMENDATIONS OF SECRETARY.—The Commission  
11 may make a change described in paragraph (4) in  
12 the recommendations made by the Secretary only if  
13 the Commission—

14 (A) determines that the change is con-  
15 sistent with the principles established by the  
16 President under subsection (c);

17 (B) publishes a notice of the proposed  
18 change not less than 45 days before transmit-  
19 ting its recommendations to the President pur-  
20 suant to paragraph (1); and

21 (C) conducts a public hearing on the pro-  
22 posed change.

23 (4) COVERED CHANGES.—Paragraph (3) ap-  
24 plies to a change by the Commission in the rec-  
25 ommendations of the Secretary that would—

- 1 (A) add a new recommendation;  
2 (B) delete a recommendation; or  
3 (C) substantially change a recommenda-  
4 tion.

5 (5) EXPLANATION AND JUSTIFICATION FOR  
6 CHANGES.—The Commission shall explain and jus-  
7 tify in its report submitted to the President under  
8 paragraph (1) any recommendation made by the  
9 Commission that is different from the recommenda-  
10 tions made by the Secretary under subsection (d).

11 (6) TRANSMITTAL TO CONGRESS.—The Com-  
12 mission shall transmit a copy of its report to Con-  
13 gress on the same date on which it transmits its re-  
14 port to the President under paragraph (1).

15 **SEC. 675. CONSIDERATION OF COMMISSION RECOMMENDA-**  
16 **TIONS BY THE PRESIDENT.**

17 (a) REPORT OF PRESIDENTIAL APPROVAL OR DIS-  
18 APPROVAL.—Not later than 60 days after the date on  
19 which the Commission transmits its report to the Presi-  
20 dent under section 674, the President shall transmit to  
21 the Commission and to Congress a report containing the  
22 approval or disapproval by the President of the rec-  
23 ommendations of the Commission in the report.

24 (b) PRESIDENTIAL APPROVAL.—If in the report  
25 under subsection (a) the President approves all the rec-

1 ommendations of the Commission, the President shall in-  
2 clude with the report the following:

3 (1) A copy of the recommendations of the Com-  
4 mission.

5 (2) The certification by the President of the ap-  
6 proval of the President of each recommendation.

7 (3) The legislative language transmitted by the  
8 Commission to the President as part of the report  
9 of the Commission.

10 (c) PRESIDENTIAL DISAPPROVAL.—

11 (1) REASONS FOR DISAPPROVAL.—If in the re-  
12 port under subsection (a) the President disapproves  
13 the recommendations of the Commission, in whole or  
14 in part, the President shall include in the report the  
15 reasons for that disapproval.

16 (2) REVISED RECOMMENDATIONS FROM COM-  
17 MISSION.—Not later than one month after the date  
18 of the report of the President under subsection (a)  
19 disapproving the recommendations of the Commis-  
20 sion, the Commission shall transmit to the President  
21 revised recommendations for the modernization of  
22 the military compensation and retirement systems,  
23 together with revised legislative language to imple-  
24 ment the revised recommendations of the Commis-  
25 sion.

1           (3) ACTION ON REVISED RECOMMENDATIONS.—

2           If the President approves all of the revised rec-  
3           ommendations of the Commission transmitted pur-  
4           suant to paragraph (2), the President shall transmit  
5           to Congress, not later than one month after receiv-  
6           ing the revised recommendations, the following:

7                   (A) A copy of the revised recommenda-  
8                   tions.

9                   (B) The certification by the President of  
10                  the approval of the President of each rec-  
11                  ommendation as so revised.

12                  (C) The revised legislative language trans-  
13                  mitted to the President.

14           (d) TERMINATION OF COMMISSION.—If the President  
15           does not transmit to Congress an approval and certifi-  
16           cation described in subsection (b) or (c)(3) in accordance  
17           with the applicable deadline under such subsection, the  
18           Commission shall be terminated not later than one month  
19           after the expiration of the period for transmittal of a re-  
20           port under subsection (c)(3).

21   **SEC. 676. EXECUTIVE DIRECTOR.**

22           (a) APPOINTMENT.—The Commission shall appoint  
23           and fix the rate of basic pay for an Executive Director  
24           in accordance with section 3161 of title 5, United States  
25           Code.

1 (b) LIMITATIONS.—The Executive Director may not  
2 have served on active duty in the Armed Forces or as a  
3 civilian employee of the Department of Defense during the  
4 one-year period preceding the date of such appointment  
5 and may not have been employed by a veterans service  
6 organization or a military-related advocacy group or asso-  
7 ciation during that one-year period.

8 **SEC. 677. STAFF.**

9 (a) IN GENERAL.—Subject to subsections (b) and (c),  
10 the Executive Director, with the approval of the Commis-  
11 sion, may appoint and fix the rate of basic pay for addi-  
12 tional personnel as staff of the Commission in accordance  
13 with section 3161 of title 5, United States Code.

14 (b) LIMITATIONS ON STAFF.—

15 (1) NUMBER OF DETAILEES FROM EXECUTIVE  
16 DEPARTMENT.—Not more than one-third of the per-  
17 sonnel employed by or detailed to the Commission  
18 may be on detail from the Department of Defense  
19 and other executive branch departments.

20 (2) PRIOR DUTIES WITHIN EXECUTIVE  
21 BRANCH.—A person may not be detailed from the  
22 Department of Defense or other executive branch  
23 department to the Commission if, in the year before  
24 the detail is to begin, that person participated per-  
25 sonally and substantially in any matter concerning

1 the preparation of recommendations for military  
2 compensation and retirement modernization.

3 (3) NUMBER OF DETAILEES ELIGIBLE FOR  
4 MILITARY RETIRED PAY.—Not more than one-fourth  
5 of the personnel employed by or detailed to the Com-  
6 mission may be persons eligible for or receiving mili-  
7 tary retired pay.

8 (4) PRIOR EMPLOYMENT WITH CERTAIN ORGA-  
9 NIZATIONS.—A person may not be employed by or  
10 detailed to the Commission if, in the year before the  
11 employment or detail is to begin, that person was  
12 employed by a veterans service organization or a  
13 military-related advocacy group or association.

14 (c) LIMITATIONS ON PERFORMANCE REVIEWS.—No  
15 member of the uniformed services, and no officer or em-  
16 ployee of the Department of Defense or other executive  
17 branch department, may—

18 (1) prepare any report concerning the effective-  
19 ness, fitness, or efficiency of the performance of the  
20 staff of the Commission or any person detailed to  
21 that staff;

22 (2) review the preparation of such a report; or

23 (3) approve or disapprove such a report.

24 **SEC. 678. JUDICIAL REVIEW PRECLUDED.**

25 The following shall not be subject to judicial review:

1 (1) Actions of the President, the Secretary, and  
2 the Commission under section 674.

3 (2) Actions of the President under section 675.

4 **SEC. 679. TERMINATION.**

5 Except as otherwise provided in this title, the Com-  
6 mission shall terminate not later than 26 months after the  
7 Commission establishment date.

8 **SEC. 680. FUNDING.**

9 Of the amounts authorized to be appropriated by this  
10 Act for the Department of Defense for fiscal year 2013,  
11 up to \$10,000,000 shall be made available to the Commis-  
12 sion to carry out its duties under this subtitle. Funds  
13 made available to the Commission under the preceding  
14 sentence shall remain available until expended.

15 **Subtitle I—Other Matters**

16 **SEC. 681. EQUAL TREATMENT FOR MEMBERS OF COAST**  
17 **GUARD RESERVE CALLED TO ACTIVE DUTY**  
18 **UNDER TITLE 14, UNITED STATES CODE.**

19 (a) INCLUSION IN DEFINITION OF CONTINGENCY OP-  
20 ERATION.—Section 101(a)(13)(B) of title 10, United  
21 States Code, is amended by inserting “section 712 of title  
22 14,” after “chapter 15 of this title,”.

23 (b) CREDIT OF SERVICE TOWARDS REDUCTION OF  
24 ELIGIBILITY AGE FOR RECEIPT OF RETIRED PAY FOR  
25 NON-REGULAR SERVICE.—Section 12731(f)(2)(B) of title

1 10, United States Code, is amended by adding at the end  
2 the following new clause:

3 “(iv) Service on active duty described in this subpara-  
4 graph is also service on active duty pursuant to a call or  
5 order to active duty authorized by the Secretary of Home-  
6 land Security under section 712 of title 14 for purposes  
7 of emergency augmentation of the Regular Coast Guard  
8 forces.”.

9 (c) POST 9/11 EDUCATIONAL ASSISTANCE.—Section  
10 3301(1)(B) of title 38, United States Code, is amended  
11 by inserting “or section 712 of title 14” after “title 10”.

12 (d) RETROACTIVE APPLICATION OF AMENDMENTS.—

13 (1) INCLUSION OF PRIOR ORDERS.—The  
14 amendments made by this section shall apply to any  
15 call or order to active duty authorized under section  
16 712 of title 14, United States Code, on or after De-  
17 cember 31, 2011, by the Secretary of the executive  
18 department in which the Coast Guard is operating.

19 (2) CREDIT FOR PRIOR SERVICE.—The amend-  
20 ments made by this section shall be deemed to have  
21 been enacted on December 31, 2011, for purposes of  
22 applying the amendments to the following provisions  
23 of law:

24 (A) Section 5538 of title 5, United States  
25 Code, relating to nonreduction in pay.

1 (B) Section 701 of title 10, United States  
2 Code, relating to the accumulation and reten-  
3 tion of leave.

4 (C) Section 12731 of title 10, United  
5 States Code, relating to age and service require-  
6 ments for receipt of retired pay for non-regular  
7 service.

8 **SEC. 682. REPORT REGARDING DEPARTMENT OF VET-**  
9 **ERANS AFFAIRS CLAIMS PROCESS TRANS-**  
10 **FORMATION PLAN.**

11 (a) REPORT REQUIRED.—Not later than 60 days  
12 after the date of the enactment of this Act, the Secretary  
13 of Veterans Affairs shall submit to the Committees on  
14 Armed Forces and the Committees on Veterans' Affairs  
15 of the Senate and House of Representatives a report on  
16 the plan of the Secretary of Veterans Affairs to reduce  
17 the backlog of claims for benefits under laws administered  
18 by the Secretary that are pending as of the date of the  
19 enactment of this Act and to more efficiently and fairly  
20 process claims for such benefits in the future.

21 (b) CONTENTS OF REPORT.— The report required in  
22 under subsection (a) shall include each of the following:

23 (1) A detailed explanation of the Veterans Ben-  
24 efits Administration Claims Transformation Plan,  
25 including—

1 (A) a timeline and steps to completion with  
2 anticipated completion dates;

3 (B) all benchmarks and indicia of success  
4 that the Secretary will use to measure the suc-  
5 cess or failure of each step in the Trans-  
6 formation Plan; and

7 (C) the estimated costs, by fiscal year for  
8 each of the five fiscal years following the fiscal  
9 year during which the report is submitted, asso-  
10 ciated with the Transformation Plan, including  
11 training and personnel costs, as well as the in-  
12 crease or decrease in the number of personnel  
13 expected as part of the Transformation Plan.

14 (2) A detailed explanation of the claims process  
15 that is expected to result after the completion of the  
16 Transformation Plan, from initial filing of claim to  
17 the award or denial of benefits, including any appel-  
18 late steps in the process.

19 (3) A detailed explanation of the roles and pur-  
20 poses of the Program Management Office, the Vet-  
21 erans Benefits Administration Transformation Gov-  
22 ernance Board, Transformation Joint Executive  
23 Board, and Design Teams, including a list of per-  
24 sonnel for each entity as well as current and pro-

1       jected costs over the subsequent five fiscal years to  
2       operate and staff each entity.

3           (4) A detailed explanation of all steps taken  
4       thus far to involve non-Federal entities in the claims  
5       process, including the Texas Veterans Commission  
6       and other State or local agencies relating to vet-  
7       erans' affairs, veterans service organizations, and  
8       other not-for-profit entities.

9           (5) A plan for the Secretary to partner with  
10       non-Federal entities to support efforts to reduce the  
11       backlog of claims for benefits under laws adminis-  
12       tered by the Secretary and to more efficiently and  
13       fairly process such claims in the future, including  
14       State and local agencies relating to veterans affairs,  
15       veterans service organizations, and such other rel-  
16       evant Government and non-Government entities as  
17       the Secretary considers appropriate. Such plan shall  
18       include—

19           (A) a description of how the Secretary in-  
20       tends to leverage such partnerships with non-  
21       Federal entities to eliminate the backlog by—

22           (i) increasing the percentage of new  
23       claims that are fully developed prior to  
24       submittal to the Secretary and expediting  
25       the processing of such claims; and

1 (ii) helping claimants gather and sub-  
2 mit necessary evidence for claims that were  
3 previously filed but require further develop-  
4 ment; and

5 (B) a description of how such partnerships  
6 with non-Federal entities will fit into the Trans-  
7 formation Plan.

8 **TITLE VII—HEALTH CARE**  
9 **PROVISIONS**

Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Extension of TRICARE Standard coverage and TRICARE dental program for members of the Selected Reserve who are involuntarily separated.
- Sec. 702. Inclusion of certain over-the-counter drugs in TRICARE uniform formulary.
- Sec. 703. Modification of requirements on mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.
- Sec. 704. Use of Department of Defense funds for abortions in cases of rape and incest.
- Sec. 705. Pilot program on certain treatments of autism under the TRICARE program.
- Sec. 706. Pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.
- Sec. 707. Sense of Congress on health care for retired members of the uniformed services.

Subtitle B—Health Care Administration

- Sec. 711. Authority for automatic enrollment in TRICARE Prime of dependents of members in pay grades above pay grade E-4.
- Sec. 712. Cost-sharing rates for the Pharmacy Benefits Program of the TRICARE program.
- Sec. 713. Clarification of applicability of certain authority and requirements to subcontractors employed to provide health care services to the Department of Defense.
- Sec. 714. Expansion of evaluation of the effectiveness of the TRICARE program.
- Sec. 715. Requirement to ensure the effectiveness and efficiency of health engagements.
- Sec. 716. Pilot program for refills of maintenance medications for TRICARE for Life beneficiaries through the TRICARE mail-order pharmacy program.

## Subtitle C—Mental Health Care and Veterans Matters

- Sec. 723. Sharing between Department of Defense and Department of Veterans Affairs of records and information retained under the medical tracking system for members of the Armed Forces deployed overseas.
- Sec. 724. Participation of members of the Armed Forces in peer support counseling programs of the Department of Veterans Affairs.
- Sec. 725. Research and medical practice on mental health conditions.
- Sec. 726. Transparency in mental health care services provided by the Department of Veterans Affairs.
- Sec. 727. Expansion of Vet Center Program to include furnishing counseling to certain members of the Armed Forces and their family members.
- Sec. 728. Organization of the Readjustment Counseling Service in the Department of Veterans Affairs.
- Sec. 729. Recruitment of mental health providers for furnishing mental health services on behalf of the Department of Veterans Affairs without compensation from the Department.
- Sec. 730. Peer support.

## Subtitle D—Reports and Other Matters

- Sec. 731. Plan for reform of the administration of the military health system.
- Sec. 732. Future availability of TRICARE Prime throughout the United States.
- Sec. 733. Extension of Comptroller General report on contract health care staffing for military medical treatment facilities.
- Sec. 734. Extension of Comptroller General report on women-specific health services and treatment for female members of the Armed Forces.
- Sec. 735. Study on health care and related support for children of members of the Armed Forces.
- Sec. 736. Report on strategy to transition to use of human-based methods for certain medical training.
- Sec. 737. Study on incidence of breast cancer among members of the Armed Forces serving on active duty.
- Sec. 738. Performance metrics and reports on Warriors in Transition programs of the military departments.
- Sec. 739. Plan to eliminate gaps and redundancies in programs of the Department of Defense on psychological health and traumatic brain injury.

1       **Subtitle A—TRICARE and Other**  
2                   **Health Care Benefits**

3       **SEC. 701. EXTENSION OF TRICARE STANDARD COVERAGE**  
4                   **AND TRICARE DENTAL PROGRAM FOR MEM-**  
5                   **BERS OF THE SELECTED RESERVE WHO ARE**  
6                   **INVOLUNTARILY SEPARATED.**

7       (a) TRICARE STANDARD COVERAGE.—Section  
8 1076d(b) of title 10, United States Code, is amended—  
9               (1) by striking “Eligibility” and inserting “(1)  
10       Except as provided in paragraph (2), eligibility”;  
11       and

12               (2) by adding at the end the following new  
13       paragraph:

14       “(2) During the period beginning on the date of the  
15       enactment of this paragraph and ending December 31,  
16       2018, eligibility for a member under this section who is  
17       involuntarily separated from the Selected Reserve under  
18       other than adverse conditions, as characterized by the Sec-  
19       retary concerned, shall terminate 180 days after the date  
20       on which the member is separated.”.

21       (b) TRICARE DENTAL COVERAGE.—Section  
22 1076a(a)(1) of such title is amended by adding at the end  
23       the following new sentence: “During the period beginning  
24       on the date of the enactment of this sentence and ending  
25       December 31, 2018, such plan shall provide that coverage

1 for a member of the Selected Reserve who is involuntarily  
2 separated from the Selected Reserve under other than ad-  
3 verse conditions, as characterized by the Secretary con-  
4 cerned, shall not terminate earlier than 180 days after the  
5 date on which the member is separated.”.

6 **SEC. 702. INCLUSION OF CERTAIN OVER-THE-COUNTER**  
7 **DRUGS IN TRICARE UNIFORM FORMULARY.**

8 (a) INCLUSION.—Subsection (a)(2) of section 1074g  
9 of title 10, United States Code, is amended—

10 (1) in subparagraph (D), by striking “No phar-  
11 maceutical agent may be excluded” and inserting  
12 “Except as provided in subparagraph (F), no phar-  
13 maceutical agent may be excluded”; and

14 (2) by adding at the end the following new sub-  
15 paragraph:

16 “(F)(i) The Secretary may implement procedures to  
17 place selected over-the-counter drugs on the uniform for-  
18 mulary and to make such drugs available to eligible cov-  
19 ered beneficiaries. An over-the-counter drug may be in-  
20 cluded on the uniform formulary only if the Pharmacy and  
21 Therapeutics Committee established under subsection (b)  
22 finds that the over-the-counter drug is cost effective and  
23 clinically effective. If the Pharmacy and Therapeutics  
24 Committee recommends an over-the-counter drug for in-  
25 clusion on the uniform formulary, the drug shall be consid-

1 ered to be in the same therapeutic class of pharmaceutical  
2 agents, as determined by the Committee, as similar pre-  
3 scription drugs.

4 “(ii) Regulations prescribed by the Secretary to carry  
5 out clause (i) shall include the following with respect to  
6 over-the-counter drugs included on the uniform formulary:

7 “(I) A determination of the means and condi-  
8 tions under paragraphs (5) and (6) through which  
9 over-the-counter drugs will be available to eligible  
10 covered beneficiaries and the amount of cost sharing  
11 that such beneficiaries will be required to pay for  
12 over-the-counter drugs, if any, except that no such  
13 cost sharing may be required for a member of a uni-  
14 formed service on active duty.

15 “(II) Any terms and conditions for the dis-  
16 pensing of over-the-counter drugs to eligible covered  
17 beneficiaries.”.

18 (b) DEFINITIONS.—Subsection (g) of such section is  
19 amended by adding at the end the following new para-  
20 graphs:

21 “(3) The term ‘over-the-counter drug’ means a  
22 drug that is not subject to section 503(b) of the  
23 Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
24 353(b)).

1           “(4) The term ‘prescription drug’ means a drug  
2           that is subject to section 503(b) of the Federal  
3           Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).”.

4           (c) TECHNICAL AMENDMENTS.—

5           (1) CROSS-REFERENCE AMENDMENT.—Sub-  
6           section (b)(1) of such section is amended by striking  
7           “subsection (g)” and inserting “subsection (h)”.

8           (2) REPEAL OF OBSOLETE PROVISIONS.—

9           (A) Subsection (a)(2)(D) of such section is  
10          amended by striking the last sentence.

11          (B) Subsection (b)(2) of such section is  
12          amended by striking “Not later than” and all  
13          the follows through “such 90-day period, the  
14          committee” and inserting “The committee”.

15          (C) Subsection (d)(2) of such section is  
16          amended—

17                 (i) by striking “Effective not later  
18                 than April 5, 2000, the Secretary” and in-  
19                 serting “The Secretary”; and

20                 (ii) by striking “the current managed  
21                 care support contracts” and inserting “the  
22                 managed care support contracts current as  
23                 of October 5, 1999,”.

1 **SEC. 703. MODIFICATION OF REQUIREMENTS ON MENTAL**  
2 **HEALTH ASSESSMENTS FOR MEMBERS OF**  
3 **THE ARMED FORCES DEPLOYED IN CONNEC-**  
4 **TION WITH A CONTINGENCY OPERATION.**

5 Section 1074m(a)(1)(C)(i) of title 10, United States  
6 Code, is amended by striking “one year” and inserting  
7 “18 months”.

8 **SEC. 704. USE OF DEPARTMENT OF DEFENSE FUNDS FOR**  
9 **ABORTIONS IN CASES OF RAPE AND INCEST.**

10 Section 1093(a) of title 10, United States Code, is  
11 amended by inserting before the period at the end the fol-  
12 lowing: “or in a case in which the pregnancy is the result  
13 of an act of rape or incest”.

14 **SEC. 705. PILOT PROGRAM ON CERTAIN TREATMENTS OF**  
15 **AUTISM UNDER THE TRICARE PROGRAM.**

16 (a) PILOT PROGRAM.—

17 (1) IN GENERAL.—The Secretary of Defense  
18 shall conduct a pilot program to provide for the  
19 treatment of autism spectrum disorders, including  
20 applied behavior analysis.

21 (2) COMMENCEMENT.—The Secretary shall  
22 commence the pilot program under paragraph (1) by  
23 not later than 90 days after the date of the enact-  
24 ment of this Act.

1 (b) DURATION.—The Secretary may not carry out  
2 the pilot program under subsection (a)(1) for longer than  
3 a one-year period.

4 (c) REPORT.—Not later than 270 days after the date  
5 on which the pilot program under subsection (a)(1) com-  
6 mences, the Secretary shall submit to the Committees on  
7 Armed Services of the Senate and the House of Represent-  
8 atives a report on the pilot program. The report shall in-  
9 clude the following:

10 (1) An assessment of the feasibility and advis-  
11 ability of establishing a beneficiary cost share for the  
12 treatment of autism spectrum disorders.

13 (2) A comparison of providing such treatment  
14 under—

15 (A) the ECHO Program; and

16 (B) the TRICARE program other than  
17 under the ECHO Program.

18 (3) Any recommendations for changes in legis-  
19 lation.

20 (4) Any additional information the Secretary  
21 considers appropriate.

22 (d) DEFINITIONS.—In this section:

23 (1) The term “ECHO Program” means the Ex-  
24 tended Care Health Option under subsections (d)

1 through (f) of section 1079 of title 10, United States  
2 Code.

3 (2) The term “TRICARE program” has the  
4 meaning given that term in section 1072(7) of title  
5 10, United States Code.

6 **SEC. 706. PILOT PROGRAM ON ENHANCEMENTS OF DE-**  
7 **PARTMENT OF DEFENSE EFFORTS ON MEN-**  
8 **TAL HEALTH IN THE NATIONAL GUARD AND**  
9 **RESERVES THROUGH COMMUNITY PARTNER-**  
10 **SHIPS.**

11 (a) PROGRAM AUTHORITY.—The Secretary of De-  
12 fense may carry out a pilot program to enhance the efforts  
13 of the Department of Defense in research, treatment, edu-  
14 cation, and outreach on mental health and substance use  
15 disorders and traumatic brain injury in members of the  
16 National Guard and Reserves, their family members, and  
17 their caregivers through community partners.

18 (b) AGREEMENTS WITH COMMUNITY PARTNERS.—  
19 In carrying out the pilot program authorized by subsection  
20 (a), the Secretary may enter into partnership agreements  
21 with community partners described in subsection (c) using  
22 a competitive and merit-based award process.

23 (c) COMMUNITY PARTNER DESCRIBED.—A commu-  
24 nity partner described in this subsection is a private non-  
25 profit organization or institution that meets such quali-

1 fications as the Secretary shall establish for purposes of  
2 the pilot program and engages in one or more of the fol-  
3 lowing:

4 (1) Research on the causes, development, and  
5 innovative treatment of mental health and substance  
6 use disorders and traumatic brain injury in members  
7 of the National Guard and Reserves, their family  
8 members, and their caregivers.

9 (2) Identifying and disseminating evidence-  
10 based treatments of mental health and substance use  
11 disorders and traumatic brain injury described in  
12 paragraph (1).

13 (3) Outreach and education to such members,  
14 their families and caregivers, and the public about  
15 mental health and substance use disorders and trau-  
16 matic brain injury described in paragraph (1).

17 (d) DURATION.—The duration of the pilot program  
18 may not exceed three years.

19 (e) REPORT.—Not later than 180 days before the  
20 completion of the pilot program, the Secretary of Defense  
21 shall submit to the Secretary of Veterans Affairs and the  
22 congressional defense committees a report on the results  
23 of the pilot program, including the number of members  
24 of the National Guard and Reserves provided treatment  
25 or services by community partners, and a description and

1 assessment of the effectiveness and achievements of the  
2 pilot program with respect to research, treatment, edu-  
3 cation, and outreach on mental health and substance use  
4 disorders and traumatic brain injury.

5 **SEC. 707. SENSE OF CONGRESS ON HEALTH CARE FOR RE-**  
6 **TIRED MEMBERS OF THE UNIFORMED SERV-**  
7 **ICES.**

8 It is the sense of Congress that—

9 (1) members of the uniformed services and  
10 their families endure unique and extraordinary de-  
11 mands and make extraordinary sacrifices over the  
12 course of 20 to 30 years of service in protecting  
13 freedom for all Americans, as do those who have  
14 been medically retired due to the hardships of mili-  
15 tary service; and

16 (2) access to quality health care services is an  
17 earned benefit during retirement in acknowledgment  
18 of their contributions of service and sacrifice.

1                   **Subtitle B—Health Care**  
2                   **Administration**

3   **SEC. 711. AUTHORITY FOR AUTOMATIC ENROLLMENT IN**  
4                   **TRICARE PRIME OF DEPENDENTS OF MEM-**  
5                   **BERS IN PAY GRADES ABOVE PAY GRADE E-**  
6                   **4.**

7           Subsection (a) of section 1097a of title 10, United  
8 States Code, is amended to read as follows:

9           “(a) AUTOMATIC ENROLLMENT OF CERTAIN DE-  
10 PENDENTS.—(1) In the case of a dependent of a member  
11 of the uniformed services who is entitled to medical and  
12 dental care under section 1076(a)(2)(A) of this title and  
13 resides in a catchment area in which TRICARE Prime  
14 is offered, the Secretary—

15                   “(A) shall automatically enroll the dependent in  
16 TRICARE Prime if the member is in pay grade E-  
17 4 or below; and

18                   “(B) may automatically enroll the dependent in  
19 TRICARE Prime if the member is in pay grade E-  
20 5 or higher.

21           “(2) Whenever a dependent of a member is enrolled  
22 in TRICARE Prime under paragraph (1), the Secretary  
23 concerned shall provide written notice of the enrollment  
24 to the member.

1       “(3) The enrollment of a dependent of the member  
2 may be terminated by the member or the dependent at  
3 any time.”.

4 **SEC. 712. COST-SHARING RATES FOR THE PHARMACY BEN-**  
5 **EFITS PROGRAM OF THE TRICARE PROGRAM.**

6       (a) IN GENERAL.—Section 1074g(a)(6) of title 10,  
7 United States Code, is amended—

8           (1) by striking subparagraph (A) and inserting  
9 the following new subparagraph (A):

10       “(A) The Secretary, in the regulations prescribed  
11 under subsection (h), shall establish cost-sharing require-  
12 ments under the pharmacy benefits program. In accord-  
13 ance with subparagraph (C), such cost-sharing require-  
14 ments shall consist of the following:

15           “(i) With respect to each supply of a prescrip-  
16 tion covering not more than 30 days that is obtained  
17 by a covered beneficiary under the TRICARE retail  
18 pharmacy program—

19                   “(I) in the case of generic agents, \$5;

20                   “(II) in the case of formulary agents, \$17;

21                   and

22                   “(III) in the case of nonformulary agents,  
23                   \$44.

24           “(ii) With respect to each supply of a prescrip-  
25 tion covering not more than 90 days that is obtained

1 by a covered beneficiary under the national mail-  
2 order pharmacy program—

3 “(I) in the case of generic agents, \$0;

4 “(II) in the case of formulary agents, \$13;

5 and

6 “(III) in the case of nonformulary agents,

7 \$43.”; and

8 (2) by adding at the end the following new sub-  
9 paragraph:

10 “(C)(i) Beginning October 1, 2013, the amount of  
11 any increase in a cost-sharing amount specified in sub-  
12 paragraph (A) in a year may not exceed the amount equal  
13 to the percentage of such cost-sharing amount at the time  
14 of such increase equal to the percentage by which retired  
15 pay is increased under section 1401a of this title in that  
16 year.

17 “(ii) If the amount of the increase otherwise provided  
18 for a year by clause (i) is less than \$1, the increase shall  
19 not be made for such year, but shall be carried over to,  
20 and accumulated with, the amount of the increase for the  
21 subsequent year or years and made when the aggregate  
22 amount of increases carried over under this clause for a  
23 year is \$1 or more.

24 “(iii) The provisions of this subparagraph shall not  
25 apply to any increase in cost-sharing amounts described

1 in clause (i) that is made by the Secretary of Defense on  
2 or after October 1, 2022. The Secretary may increase co-  
3 payments, as considered appropriate by the Secretary, be-  
4 ginning on October 1, 2022.”.

5 (b) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The cost-sharing require-  
7 ments under subparagraph (A) of section  
8 1074g(a)(6) of title 10, United States Code, as  
9 amended by subsection (a)(1), shall apply with re-  
10 spect to prescriptions obtained under the TRICARE  
11 pharmacy benefits program on or after such date as  
12 the Secretary of Defense shall specify, but not later  
13 than the date that is 45 days after the date of the  
14 enactment of this Act.

15 (2) FEDERAL REGISTER.—The Secretary shall  
16 publish notice of the effective date of the cost-shar-  
17 ing requirements specified under paragraph (1) in  
18 the Federal Register.

1 **SEC. 713. CLARIFICATION OF APPLICABILITY OF CERTAIN**  
2 **AUTHORITY AND REQUIREMENTS TO SUB-**  
3 **CONTRACTORS EMPLOYED TO PROVIDE**  
4 **HEALTH CARE SERVICES TO THE DEPART-**  
5 **MENT OF DEFENSE.**

6 (a) **APPLICABILITY OF FEDERAL TORT CLAIMS ACT**  
7 **TO SUBCONTRACTORS.**—Section 1089(a) of title 10,  
8 United States Code, is amended in the last sentence—

9 (1) by striking “if the physician, dentist, nurse,  
10 pharmacist, or paramedical” and inserting “to such  
11 a physician, dentist, nurse, pharmacist, or para-  
12 medical”;

13 (2) by striking “involved is”; and

14 (3) by inserting before the period at the end the  
15 following: “or a subcontract at any tier under such  
16 a contract that is authorized in accordance with the  
17 requirements of such section 1091”.

18 (b) **APPLICABILITY OF PERSONAL SERVICES CON-**  
19 **TRACTING AUTHORITY TO SUBCONTRACTORS.**—Section  
20 1091(c) of such title is amended by adding at the end the  
21 following new paragraph:

22 “(3) The procedures established under paragraph (1)  
23 may provide for a contracting officer to authorize a con-  
24 tractor to enter into a subcontract for personal services  
25 on behalf of the agency upon a determination that the sub-  
26 contract is—

1           “(A) consistent with the requirements of this  
2           section and the procedures established under para-  
3           graph (1); and

4           “(B) in the best interests of the agency.”.

5   **SEC. 714. EXPANSION OF EVALUATION OF THE EFFECTIVE-**  
6                           **NESS OF THE TRICARE PROGRAM.**

7           Section 717(a)(1) of the National Defense Authoriza-  
8   tion Act for Fiscal Year 1996 (Public Law 104–106; 110  
9   Stat. 376; 10 U.S.C. 1073 note) is amended by striking  
10 “military retirees” and inserting “members of the Armed  
11 Forces (whether in the regular or reserve components) and  
12 their dependents, military retirees and their dependents,  
13 and dependents of members on active duty with severe dis-  
14 abilities and chronic health care needs”.

15   **SEC. 715. REQUIREMENT TO ENSURE THE EFFECTIVENESS**  
16                           **AND EFFICIENCY OF HEALTH ENGAGEMENTS.**

17           (a) IN GENERAL.—The Secretary of Defense, in co-  
18   ordination with the Under Secretary of Defense for Policy  
19   and the Assistant Secretary of Defense for Health Affairs,  
20   shall develop a process to ensure that health engagements  
21   conducted by the Department of Defense are effective and  
22   efficient in meeting the national security goals of the  
23   United States.

1 (b) PROCESS GOALS.—The Assistant Secretary of  
2 Defense for Health Affairs shall ensure that each process  
3 developed under subsection (a)—

4 (1) assesses the operational mission capabilities  
5 of the health engagement;

6 (2) uses the collective expertise of the Federal  
7 Government and non-governmental organizations to  
8 ensure collaboration and partnering activities; and

9 (3) assesses the stability and resiliency of the  
10 host nation of such engagement.

11 (c) ASSESSMENT TOOL.—The Assistant Secretary of  
12 Defense for Health Affairs may establish a measure of ef-  
13 fectiveness learning tool to assess the process developed  
14 under subsection (a) to ensure the applicability of the  
15 process to health engagements conducted by the Depart-  
16 ment of Defense.

17 (d) HEALTH ENGAGEMENT DEFINED.—In this sec-  
18 tion, the term “health engagement” means a health sta-  
19 bility operation conducted by the Department of Defense  
20 outside the United States in coordination with a foreign  
21 government or international organization to establish, re-  
22 constitute, or maintain the health sector of a foreign coun-  
23 try.

1 **SEC. 716. PILOT PROGRAM FOR REFILLS OF MAINTENANCE**  
2 **MEDICATIONS FOR TRICARE FOR LIFE BENE-**  
3 **FICIARIES THROUGH THE TRICARE MAIL-**  
4 **ORDER PHARMACY PROGRAM.**

5 (a) IN GENERAL.—The Secretary of Defense shall  
6 conduct a pilot program to refill prescription maintenance  
7 medications for each TRICARE for Life beneficiary  
8 through the national mail-order pharmacy program under  
9 section 1074g(a)(2)(E)(iii) of title 10, United States  
10 Code.

11 (b) MEDICATIONS COVERED.—

12 (1) DETERMINATION.—The Secretary shall de-  
13 termine the prescription maintenance medications  
14 included in the pilot program under subsection (a).

15 (2) SUPPLY.—In carrying out the pilot program  
16 under subsection (a), the Secretary shall ensure that  
17 the medications included in the program are gen-  
18 erally available to a TRICARE for Life bene-  
19 ficiary—

20 (A) for an initial filling of a 30-day or less  
21 supply through—

22 (i) retail pharmacies under clause (ii)  
23 of section 1074g(a)(2)(E) of title 10,  
24 United States Code; and

25 (ii) facilities of the uniformed services  
26 under clause (i) of such section; and

1 (B) for a refill of such medications  
2 through—

3 (i) the national mail-order pharmacy  
4 program; and

5 (ii) such facilities of the uniformed  
6 services.

7 (3) EXEMPTION.— The Secretary may exempt  
8 the following prescription maintenance medications  
9 from the requirements in paragraph (2):

10 (A) Such medications that are for acute  
11 care needs.

12 (B) Such other medications as the Sec-  
13 retary determines appropriate.

14 (c) NONPARTICIPATION.—

15 (1) OPT OUT.—The Secretary shall give  
16 TRICARE for Life beneficiaries who have been cov-  
17 ered by the pilot program under subsection (a) for  
18 a period of one year an opportunity to opt out of  
19 continuing to participate in the program.

20 (2) WAIVER.—The Secretary may waive the re-  
21 quirement of a TRICARE for Life beneficiary to  
22 participate in the pilot program under subsection (a)  
23 if the Secretary determines, on an individual basis,  
24 that such waiver is appropriate.

1 (d) REGULATIONS.—The Secretary shall prescribe  
2 regulations to carry out the pilot program under sub-  
3 section (a), including regulations with respect to—

4 (1) the prescription maintenance medications  
5 included in the pilot program pursuant to subsection  
6 (b)(1); and

7 (2) addressing instances where a TRICARE for  
8 Life beneficiary covered by the pilot program at-  
9 tempts to refill such medications at a retail phar-  
10 macy rather than through the national mail-order  
11 pharmacy program or a facility of the uniformed  
12 services.

13 (e) REPORTS.—Not later than March 31 of each year  
14 beginning in 2014 and ending in 2018, the Secretary shall  
15 submit to the congressional defense committees a report  
16 on the pilot program under subsection (a), including the  
17 effects of offering incentives for the use of mail order  
18 pharmacies by TRICARE beneficiaries and the effect on  
19 retail pharmacies.

20 (f) SUNSET.—The Secretary may not carry out the  
21 pilot program under subsection (a) after December 31,  
22 2017.

23 (g) TRICARE FOR LIFE BENEFICIARY DEFINED.—  
24 In this section, the term “TRICARE for Life beneficiary”  
25 means a TRICARE beneficiary enrolled in the Medicare

1 wraparound coverage option of the TRICARE program  
2 made available to the beneficiary by reason of section  
3 1086(d) of title 10, United States Code.

4       **Subtitle C—Mental Health Care**  
5               **and Veterans Matters**

6       **SEC. 723. SHARING BETWEEN DEPARTMENT OF DEFENSE**  
7                       **AND DEPARTMENT OF VETERANS AFFAIRS**  
8                       **OF RECORDS AND INFORMATION RETAINED**  
9                       **UNDER THE MEDICAL TRACKING SYSTEM**  
10                      **FOR MEMBERS OF THE ARMED FORCES DE-**  
11                      **PLOYED OVERSEAS.**

12       (a) IN GENERAL.—The Secretary of Defense and the  
13 Secretary of Veterans Affairs shall jointly enter into a  
14 memorandum of understanding providing for the sharing  
15 by the Department of Defense with the Department of  
16 Veterans Affairs of the results of examinations and other  
17 records on members of the Armed Forces that are retained  
18 and maintained with respect to the medical tracking sys-  
19 tem for members deployed overseas under section 1074f(c)  
20 of title 10, United States Code.

21       (b) CESSATION UPON IMPLEMENTATION OF ELEC-  
22 TRONIC HEALTH RECORD.—The sharing required pursu-  
23 ant to subsection (a) shall cease on the date on which the  
24 Secretary of Defense and the Secretary of Veterans Af-  
25 fairs jointly certify to Congress that the Secretaries have

1 fully implemented an integrated electronic health record  
2 for members of the Armed Forces that is fully interoper-  
3 able between the Department of Defense and the Depart-  
4 ment of Veterans Affairs.

5 **SEC. 724. PARTICIPATION OF MEMBERS OF THE ARMED**  
6 **FORCES IN PEER SUPPORT COUNSELING**  
7 **PROGRAMS OF THE DEPARTMENT OF VET-**  
8 **ERANS AFFAIRS.**

9 (a) PARTICIPATION.—

10 (1) IN GENERAL.—The Secretary of Defense  
11 and the Secretary of Veterans Affairs shall jointly  
12 enter into a memorandum of understanding pro-  
13 viding for members of the Armed Forces described  
14 in subsection (b) to volunteer or be considered for  
15 employment as peer counselors under the following:

16 (A) The peer support counseling program  
17 carried out by the Secretary of Veterans Affairs  
18 under subsection (j) of section 1720F of title  
19 38, United States Code, as part of the com-  
20 prehensive program for suicide prevention  
21 among veterans under subsection (a) of such  
22 section.

23 (B) The peer support counseling program  
24 carried out by the Secretary of Veterans Affairs  
25 under section 304(a)(1) of the Caregivers and

1           Veterans Omnibus Health Services Act of 2010  
2           (Public Law 111–163; 124 Stat. 1150; 38  
3           U.S.C. 1712A note).

4           (2) TRAINING.—Any member participating in a  
5           peer support counseling program under paragraph  
6           (1) shall receive the training for peer counselors  
7           under section 1720F(j)(2) of title 38, United States  
8           Code, or section 304(c) of the Caregivers and Vet-  
9           erans Omnibus Health Services Act of 2010, as ap-  
10          pplicable, before performing peer support counseling  
11          duties under such program.

12          (b) COVERED MEMBERS.—Members of the Armed  
13          Forces described in this subsection are the following:

14               (1) Members of the reserve components of the  
15               Armed Forces who are demobilizing after deploy-  
16               ment in a theater of combat operations, including, in  
17               particular, members who participated in combat  
18               against the enemy while so deployed.

19               (2) Members of the regular components of the  
20               Armed Forces separating from active duty who have  
21               been deployed in a theater of combat operations in  
22               which such members participated in combat against  
23               the enemy.

1 **SEC. 725. RESEARCH AND MEDICAL PRACTICE ON MENTAL**  
2 **HEALTH CONDITIONS.**

3 (a) RESEARCH AND PRACTICE.—The Secretary of  
4 Defense shall provide for the translation of research on  
5 the diagnosis and treatment of mental health conditions  
6 into policy on medical practices.

7 (b) REPORT.—Not later than 180 days after the date  
8 of the enactment of this Act, the Secretary shall submit  
9 to the Committees on Armed Services of the House of  
10 Representatives and the Senate a report on the translation  
11 of research into policy as described in subsection (a). The  
12 report shall include the following:

13 (1) A summary of the efforts of the Depart-  
14 ment of Defense to carry out such translation.

15 (2) A description of any policy established pur-  
16 suant to subsection (a).

17 (3) Additional legislative or administrative ac-  
18 tions the Secretary considers appropriate with re-  
19 spect to such translation.

20 **SEC. 726. TRANSPARENCY IN MENTAL HEALTH CARE SERV-**  
21 **ICES PROVIDED BY THE DEPARTMENT OF**  
22 **VETERANS AFFAIRS.**

23 (a) MEASUREMENT OF MENTAL HEALTH CARE  
24 SERVICES.—

25 (1) IN GENERAL.—Not later than December 31,  
26 2013, the Secretary of Veterans Affairs shall develop

1       and implement a comprehensive set of measures to  
2       assess mental health care services furnished by the  
3       Department of Veterans Affairs.

4           (2) ELEMENTS.—The measures developed and  
5       implemented under paragraph (1) shall provide an  
6       accurate and comprehensive assessment of the fol-  
7       lowing:

8           (A) The timeliness of the furnishing of  
9       mental health care by the Department.

10          (B) The satisfaction of patients who re-  
11       ceive mental health care services furnished by  
12       the Department.

13          (C) The capacity of the Department to fur-  
14       nish mental health care.

15          (D) The availability and furnishing of evi-  
16       dence-based therapies by the Department.

17       (b) GUIDELINES FOR STAFFING MENTAL HEALTH  
18       CARE SERVICES.—Not later than December 31, 2013, the  
19       Secretary shall develop and implement guidelines for the  
20       staffing of general and specialty mental health care serv-  
21       ices, including at community-based outpatient clinics.  
22       Such guidelines shall include productivity standards for  
23       providers of mental health care.

24       (c) STUDY COMMITTEE.—

1           (1) IN GENERAL.—The Secretary shall seek to  
2 enter into a contract with the National Academy of  
3 Sciences to create a study committee—

4           (A) to consult with the Secretary on the  
5 Secretary's development and implementation of  
6 the measures and guidelines required by sub-  
7 sections (a) and (b); and

8           (B) to conduct an assessment and provide  
9 an analysis and recommendations on the state  
10 of Department mental health services.

11          (2) FUNCTIONS.—In entering into the contract  
12 described in paragraph (1), the Secretary shall, with  
13 respect to paragraph (1)(B), include in such con-  
14 tract a provision for the study committee—

15          (A) to conduct a comprehensive assessment  
16 of barriers to access to mental health care by  
17 veterans who served in the Armed Forces in  
18 Operation Enduring Freedom, Operation Iraqi  
19 Freedom, or Operation New Dawn;

20          (B) to assess the quality of the mental  
21 health care being provided to such veterans (in-  
22 cluding the extent to which veterans are af-  
23 farded choices with respect to modes of treat-  
24 ment) through site visits to facilities of the Vet-  
25 erans Health Administration (including at least

1 one site visit in each Veterans Integrated Serv-  
2 ice Network), evaluating studies of patient out-  
3 comes, and other appropriate means;

4 (C) to assess whether, and the extent to  
5 which, veterans who served in the Armed  
6 Forces in Operation Enduring Freedom, Oper-  
7 ation Iraqi Freedom, or Operation New Dawn  
8 are being offered a full range of necessary men-  
9 tal health services at Department health care  
10 facilities, including early intervention services  
11 for hazardous drinking, relationship problems,  
12 and other behaviors that create a risk for the  
13 development of a chronic mental health condi-  
14 tion;

15 (D) to conduct surveys or have access to  
16 Department-administered surveys of—

17 (i) providers of Department mental  
18 health services;

19 (ii) veterans who served in the Armed  
20 Forces in Operation Enduring Freedom,  
21 Operation Iraqi Freedom, or Operation  
22 New Dawn who are receiving mental  
23 health care furnished by the Department;  
24 and

1 (iii) eligible veterans who served in the  
2 Armed Forces in Operation Enduring  
3 Freedom, Operation Iraqi Freedom, or Op-  
4 eration New Dawn who are not using De-  
5 partment health care services to assess  
6 those barriers described in subparagraph  
7 (A); and

8 (E) to provide to the Secretary, on the  
9 basis of its assessments as delineated in sub-  
10 paragraphs (A) through (C), specific, detailed  
11 recommendations—

12 (i) for overcoming barriers, and im-  
13 proving access, to timely, effective mental  
14 health care at Department health care fa-  
15 cilities (or, where Department facilities  
16 cannot provide such care, through contract  
17 arrangements under existing law); and

18 (ii) to improve the effectiveness and  
19 efficiency of mental health services fur-  
20 nished by the Secretary.

21 (3) PARTICIPATION BY FORMER OFFICIALS AND  
22 EMPLOYEES OF VETERANS HEALTH ADMINISTRA-  
23 TION.—The Secretary shall ensure that any contract  
24 entered into under paragraph (1) provides for inclu-  
25 sion on any subcommittee which participates in con-

1 ducting the assessments and formulating the rec-  
2 ommendations provided for in paragraph (2) at least  
3 one former official of the Veterans Health Adminis-  
4 tration and at least two former employees of the  
5 Veterans Health Administration who were providers  
6 of mental health care.

7 (4) PERIODIC REPORTS TO SECRETARY.—In en-  
8 tering into the contract described in paragraph (1),  
9 the Secretary shall, with respect to paragraph  
10 (1)(A), include in such contract a provision for the  
11 submittal to the Secretary of periodic reports and  
12 provision of other consultation to the Secretary by  
13 the study committee to assist the Secretary in car-  
14 rying out subsections (a) and (b).

15 (5) REPORTS TO CONGRESS.—Not later than  
16 30 days after receiving a report under paragraph  
17 (4), the Secretary shall submit to the Committee on  
18 Veterans' Affairs of the Senate and the Committee  
19 on Veterans' Affairs of the House of Representatives  
20 a report on the plans of the Secretary to implement  
21 such recommendations submitted to the Secretary by  
22 the study committee as the Secretary considers ap-  
23 propriate. Such report shall include a description of  
24 each recommendation submitted to the Secretary  
25 that the Secretary does not plan to carry out and an

1 explanation of why the Secretary does not plan to  
2 carry out such recommendation.

3 (d) PUBLICATION.—

4 (1) IN GENERAL.—The Secretary shall make  
5 available to the public on an Internet website of the  
6 Department the following:

7 (A) The measures and guidelines developed  
8 and implemented under this section.

9 (B) An assessment of the performance of  
10 the Department using such measures and  
11 guidelines.

12 (2) QUARTERLY UPDATES.—The Secretary  
13 shall update the measures, guidelines, and assess-  
14 ment made available to the public under paragraph  
15 (1) not less frequently than quarterly.

16 (e) SEMIANNUAL REPORTS.—

17 (1) IN GENERAL.—Not later than June 30,  
18 2013, and not less frequently than twice each year  
19 thereafter, the Secretary shall submit to the commit-  
20 tees of Congress specified in subsection (c)(5) a re-  
21 port on the Secretary's progress in developing and  
22 implementing the measures and guidelines required  
23 by this section.

24 (2) ELEMENTS.—Each report submitted under  
25 paragraph (1) shall include the following:

1 (A) A description of the development and  
2 implementation of the measures required by  
3 subsection (a) and the guidelines required by  
4 subsection (b).

5 (B) A description of the progress made by  
6 the Secretary in developing and implementing  
7 such measures and guidelines.

8 (C) An assessment of the mental health  
9 care services furnished by the Department,  
10 using the measures developed and implemented  
11 under subsection (a).

12 (D) An assessment of the effectiveness of  
13 the guidelines developed and implemented under  
14 subsection (b).

15 (E) Such recommendations for legislative  
16 or administrative action as the Secretary may  
17 have to improve the effectiveness and efficiency  
18 of the mental health care services furnished  
19 under laws administered by the Secretary.

20 (f) IMPLEMENTATION REPORT.—

21 (1) IN GENERAL.—Not later than 30 days be-  
22 fore the date on which the Secretary begins imple-  
23 menting the measures and guidelines required by  
24 this section, the Secretary shall submit to the com-  
25 mittees of Congress specified in subsection (c)(5) a

1 report on the Secretary's planned implementation of  
2 such measures and guidelines.

3 (2) ELEMENTS.—The report required by para-  
4 graph (1) shall include the following:

5 (A) A detailed description of the measures  
6 and guidelines that the Secretary plans to im-  
7 plement under this section.

8 (B) A description of the rationale for each  
9 measure and guideline the Secretary plans to  
10 implement under this section.

11 (C) A discussion of each measure and  
12 guideline that the Secretary considered under  
13 this section but chose not to implement.

14 (D) The number of current vacancies in  
15 mental health care provider positions in the De-  
16 partment.

17 (E) An assessment of how many additional  
18 positions are needed to meet current or ex-  
19 pected demand for mental health services fur-  
20 nished by the Department.

1 **SEC. 727. EXPANSION OF VET CENTER PROGRAM TO IN-**  
2 **CLUDE FURNISHING COUNSELING TO CER-**  
3 **TAIN MEMBERS OF THE ARMED FORCES AND**  
4 **THEIR FAMILY MEMBERS.**

5 Section 1712A of title 38, United States Code, is  
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (A), by striking  
10 “Upon the request” and all that follows  
11 through the period at the end and insert-  
12 ing “Upon the request of any individual re-  
13 ferred to in subparagraph (C), the Sec-  
14 retary shall furnish counseling, including  
15 by furnishing counseling through a Vet  
16 Center, to the individual—

17 “(i) in the case of an individual referred to in  
18 clauses (i) through (iv) of subparagraph (C), to as-  
19 sist the individual in readjusting to civilian life; and

20 “(ii) in the case of an individual referred to in  
21 clause (v) of such subparagraph who is a family  
22 member of a veteran or member described in such  
23 clause—

24 “(I) in the case of a member who is de-  
25 ployed in a theater of combat operations or an  
26 area at a time during which hostilities are oc-

1 curring in that area, during such deployment to  
2 assist such individual in coping with such de-  
3 ployment; and

4 “(II) in the case of a veteran or member  
5 who is readjusting to civilian life, to the degree  
6 that counseling furnished to such individual is  
7 found to aid in the readjustment of such vet-  
8 eran or member to civilian life.”; and

9 (ii) by striking subparagraph (B) and  
10 inserting the following new subparagraphs:

11 “(B) Counseling furnished to an individual under  
12 subparagraph (A) may include a comprehensive individual  
13 assessment of the individual’s psychological, social, and  
14 other characteristics to ascertain whether—

15 “(i) in the case of an individual referred to in  
16 clauses (i) through (iv) of subparagraph (C), such  
17 individual has difficulties associated with readjusting  
18 to civilian life; and

19 “(ii) in the case of an individual referred to in  
20 clause (v) of such subparagraph, such individual has  
21 difficulties associated with—

22 “(I) coping with the deployment of a mem-  
23 ber described in subclause (I) of such clause; or

1           “(II) readjustment to civilian life of a vet-  
2           eran or member described in subclause (II) of  
3           such clause.

4           “(C) Subparagraph (A) applies to the following indi-  
5           viduals:

6           “(i) Any individual who is a veteran or member  
7           of the Armed Forces, including a member of a re-  
8           serve component of the Armed Forces, who served  
9           on active duty in a theater of combat operations or  
10          an area at a time during which hostilities occurred  
11          in that area.

12          “(ii) Any individual who is a veteran or member  
13          of the Armed Forces, including a member of a re-  
14          serve component of the Armed Forces, who provided  
15          direct emergency medical or mental health care, or  
16          mortuary services to the casualties of combat oper-  
17          ations or hostilities, but who at the time was located  
18          outside the theater of combat operations or area of  
19          hostilities.

20          “(iii) Any individual who is a veteran or mem-  
21          ber of the Armed Forces, including a member of a  
22          reserve component of the Armed Forces, who en-  
23          gaged in combat with an enemy of the United States  
24          or against an opposing military force in a theater of  
25          combat operations or an area at a time during which

1       hostilities occurred in that area by remotely control-  
2       ling an unmanned aerial vehicle, notwithstanding  
3       whether the physical location of such veteran or  
4       member during such combat was within such theater  
5       of combat operations or area.

6           “(iv) Any individual who received counseling  
7       under this section before the date of the enactment  
8       of the National Defense Authorization Act for Fiscal  
9       Year 2013.

10          “(v) Any individual who is a family member of  
11       any—

12           “(I) member of the Armed Forces, includ-  
13       ing a member of a reserve component of the  
14       Armed Forces, who is serving on active duty in  
15       a theater of combat operations or in an area at  
16       a time during which hostilities are occurring in  
17       that area; or

18           “(II) veteran or member of the Armed  
19       Forces described in this subparagraph.”;

20           (B) by striking paragraph (2);

21           (C) by redesignating paragraph (3) as  
22       paragraph (2); and

23           (D) in paragraph (2), as redesignated by  
24       subparagraph (C)—

1 (i) by striking “a veteran described in  
2 paragraph (1)(B)(iii)” and inserting “an  
3 individual described in paragraph (1)(C)”;  
4 and

5 (ii) by striking “the veteran a prelimi-  
6 nary general mental health assessment”  
7 and inserting “the individual a comprehen-  
8 sive individual assessment as described in  
9 paragraph (1)(B)”;

10 (2) in subsection (b)(1), by striking “physician  
11 or psychologist” each place it appears and inserting  
12 “licensed or certified mental health care provider”;

13 (3) in subsection (g)—

14 (A) by amending paragraph (1) to read as  
15 follows:

16 “(1) The term ‘Vet Center’ means a facility  
17 which is operated by the Department for the provi-  
18 sion of services under this section and which is situ-  
19 ated apart from Department general health care fa-  
20 cilities.”; and

21 (B) by adding at the end the following new  
22 paragraph:

23 “(3) The term ‘family member’, with respect to  
24 a veteran or member of the Armed Forces, means an  
25 individual who—

1           “(A) is a member of the family of the vet-  
2           eran or member, including—

3                   “(i) a parent;

4                   “(ii) a spouse;

5                   “(iii) a child;

6                   “(iv) a step-family member; and

7                   “(v) an extended family member; or

8           “(B) lives with the veteran or member but  
9           is not a member of the family of the veteran or  
10          member.”; and

11          (4) by redesignating subsection (g), as amended  
12          by paragraph (3), as subsection (h) and inserting  
13          after subsection (f) the following new subsection (g):

14          “(g) In carrying out this section and in furtherance  
15          of the Secretary’s responsibility to carry out outreach ac-  
16          tivities under chapter 63 of this title, the Secretary may  
17          provide for and facilitate the participation of personnel  
18          employed by the Secretary to provide services under this  
19          section in recreational programs that are—

20                   “(1) designed to encourage the readjustment of  
21          veterans described in subsection (a)(1)(C); and

22                   “(2) operated by any organization named in or  
23          approved under section 5902 of this title.”.

1 **SEC. 728. ORGANIZATION OF THE READJUSTMENT COUN-**  
2 **SELING SERVICE IN THE DEPARTMENT OF**  
3 **VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Subchapter I of chapter 73 of title  
5 38, United States Code, is amended by adding at the end  
6 the following new section:

7 **“§ 7309. Readjustment Counseling Service**

8 “(a) IN GENERAL.—There is in the Veterans Health  
9 Administration a Readjustment Counseling Service. The  
10 Readjustment Counseling Service shall provide readjust-  
11 ment counseling and associated services to individuals in  
12 accordance with section 1712A of this title.

13 “(b) CHIEF OFFICER.—(1) The head of the Read-  
14 justment Counseling Service shall be the Chief Officer of  
15 the Readjustment Counseling Service (in this section re-  
16 ferred to as the ‘Chief Officer’), who shall report directly  
17 to the Under Secretary for Health.

18 “(2) The Chief Officer shall be appointed by the  
19 Under Secretary for Health from among individuals  
20 who—

21 “(A)(i) are psychologists who hold a diploma as  
22 a doctorate in clinical or counseling psychology from  
23 an authority approved by the American Psycho-  
24 logical Association and who have successfully under-  
25 gone an internship approved by that association;

1           “(ii) are holders of a master in social work de-  
2           gree; or

3           “(iii) hold such other advanced degrees related  
4           to mental health as the Secretary considers appro-  
5           priate;

6           “(B) have at least three years of experience  
7           providing direct counseling services or outreach serv-  
8           ices in the Readjustment Counseling Service;

9           “(C) have at least three years of experience ad-  
10          ministrating direct counseling services or outreach  
11          services in the Readjustment Counseling Service;

12          “(D) meet the quality standards and require-  
13          ments of the Department; and

14          “(E) are veterans who served in combat as  
15          members of the Armed Forces.

16          “(c) STRUCTURE.—(1) The Readjustment Coun-  
17          seling Service is a distinct organizational element within  
18          Veterans Health Administration.

19          “(2) The Readjustment Counseling Service shall pro-  
20          vide counseling and services as described in subsection (a).

21          “(3) The Chief Officer shall have direct authority  
22          over all Readjustment Counseling Service staff and assets,  
23          including Vet Centers.

24          “(d) SOURCE OF FUNDS.—(1) Amounts for the ac-  
25          tivities of the Readjustment Counseling Service, including

1 the operations of its Vet Centers, shall be derived from  
2 amounts appropriated for the Veterans Health Adminis-  
3 tration for medical care.

4 “(2) Amounts for activities of the Readjustment  
5 Counseling Service, including the operations of its Vet  
6 Centers, shall not be allocated through the Veterans Equi-  
7 table Resource Allocation system.

8 “(3) In each budget request submitted for the De-  
9 partment of Veterans Affairs by the President to Congress  
10 under section 1105 of title 31, the budget request for the  
11 Readjustment Counseling Service shall be listed sepa-  
12 rately.

13 “(e) ANNUAL REPORT.—(1) Not later than March 15  
14 of each year, the Secretary shall submit to the Committee  
15 on Veterans’ Affairs of the Senate and the Committee on  
16 Veterans’ Affairs of the House of Representatives a report  
17 on the activities of the Readjustment Counseling Service  
18 during the preceding calendar year.

19 “(2) Each report submitted under paragraph (1)  
20 shall include, with respect to the period covered by the  
21 report, the following:

22 “(A) A summary of the activities of the Read-  
23 justment Counseling Service, including Vet Centers.

24 “(B) A description of the workload and addi-  
25 tional treatment capacity of the Vet Centers, includ-

1       ing, for each Vet Center, the ratio of the number of  
2       full-time equivalent employees at such Vet Center  
3       and the number of individuals who received services  
4       or assistance at such Vet Center.

5           “(C) A detailed analysis of demand for and  
6       unmet need for readjustment counseling services and  
7       the Secretary’s plan for meeting such unmet need.

8       “(f) VET CENTER DEFINED.—In this section, the  
9       term ‘Vet Center’ has the meaning given the term in sec-  
10      tion 1712A(h)(1) of this title.”.

11       (b) CLERICAL AMENDMENT.—The table of sections  
12      at the beginning of chapter 73 of such title is amended  
13      by inserting after the item relating to section 7308 the  
14      following new item:

      “7309. Readjustment Counseling Service.”.

15       (c) CONFORMING AMENDMENTS.—Section 7305 of  
16      such title is amended—

17           (1) by redesignating paragraph (7) as para-  
18      graph (8); and

19           (2) by inserting after paragraph (6) the fol-  
20      lowing new paragraph (7):

21           “(7) A Readjustment Counseling Service.”.

1 **SEC. 729. RECRUITMENT OF MENTAL HEALTH PROVIDERS**  
2 **FOR FURNISHING MENTAL HEALTH SERV-**  
3 **ICES ON BEHALF OF THE DEPARTMENT OF**  
4 **VETERANS AFFAIRS WITHOUT COMPENSA-**  
5 **TION FROM THE DEPARTMENT.**

6 (a) IN GENERAL.—The Secretary of Veterans Affairs  
7 shall carry out a national program of outreach to societies,  
8 community organizations, nonprofit organizations, and  
9 government entities in order to recruit mental health pro-  
10 viders who meet the quality standards and requirements  
11 of the Department of Veterans Affairs to provide mental  
12 health services for the Department on a part-time, with-  
13 out-compensation basis, under section 7405 of title 38,  
14 United States Code.

15 (b) PARTNERING WITH AND DEVELOPING COMMU-  
16 NITY ENTITIES AND NONPROFIT ORGANIZATIONS.—In  
17 carrying out the program required by subsection (a), the  
18 Secretary may partner with a community entity or non-  
19 profit organization or assist in the development of a com-  
20 munity entity or nonprofit organization, including by en-  
21 tering into an agreement under section 8153 of title 38,  
22 United States Code, that provides strategic coordination  
23 of the societies, organizations, and government entities de-  
24 scribed in subsection (a) in order to maximize the avail-  
25 ability and efficient delivery of mental health services to

1 veterans by such societies, organizations, and government  
2 entities.

3 (c) **MILITARY CULTURE TRAINING.**—In carrying out  
4 the program required by subsection (a), the Secretary  
5 shall provide training to mental health providers to ensure  
6 that clinicians who provide mental health services as de-  
7 scribed in such subsection have sufficient understanding  
8 of military-specific and service-specific culture, combat ex-  
9 perience, and other factors that are unique to the experi-  
10 ence of veterans who served in Operation Enduring Free-  
11 dom, Operating Iraqi Freedom, or Operation New Dawn.

12 **SEC. 730. PEER SUPPORT.**

13 (a) **PEER SUPPORT COUNSELING PROGRAM.**—

14 (1) **PROGRAM REQUIRED.**—Paragraph (1) of  
15 section 1720F(j) of title 38, United States Code, is  
16 amended in the matter preceding subparagraph (A)  
17 by striking “may” and inserting “shall”.

18 (2) **TRAINING.**—Paragraph (2) of such section  
19 is amended by inserting after “peer counselors” the  
20 following: “, including training carried out under the  
21 national program of training required by section  
22 304(c) of the Caregivers and Veterans Omnibus  
23 Health Services Act of 2010 (38 U.S.C. 1712A  
24 note)”.

1           (3) AVAILABILITY OF PROGRAM AT DEPART-  
2           MENT MEDICAL CENTERS.—Such section is amended  
3           by adding at the end the following new paragraph:

4           “(3) In addition to other locations the Secretary con-  
5           siders appropriate, the Secretary shall carry out the peer  
6           support program under this subsection at each Depart-  
7           ment medical center.”.

8           (4) DEADLINE FOR COMMENCEMENT OF PRO-  
9           GRAM.—The Secretary of Veterans Affairs shall en-  
10          sure that the peer support counseling program re-  
11          quired by section 1720F(j) of title 38, United States  
12          Code, as amended by this subsection, commences at  
13          each Department of Veterans Affairs medical center  
14          not later than 270 days after the date of the enact-  
15          ment of this Act.

16          (b) PEER OUTREACH AND PEER SUPPORT SERVICES  
17          AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM  
18          ON READJUSTMENT AND MENTAL HEALTH CARE SERV-  
19          ICES FOR VETERANS WHO SERVED IN OPERATION EN-  
20          DURING FREEDOM AND OPERATION IRAQI FREEDOM.—

21                 (1) IN GENERAL.—Section 304 of the Care-  
22                 givers and Veterans Omnibus Health Services Act of  
23                 2010 (Public Law 111–163; 38 U.S.C. 1712A note)  
24                 is amended—

1 (A) by redesignating subsection (e) as sub-  
2 section (f); and

3 (B) by inserting after subsection (d) the  
4 following new subsection (e):

5 “(e) PROVISION OF PEER OUTREACH AND PEER  
6 SUPPORT SERVICES AT DEPARTMENT MEDICAL CEN-  
7 TERS.—The Secretary shall carry out the services required  
8 by subparagraphs (A) and (B) of subsection (a)(1) at each  
9 Department medical center.”.

10 (2) DEADLINE.—The Secretary of Veterans Af-  
11 fairs shall commence carrying out the services re-  
12 quired by subparagraphs (A) and (B) of subsection  
13 (a)(1) of such section at each Department of Vet-  
14 erans Affairs medical center, as required by sub-  
15 section (e) of such section (as added by paragraph  
16 (1)), not later than 270 days after the date of the  
17 enactment of this Act.

18 **Subtitle D—Reports and Other**  
19 **Matters**

20 **SEC. 731. PLAN FOR REFORM OF THE ADMINISTRATION OF**  
21 **THE MILITARY HEALTH SYSTEM.**

22 (a) DETAILED PLAN.—In implementing reforms to  
23 the governance of the military health system described in  
24 the memorandum of the Deputy Secretary of Defense

1 dated March 2012, the Secretary of Defense shall develop  
2 a detailed plan to carry out such reform.

3 (b) ELEMENTS.—The plan developed under sub-  
4 section (a) shall include the following:

5 (1) Goals to achieve while carrying out the re-  
6 form described in subsection (a), including goals  
7 with respect to improving clinical and business prac-  
8 tices, cost reductions, infrastructure reductions, and  
9 personnel reductions, achieved by establishing the  
10 Defense Health Agency, carrying out shared serv-  
11 ices, and modifying the governance of the National  
12 Capital Region.

13 (2) Metrics to evaluate the achievement of each  
14 goal under paragraph (1) with respect to the pur-  
15 pose, objective, and improvements made by each  
16 such goal.

17 (3) The personnel levels required for the De-  
18 fense Health Agency and the National Capital Re-  
19 gion Medical Directorate.

20 (4) A detailed schedule to carry out the reform  
21 described in subsection (a), including a schedule for  
22 meeting the goals under paragraph (1).

23 (5) Detailed information describing the initial  
24 operating capability of the Defense Health Agency.

1           (6) With respect to each shared service that the  
2       Secretary will implement during fiscal year 2013 or  
3       2014—

4           (A) a timeline for such implementation;

5       and

6           (B) a business case analysis detailing—

7           (i) the services that will be consoli-  
8       dated into the shared service;

9           (ii) the purpose of the shared service;

10          (iii) the scope of the responsibilities  
11       and goals for the shared service;

12          (iv) the cost of implementing the  
13       shared service, including the costs regard-  
14       ing personnel severance, relocation, mili-  
15       tary construction, information technology,  
16       and contractor support; and

17          (v) the anticipated cost savings to be  
18       realized by implementing the shared serv-  
19       ice.

20       (c) SUBMISSION.—The Secretary of Defense shall  
21       submit to the congressional defense committees the plan  
22       developed under subsection (a) as follows:

23           (1) The contents of the plan described in para-  
24       graphs (1) and (4) of subsection (b) shall be sub-  
25       mitted not later than March 31, 2013.

1           (2) The contents of the plan described in para-  
2           graphs (2) and (3) of subsection (b) and paragraph  
3           (6) of such subsection with respect to shared serv-  
4           ices implemented during fiscal year 2013 shall be  
5           submitted not later than June 30, 2013.

6           (3) The contents of the plan described in para-  
7           graph (6) of such subsection with respect to shared  
8           services implemented during fiscal year 2014 shall  
9           be submitted not later than September 30, 2013.

10          (d) LIMITATIONS.—

11           (1) FIRST SUBMISSION.—Of the funds author-  
12           ized to be appropriated by this Act or otherwise  
13           made available for fiscal year 2013 for the accounts  
14           and activities described in paragraph (4), not more  
15           than 50 percent may be obligated or expended until  
16           the date on which the Secretary of Defense submits  
17           to the congressional defense committees the contents  
18           of the plan under subsection (c)(1).

19           (2) SECOND SUBMISSION.—Of the funds au-  
20           thorized to be appropriated by this Act or otherwise  
21           made available for fiscal year 2013 for the accounts  
22           and activities described in paragraph (4), not more  
23           than 75 percent may be obligated or expended until  
24           the date on which the Secretary of Defense submits

1 to the congressional defense committees the contents  
2 of the plan under subsection (c)(2).

3 (3) COMPTROLLER GENERAL REVIEW.—The  
4 Comptroller General of the United States shall sub-  
5 mit to the congressional defense committees a review  
6 of the contents of the plan submitted under each of  
7 paragraphs (1) and (2) to assess whether the Sec-  
8 retary of Defense meets the requirements of such  
9 contents.

10 (4) ACCOUNTS AND ACTIVITIES DESCRIBED.—  
11 The accounts and activities described in this para-  
12 graph are as follows:

13 (A) Operation and maintenance, Defense-  
14 wide, for the Office of the Secretary of Defense  
15 for travel.

16 (B) Operation and maintenance, Defense-  
17 wide, for the Office of the Secretary of Defense  
18 for management professional support services.

19 (C) Operation and maintenance, Defense  
20 Health Program, for travel.

21 (D) Operation and maintenance, Defense  
22 Health Program, for management professional  
23 support services.

24 (e) SHARED SERVICES DEFINED.—In this section,  
25 the term “shared services” means the common services re-

1 quired for each military department to provide medical  
2 support to the Armed Forces and authorized beneficiaries.

3 **SEC. 732. FUTURE AVAILABILITY OF TRICARE PRIME**  
4 **THROUGHOUT THE UNITED STATES.**

5 (a) REPORT REQUIRED.—

6 (1) IN GENERAL.—Not later than 90 days after  
7 the date of the enactment of this Act, the Secretary  
8 of Defense shall submit to the Committees on Armed  
9 Services of the Senate and the House of Representa-  
10 tives a report setting forth the policy of the Depart-  
11 ment of Defense on the future availability of  
12 TRICARE Prime under the TRICARE program for  
13 eligible beneficiaries in all TRICARE regions  
14 throughout the United States.

15 (2) ELEMENTS.—The report required by para-  
16 graph (1) shall include the following:

17 (A) A description, by region, of the dif-  
18 ference in availability of TRICARE Prime for  
19 eligible beneficiaries (other than eligible bene-  
20 ficiaries on active duty in the Armed Forces)  
21 under newly awarded TRICARE managed care  
22 contracts, including, in particular, an identifica-  
23 tion of the regions or areas in which TRICARE  
24 Prime will no longer be available for such bene-  
25 ficiaries under such contracts.

1 (B) An estimate of the increased costs to  
2 be incurred by an affected eligible beneficiary  
3 for health care under the TRICARE program.

4 (C) An estimate of the savings to be  
5 achieved by the Department as a result of the  
6 contracts described in subparagraph (A).

7 (D) A description of the plans of the De-  
8 partment to continue to assess the impact on  
9 access to health care for affected eligible bene-  
10 ficiaries.

11 (E) A description of the plan of the De-  
12 partment to provide assistance to affected eligi-  
13 ble beneficiaries who are transitioning from  
14 TRICARE Prime to TRICARE Standard, in-  
15 cluding assistance with respect to identifying  
16 health care providers.

17 (F) Any other matter the Secretary con-  
18 siders appropriate.

19 (b) DEFINITIONS.—In this section:

20 (1) The term “affected eligible beneficiary”  
21 means an eligible beneficiary under the TRICARE  
22 Program (other than eligible beneficiaries on active  
23 duty in the Armed Forces) who, as of the date of  
24 the enactment of this Act—

25 (A) is enrolled in TRICARE Prime; and

1 (B) resides in a region of the United  
2 States in which TRICARE Prime enrollment  
3 will no longer be available for such beneficiary  
4 under a contract described in subsection  
5 (a)(2)(A) that does not allow for such enroll-  
6 ment because of the location in which such ben-  
7 efiary resides.

8 (2) The term “TRICARE Prime” means the  
9 managed care option of the TRICARE program.

10 (3) The term “TRICARE program” has the  
11 meaning given that term in section 1072(7) of title  
12 10, United States Code.

13 (4) The term “TRICARE Standard” means the  
14 fee-for-service option of the TRICARE Program.

15 **SEC. 733. EXTENSION OF COMPTROLLER GENERAL REPORT**  
16 **ON CONTRACT HEALTH CARE STAFFING FOR**  
17 **MILITARY MEDICAL TREATMENT FACILITIES.**

18 Section 726(a) of the National Defense Authorization  
19 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
20 1480) is amended by striking “March 31, 2012” and in-  
21 serting “March 31, 2013”.

1 **SEC. 734. EXTENSION OF COMPTROLLER GENERAL REPORT**  
2 **ON WOMEN-SPECIFIC HEALTH SERVICES AND**  
3 **TREATMENT FOR FEMALE MEMBERS OF THE**  
4 **ARMED FORCES.**

5 Section 725(c) of the National Defense Authorization  
6 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
7 1480) is amended by striking “December 31, 2012” and  
8 inserting “March 31, 2013”.

9 **SEC. 735. STUDY ON HEALTH CARE AND RELATED SUPPORT**  
10 **FOR CHILDREN OF MEMBERS OF THE ARMED**  
11 **FORCES.**

12 (a) **STUDY.**—The Secretary of Defense shall conduct  
13 a study on the health care and related support provided  
14 by the Secretary to dependent children.

15 (b) **ELEMENTS.**—The study under subsection (a)  
16 shall include the following:

17 (1) A comprehensive review of the policies of  
18 the Secretary and the TRICARE program with re-  
19 spect to providing pediatric care.

20 (2) An assessment of access to pediatric health  
21 care by dependent children in appropriate settings.

22 (3) An assessment of access to specialty care by  
23 dependent children, including care for children with  
24 special health care needs.

1           (4) A comprehensive review and analysis of re-  
2           imbursement under the TRICARE program for pe-  
3           diatric care.

4           (5) An assessment of the adequacy of the  
5           ECHO Program in meeting the needs of dependent  
6           children with extraordinary health care needs.

7           (6) An assessment of the adequacy of care  
8           management for dependent children with special  
9           health care needs.

10          (7) An assessment of the support provided  
11          through other Department of Defense or military de-  
12          partment programs and policies that support the  
13          physical and behavioral health of dependent children,  
14          including children with special health care needs.

15          (8) Mechanisms for linking dependent children  
16          with special health care needs with State and local  
17          community resources, including children's hospitals  
18          and providers of pediatric specialty care.

19          (9) Strategies to mitigate the impact of fre-  
20          quent relocations related to military service on the  
21          continuity of health care services for dependent chil-  
22          dren, including children with special health and be-  
23          havioral health care needs.

24          (c) REPORT.—Not later than one year after the date  
25          of the enactment of this Act, the Secretary shall submit

1 to the congressional defense committees a report on the  
2 study under subsection (a), including—

3 (1) the findings of the study;

4 (2) a plan to improve and continuously monitor  
5 the access of dependent children to quality health  
6 care; and

7 (3) any recommendations for legislation that  
8 the Secretary considers necessary to maintain the  
9 highest quality of health care for dependent children.

10 (d) DEFINITIONS.—In this section:

11 (1) The term “dependent children” means the  
12 children of members of the Armed Forces who are  
13 covered beneficiaries under chapter 55 of title 10,  
14 United States Code.

15 (2) The term “ECHO Program” means the Ex-  
16 tended Care Health Option under subsections (d)  
17 through (f) of section 1079 of title 10, United States  
18 Code.

19 **SEC. 736. REPORT ON STRATEGY TO TRANSITION TO USE**  
20 **OF HUMAN-BASED METHODS FOR CERTAIN**  
21 **MEDICAL TRAINING.**

22 (a) REPORT.—

23 (1) IN GENERAL.—Not later than March 1,  
24 2013, the Secretary of Defense shall submit to the  
25 congressional defense committees a report that out-

1 lines a strategy, including a detailed timeline, to re-  
2 fine and, when appropriate, transition to using  
3 human-based training methods for the purpose of  
4 training members of the Armed Forces in the treat-  
5 ment of combat trauma injuries.

6 (2) ELEMENTS.—The report under paragraph  
7 (1) shall include the following:

8 (A) Required research, development, test-  
9 ing, and evaluation investments to validate  
10 human-based training methods to refine, re-  
11 duce, and, when appropriate, transition from  
12 the use of live animals in medical education and  
13 training.

14 (B) Phased sustainment and readiness  
15 costs to refine, reduce, and, when appropriate,  
16 replace the use of live animals in medical edu-  
17 cation and training.

18 (C) Any risks associated with transitioning  
19 to human-based training methods, including re-  
20 source availability, anticipated technological de-  
21 velopment timelines, and potential impact on  
22 the present combat trauma training curricula.

23 (D) An assessment of the potential effect  
24 of transitioning to human-based training meth-  
25 ods on the quality of medical care delivered on

1 the battlefield, including any reduction in the  
2 competency of combat medical personnel.

3 (E) An assessment of risks to maintaining  
4 the level of combat life-saver techniques per-  
5 formed by all members of the Armed Forces.

6 (b) DEFINITIONS.—In this section:

7 (1) The term “combat trauma injuries” means  
8 severe injuries likely to occur during combat, includ-  
9 ing—

10 (A) extremity hemorrhage;

11 (B) tension pneumothorax;

12 (C) amputation resulting from blast injury;

13 (D) compromises to the airway; and

14 (E) other injuries.

15 (2) The term “human-based training methods”  
16 means, with respect to training individuals in med-  
17 ical treatment, the use of systems and devices that  
18 do not use animals, including—

19 (A) simulators;

20 (B) partial task trainers;

21 (C) moulage;

22 (D) simulated combat environments; and

23 (E) human cadavers.

1           (3) The term “partial task trainers” means  
2           training aids that allow individuals to learn or prac-  
3           tice specific medical procedures.

4 **SEC. 737. STUDY ON INCIDENCE OF BREAST CANCER**  
5                                   **AMONG MEMBERS OF THE ARMED FORCES**  
6                                   **SERVING ON ACTIVE DUTY.**

7           (a) **STUDY.**—The Secretary of Defense shall conduct  
8           a study on the incidence of breast cancer among members  
9           of the Armed Forces serving on active duty.

10          (b) **ELEMENTS.**—The study under subsection (a)  
11          shall include the following:

12                 (1) A determination of the number of members  
13                 of the Armed Forces who served on active duty at  
14                 any time during the period from 2000 to 2010 who  
15                 were diagnosed with breast cancer during such pe-  
16                 riod.

17                 (2) A determination of demographic informa-  
18                 tion regarding such members, including race, eth-  
19                 nicity, sex, age, and rank.

20                 (3) An analysis of breast cancer treatments re-  
21                 ceived by such members and the source of such  
22                 treatment.

23                 (4) The availability and training of breast can-  
24                 cer specialists within the military health system.

1           (5) A comparison of the rates of members of  
2 the Armed Forces serving on active duty who have  
3 breast cancer to civilian populations with comparable  
4 demographic characteristics.

5           (6) Identification of potential factors associated  
6 with military service that could increase the risk of  
7 breast cancer for members of the Armed Forces  
8 serving on active duty.

9           (7) A description of a research agenda to fur-  
10 ther the understanding of the Department of De-  
11 fense of the incidence of breast cancer among such  
12 members.

13           (8) An assessment of the effectiveness of out-  
14 reach to members of the Armed Forces to identify  
15 risks of, prevent, detect, and treat breast cancer.

16           (9) Recommendations for changes to policy or  
17 law that could improve the prevention, early detec-  
18 tion, awareness, and treatment of breast cancer  
19 among members of the Armed Forces serving on ac-  
20 tive duty.

21           (c) REPORT.—Not later than one year after the date  
22 of the enactment of this Act, the Secretary shall submit  
23 to the congressional defense committees a report on the  
24 findings and recommendations of the study under sub-

1 section (a), including a description of any further unique  
2 military research needed with respect to breast cancer.

3 **SEC. 738. PERFORMANCE METRICS AND REPORTS ON WAR-**  
4 **RIORS IN TRANSITION PROGRAMS OF THE**  
5 **MILITARY DEPARTMENTS.**

6 (a) METRICS REQUIRED.—The Secretary of Defense  
7 shall establish a policy containing uniform performance  
8 outcome measurements to be used by each Secretary of  
9 a military department in tracking and monitoring mem-  
10 bers of the Armed Forces in Warriors in Transition pro-  
11 grams.

12 (b) ELEMENTS.—The policy established under sub-  
13 section (a) shall identify outcome measurements with re-  
14 spect to the following:

- 15 (1) Physical health and behavioral health.
- 16 (2) Rehabilitation.
- 17 (3) Educational and vocational preparation.
- 18 (4) Such other matters as the Secretary con-  
19 siders appropriate.

20 (c) MILESTONES.—In establishing the policy under  
21 subsection (a), the Secretary of Defense shall establish  
22 metrics and milestones for members in Warriors in Tran-  
23 sition programs. Such metrics and milestones shall cover  
24 members throughout the course of care and rehabilitation

1 in Warriors in Transitions programs by applying to the  
2 following occasions:

3 (1) When the member commences participation  
4 in the program.

5 (2) At least once each year the member partici-  
6 pates in the program.

7 (3) When the member ceases participation in  
8 the program or is transferred to the jurisdiction of  
9 the Secretary of Veterans Affairs.

10 (d) COHORT GROUPS AND PARAMETERS.—The policy  
11 established under subsection (a)—

12 (1) may differentiate among cohort groups  
13 within the population of members in Warriors in  
14 Transition programs, as appropriate; and

15 (2) shall include parameters for specific out-  
16 come measurements in each element under sub-  
17 section (b) and each metric and milestone under  
18 subsection (c).

19 (e) REPORTS REQUIRED.—

20 (1) INITIAL REPORT.—Not later than 180 days  
21 after the date of the enactment of this Act, the Sec-  
22 retary of Defense shall submit to the congressional  
23 defense committees a report on the policy estab-  
24 lished under subsection (a), including the outcome

1 measurements for each element under subsection (b)  
2 and each metric and milestone under subsection (c).

3 (2) ANNUAL REPORTS.—Not later than Feb-  
4 ruary of each year beginning in 2014 and ending in  
5 2018, the Secretary of Defense shall submit to the  
6 congressional defense committees a report on the  
7 performance of the military departments with re-  
8 spect to the policy established under subsection (a).  
9 Each report shall include—

10 (A) an analysis of—

11 (i) data on improvements in the  
12 progress of members in Warriors in Tran-  
13 sition programs in each specific area iden-  
14 tified in the policy;

15 (ii) access to health and rehabilitation  
16 services by such members, including aver-  
17 age appointment waiting times by spe-  
18 cialty;

19 (iii) effectiveness of the programs in  
20 assisting in the transition of such members  
21 to military duty or civilian life through  
22 education and vocational assistance;

23 (iv) any differences in outcomes in  
24 Warriors in Transition programs, and the  
25 reason for any such differences; and

1 (v) the quantities and effectiveness of  
2 medical and nonmedical case managers,  
3 legal support and physical evaluation board  
4 liaison officers, mental health care pro-  
5 viders, and medical evaluation physicians  
6 in comparison to the actual number of  
7 members requiring such services; and

8 (B) such other results and analyses as the  
9 Secretary considers appropriate, including any  
10 recommendations for legislation if needed.

11 (f) WARRIORS IN TRANSITION PROGRAM DE-  
12 FINED.—In this section, the term “Warriors in Transition  
13 program” means any major support program of the  
14 Armed Forces for members of the Armed Forces with se-  
15 vere wounds, illnesses, or injuries that is intended to pro-  
16 vide such members with nonmedical case management  
17 service and care coordination services, and includes the  
18 programs as follows:

19 (1) Warrior Transition Units and the Wounded  
20 Warrior Program of the Army.

21 (2) The Wounded Warrior Safe Harbor pro-  
22 gram of the Navy.

23 (3) The Wounded Warrior Regiment of the Ma-  
24 rine Corps.

1           (4) The Recovery Care Program and the  
2           Wounded Warrior programs of the Air Force.

3           (5) The Care Coalition of the United States  
4           Special Operations Command.

5 **SEC. 739. PLAN TO ELIMINATE GAPS AND REDUNDANCIES**  
6                           **IN PROGRAMS OF THE DEPARTMENT OF DE-**  
7                           **FENSE ON PSYCHOLOGICAL HEALTH AND**  
8                           **TRAUMATIC BRAIN INJURY.**

9           (a) SENSE OF CONGRESS.—Congress supports the ef-  
10          forts of the Secretary of Veterans Affairs and the Sec-  
11          retary of Defense to educate members of the Armed  
12          Forces, veterans, the families of such members and vet-  
13          erans, the medical community, and the public with respect  
14          to the causes, symptoms, and treatment of post-traumatic  
15          stress disorder.

16          (b) PLAN.—

17               (1) IN GENERAL.—Not later than 180 days  
18          after the date of the enactment of this Act, the Sec-  
19          retary of Defense shall submit to the Committees on  
20          Armed Services of the Senate and the House of Rep-  
21          resentatives a plan to improve the coordination and  
22          integration of the programs of the Department of  
23          Defense that address traumatic brain injury and the  
24          psychological health of members of the Armed  
25          Forces.

1           (2) ELEMENTS.—The plan under paragraph (1)  
2 shall include the following:

3           (A) Identification of—

4                 (i) any gaps in services and treat-  
5                 ments provided by the programs of the De-  
6                 partment of Defense that address trau-  
7                 matic brain injury and the psychological  
8                 health of members of the Armed Forces;  
9                 and

10                (ii) any unnecessary redundancies in  
11                such programs.

12           (B) A plan for mitigating the gaps and  
13           redundancies identified under subparagraph  
14           (A).

15           (C) Identification of the official within the  
16           Department who will be responsible for leading  
17           the implementation of the plan described in  
18           paragraph (1).

19 **TITLE VIII—ACQUISITION POL-**  
20 **ICY, ACQUISITION MANAGE-**  
21 **MENT, AND RELATED MAT-**  
22 **TERS**

Subtitle A—Acquisition Policy and Management

Sec. 801. Treatment of procurements on behalf of the Department of Defense through the Work for Others program of the Department of Energy.

Sec. 802. Review and justification of pass-through contracts.

- Sec. 803. Availability of amounts in Defense Acquisition Workforce Development Fund.
- Sec. 804. Department of Defense policy on contractor profits.
- Sec. 805. Modification of authorities on internal controls for procurements on behalf of the Department of Defense by certain nondefense agencies.
- Sec. 806. Extension of authority relating to management of supply-chain risk.
- Sec. 807. Sense of Congress on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative.

#### Subtitle B—Provisions Relating to Major Defense Acquisition Programs

- Sec. 811. Limitation on use of cost-type contracts.
- Sec. 812. Estimates of potential termination liability of contracts for the development or production of major defense acquisition programs.
- Sec. 813. Technical change regarding programs experiencing critical cost growth due to change in quantity purchased.
- Sec. 814. Repeal of requirement to review ongoing programs initiated before enactment of Milestone B certification and approval process.

#### Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 821. Modification of time period for congressional notification of the lease of certain vessels by the Department of Defense.
- Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 823. Codification and amendment relating to life-cycle management and product support requirements.
- Sec. 824. Codification of requirement relating to Government performance of critical acquisition functions.
- Sec. 825. Competition in acquisition of major subsystems and subassemblies on major defense acquisition programs.
- Sec. 826. Compliance with Berry Amendment required for uniform components supplied to Afghan military or Afghan National Police.
- Sec. 827. Enhancement of whistleblower protections for contractor employees.
- Sec. 828. Pilot program for enhancement of contractor employee whistleblower protections.
- Sec. 829. Extension of contractor conflict of interest limitations.
- Sec. 830. Repeal of sunset for certain protests of task and delivery order contracts.
- Sec. 831. Guidance and training related to evaluating reasonableness of price.
- Sec. 832. Department of Defense access to, use of, and safeguards and protections for contractor internal audit reports.
- Sec. 833. Contractor responsibilities in regulations relating to detection and avoidance of counterfeit electronic parts.

#### Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations

- Sec. 841. Extension and expansion of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 842. Limitation on authority to acquire products and services produced in Afghanistan.

- Sec. 843. Responsibility within Department of Defense for operational contract support.
- Sec. 844. Data collection on contract support for future overseas contingency operations involving combat operations.
- Sec. 845. Inclusion of operational contract support in certain requirements for Department of Defense planning, joint professional military education, and management structure.
- Sec. 846. Requirements for risk assessments related to contractor performance.
- Sec. 847. Extension and modification of reports on contracting in Iraq and Afghanistan.
- Sec. 848. Responsibilities of inspectors general for overseas contingency operations.
- Sec. 849. Oversight of contracts and contracting activities for overseas contingency operations in responsibilities of Chief Acquisition Officers of Federal agencies.
- Sec. 850. Reports on responsibility within Department of State and the United States Agency for International Development for contract support for overseas contingency operations.
- Sec. 851. Database on price trends of items and services under Federal contracts.
- Sec. 852. Information on corporate contractor performance and integrity through the Federal Awardee Performance and Integrity Information System.
- Sec. 853. Inclusion of data on contractor performance in past performance databases for executive agency source selection decisions.

#### Subtitle E—Other Matters

- Sec. 861. Requirements and limitations for suspension and debarment officials of the Department of Defense, the Department of State, and the United States Agency for International Development.
- Sec. 862. Uniform contract writing system requirements.
- Sec. 863. Extension of other transaction authority.
- Sec. 864. Report on allowable costs of compensation of contractor employees.
- Sec. 865. Reports on use of indemnification agreements.
- Sec. 866. Plan to increase number of contractors eligible for contracts under Air Force NETCENTS-2 contract.
- Sec. 867. Inclusion of information on prevalent grounds for sustaining bid protests in annual protest report by Comptroller General to Congress.

1     **Subtitle A—Acquisition Policy and**  
2                                   **Management**

3     **SEC. 801. TREATMENT OF PROCUREMENTS ON BEHALF OF**  
4                                   **THE DEPARTMENT OF DEFENSE THROUGH**  
5                                   **THE WORK FOR OTHERS PROGRAM OF THE**  
6                                   **DEPARTMENT OF ENERGY.**

7             (a) IN GENERAL.—Subsection (d) of section 801 of  
8 the National Defense Authorization Act for Fiscal Year  
9 2008 (10 U.S.C. 2304 note) is amended—

10            (1) in the subsection heading, by striking “DE-  
11 FENSE” and inserting “APPLICABLE”;

12            (2) by redesignating paragraphs (1) and (2) as  
13 subparagraphs (A) and (B), respectively;

14            (3) by striking “For the purposes” and insert-  
15 ing “(1) Except as provided in paragraph (2), for  
16 the purposes”;

17            (4) in paragraph (1), as designated by para-  
18 graph (3) of this subsection, by striking “defense  
19 procurement” and inserting “applicable procure-  
20 ment”; and

21            (5) by adding at the end the following new  
22 paragraph (2):

23            “(2) In the case of the procurement of property or  
24 services on behalf of the Department of Defense through  
25 the Work for Others program of the Department of En-

1 ergy, the laws and regulations applicable under paragraph  
2 (1)(B) are the Department of Energy Acquisition Regula-  
3 tions, pertinent interagency agreements, and Department  
4 of Defense and Department of Energy policies related to  
5 the Work for Others program.”.

6 (b) CONFORMING AMENDMENTS.—Such section is  
7 further amended by striking “defense procurement” and  
8 inserting “applicable procurement” each place it appears  
9 as follows:

10 (1) Subsection (a)(1)(B).

11 (2) Subsection (a)(4) (as redesignated by sec-  
12 tion 805(a)(3)).

13 (3) Subsection (a)(4)(A) (as redesignated by  
14 section 805(a)(3)).

15 (4) Subsection (b)(1)(A).

16 (5) Subsection (b)(1)(B)(ii).

17 (6) Subsection (c)(2)(F).

18 **SEC. 802. REVIEW AND JUSTIFICATION OF PASS-THROUGH**  
19 **CONTRACTS.**

20 Not later than 180 days after the date of the enact-  
21 ment of this Act, the Secretary of Defense, the Secretary  
22 of State, and the Administrator of the United States  
23 Agency for International Development shall issue such  
24 guidance and regulations as may be necessary to ensure  
25 that in any case in which an offeror for a contract or a

1 task or delivery order informs the agency pursuant to sec-  
2 tion 52.215-22 of the Federal Acquisition Regulation that  
3 the offeror intends to award subcontracts for more than  
4 70 percent of the total cost of work to be performed under  
5 the contract, task order, or delivery order, the contracting  
6 officer for the contract is required to—

7 (1) consider the availability of alternative con-  
8 tract vehicles and the feasibility of contracting di-  
9 rectly with a subcontractor or subcontractors that  
10 will perform the bulk of the work;

11 (2) make a written determination that the con-  
12 tracting approach selected is in the best interest of  
13 the Government; and

14 (3) document the basis for such determination.

15 **SEC. 803. AVAILABILITY OF AMOUNTS IN DEFENSE ACQUI-**  
16 **SITION WORKFORCE DEVELOPMENT FUND.**

17 (a) IN GENERAL.—Section 1705 of title 10, United  
18 States Code, is amended—

19 (1) in subsection (d)(2)(C), by striking clauses  
20 (i) through (vi) and inserting the following:

21 “(i) For fiscal year 2013, \$500,000,000.

22 “(ii) For fiscal year 2014, \$800,000,000.

23 “(iii) For fiscal year 2015, \$700,000,000.

24 “(iv) For fiscal year 2016, \$600,000,000.

25 “(v) For fiscal year 2017, \$500,000,000.

1           “(vi) For fiscal year 2018,  
2           \$400,000,000.”;

3           (2) in subsection (e)—

4           (A) in paragraph (1), by adding at the end  
5           the following new sentence: “In the case of tem-  
6           porary members of the acquisition workforce  
7           designated pursuant to subsection (h)(2), such  
8           funds shall be available only for the limited pur-  
9           pose of providing training in the performance of  
10          acquisition-related functions and duties.”; and

11          (B) in paragraph (5), by inserting before  
12          the period at the end the following: “, and who  
13          has continued in the employment of the Depart-  
14          ment since such time without a break in such  
15          employment of more than a year”;

16          (3) by striking subsection (g);

17          (4) by redesignating subsection (h) as sub-  
18          section (g); and

19          (5) by adding at the end the following new sub-  
20          section (h):

21          “(h) ACQUISITION WORKFORCE DEFINED.—In this  
22          section, the term ‘acquisition workforce’ means the fol-  
23          lowing:

1           “(1) Personnel in positions designated under  
2           section 1721 of this title as acquisition positions for  
3           purposes of this chapter.

4           “(2) Other military personnel or civilian em-  
5           ployees of the Department of Defense who—

6                   “(A) contribute significantly to the acquisi-  
7                   tion process by virtue of their assigned duties;  
8                   and

9                   “(B) are designated as temporary members  
10                  of the acquisition workforce by the Under Sec-  
11                  retary of Defense for Acquisition, Technology,  
12                  and Logistics, or by the senior acquisition exec-  
13                  utive of a military department, for the limited  
14                  purpose of receiving training for the perform-  
15                  ance of acquisition-related functions and du-  
16                  ties.”.

17           (b) EXTENSION OF EXPEDITED HIRING AUTHOR-  
18           ITY.—Subsection (g) of such section, as redesignated by  
19           subsection (a)(4) of this section, is further amended in  
20           paragraph (2) by striking “September 30, 2015” and in-  
21           serting “September 30, 2017”.

22           (c) PLAN REQUIRED.—Not later than 180 days after  
23           the date of the enactment of this Act, the Under Secretary  
24           of Defense for Acquisition, Technology, and Logistics shall  
25           develop a plan for the implementation of the authority pro-

1 vided by the amendments made by subsection (a) with re-  
2 gard to temporary members of the defense acquisition  
3 workforce. The plan shall include policy, criteria, and  
4 processes for designating temporary members and appro-  
5 priate safeguards to prevent the abuse of such authority.

6 **SEC. 804. DEPARTMENT OF DEFENSE POLICY ON CON-**  
7 **TRACTOR PROFITS.**

8 (a) REVIEW OF GUIDELINES ON PROFITS.—The Sec-  
9 retary of Defense shall review the profit guidelines in the  
10 Department of Defense Supplement to the Federal Acqui-  
11 sition Regulation in order to identify any modifications to  
12 such guidelines that are necessary to ensure an appro-  
13 priate link between contractor profit and contractor per-  
14 formance. In conducting the review, the Secretary shall  
15 obtain the views of experts and interested parties in Gov-  
16 ernment and the private sector.

17 (b) MATTERS TO BE CONSIDERED.—In conducting  
18 the review required by subsection (a), the Secretary shall  
19 consider, at a minimum, the following:

20 (1) Appropriate levels of profit needed to sus-  
21 tain competition in the defense industry, taking into  
22 account contractor investment and cash flow.

23 (2) Appropriate adjustments to address con-  
24 tract and performance risk assumed by the con-

1 tractor, taking into account the extent to which such  
2 risk is passed on to subcontractors.

3 (3) Appropriate incentives for superior perform-  
4 ance in delivering quality products and services in a  
5 timely and cost-effective manner, taking into account  
6 such factors as prime contractor cost reduction, con-  
7 trol of overhead costs, subcontractor cost reduction,  
8 subcontractor management, and effective competi-  
9 tion (including the use of small business) at the sub-  
10 contract level.

11 (c) MODIFICATION OF GUIDELINES.—Not later than  
12 180 days after the date of the enactment of this Act, the  
13 Secretary shall modify the profit guidelines described in  
14 subsection (a) to make such changes as the Secretary de-  
15 termines to be appropriate based on the review conducted  
16 pursuant to that subsection.

17 **SEC. 805. MODIFICATION OF AUTHORITIES ON INTERNAL**  
18 **CONTROLS FOR PROCUREMENTS ON BEHALF**  
19 **OF THE DEPARTMENT OF DEFENSE BY CER-**  
20 **TAIN NONDEFENSE AGENCIES.**

21 (a) DISCRETIONARY AUTHORITY.—Subsection (a) of  
22 section 801 of the National Defense Authorization Act for  
23 Fiscal Year 2008 (10 U.S.C. 2304 note) is amended—

1 (1) in paragraph (1), by striking “shall, not  
2 later than the date specified in paragraph (2),” and  
3 inserting “may”;

4 (2) by striking paragraph (2);

5 (3) by redesignating paragraphs (3) through  
6 (6) as paragraphs (2) through (5), respectively;

7 (4) in paragraph (3), as redesignated by para-  
8 graph (3) of this subsection—

9 (A) by striking “required under this sub-  
10 section” and inserting “to be performed under  
11 this subsection”; and

12 (B) by striking “shall” and inserting  
13 “may”; and

14 (5) in paragraph (4), as so redesignated, by  
15 striking “shall” and inserting “may”.

16 (b) CONFORMING AMENDMENTS.—Subsection  
17 (b)(1)(B) of such section is amended—

18 (1) in clause (i), by striking “required by sub-  
19 section (a)(4)” and inserting “to be entered into  
20 under subsection (a)(3)”; and

21 (2) in clause (ii)—

22 (A) by striking “required by subsection  
23 (a)” and inserting “provided for under sub-  
24 section (a)”; and

1 (B) by striking “subsection (a)(5)” and in-  
2 serting “subsection (a)(4)”.

3 **SEC. 806. EXTENSION OF AUTHORITY RELATING TO MAN-**  
4 **AGEMENT OF SUPPLY-CHAIN RISK.**

5 (a) EXTENSION.—Section 806(g) of the Ike Skelton  
6 National Defense Authorization Act for Fiscal Year 2011  
7 (Public Law 111–383; 124 Stat. 4262; 10 U.S.C. 2304  
8 note) is amended by striking “the date that is three years  
9 after the date of the enactment of this Act” and inserting  
10 “September 30, 2018”.

11 (b) VERIFICATION OF EFFECTIVE IMPLEMENTA-  
12 TION.—Section 806 of such Act is further amended by  
13 adding at the end the following new subsection:

14 “(h) VERIFICATION OF EFFECTIVE IMPLEMENTA-  
15 TION.—

16 “(1) CRITERIA AND DATA COLLECTION TO  
17 MEASURE EFFECTIVENESS.—The Secretary of De-  
18 fense shall—

19 “(A) establish criteria for measuring the  
20 effectiveness of the authority provided by this  
21 section; and

22 “(B) collect data to evaluate the implemen-  
23 tation of this section using such criteria.

24 “(2) REPORTS.—The Secretary shall submit to  
25 the appropriate congressional committees—

1           “(A) not later than March 1, 2013, a re-  
2           port on the criteria established under paragraph  
3           (1)(A); and

4           “(B) not later than January 1, 2017, a re-  
5           port on the effectiveness of the implementation  
6           of this section, based on data collected under  
7           paragraph (1)(B).”.

8           (c) **TECHNICAL AMENDMENT.**—Section 806(f)(2) of  
9           such Act is amended by striking “that awarded” and in-  
10          serting “that are awarded”.

11 **SEC. 807. SENSE OF CONGRESS ON THE CONTINUING**  
12                           **PROGRESS OF THE DEPARTMENT OF DE-**  
13                           **FENSE IN IMPLEMENTING ITS ITEM UNIQUE**  
14                           **IDENTIFICATION INITIATIVE.**

15          (a) **FINDINGS.**—Congress makes the following find-  
16          ings:

17               (1) In 2003, the Department of Defense initi-  
18               ated the Item Unique Identification (IUID) Initia-  
19               tive, which requires the marking and tracking of as-  
20               sets deployed throughout the Armed Forces or in the  
21               possession of Department contractors.

22               (2) The Initiative has the potential for realizing  
23               significant cost savings and improving the manage-  
24               ment of defense equipment and supplies throughout  
25               their lifecycle.

1           (3) The Initiative can help the Department  
2 combat the growing problem of counterfeit parts in  
3 the military supply chain.

4           (b) SENSE OF CONGRESS.—It is the sense of Con-  
5 gress—

6           (1) to support efforts by the Department of De-  
7 fense to implement the Item Unique Identification  
8 Initiative;

9           (2) to support measures to verify contractor  
10 compliance with section 252.211–7003 (entitled  
11 “Item Identification and Valuation”) of the Defense  
12 Supplement to the Federal Acquisition Regulation,  
13 on Unique Identification, which states that a unique  
14 identification equivalent recognized by the Depart-  
15 ment is required for certain acquisitions;

16           (3) to encourage the Armed Forces to adopt  
17 and implement Item Unique Identification actions  
18 and milestones; and

19           (4) to support investment of sufficient resources  
20 and continued training and leadership to enable the  
21 Department to capture meaningful data and opti-  
22 mize the benefits of the Item Unique Identification  
23 Initiative.

1 **Subtitle B—Provisions Relating to**  
2 **Major Defense Acquisition Pro-**  
3 **grams**

4 **SEC. 811. LIMITATION ON USE OF COST-TYPE CONTRACTS.**

5 (a) PROHIBITION WITH RESPECT TO PRODUCTION  
6 OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Not later  
7 than 120 days after the date of the enactment of this Act,  
8 the Secretary of Defense shall modify the acquisition regu-  
9 lations of the Department of Defense to prohibit the De-  
10 partment from entering into cost-type contracts for the  
11 production of major defense acquisition programs.

12 (b) EXCEPTION.—

13 (1) IN GENERAL.—The prohibition under sub-  
14 section (a) shall not apply in the case of a particular  
15 cost-type contract if the Under Secretary of Defense  
16 for Acquisition, Technology, and Logistics provides  
17 written certification to the congressional defense  
18 committees that a cost-type contract is needed to  
19 provide a required capability in a timely and cost-ef-  
20 fective manner.

21 (2) SCOPE OF EXCEPTION.—In any case for  
22 which the Under Secretary grants an exception  
23 under paragraph (1), the Under Secretary shall take  
24 affirmative steps to make sure that the use of cost-  
25 type pricing is limited to only those line items or

1 portions of the contract where such pricing is needed  
2 to achieve the purposes of the exception. A written  
3 certification under paragraph (1) shall be accom-  
4 panied by an explanation of the steps taken under  
5 this paragraph.

6 (c) DEFINITIONS.—In this section:

7 (1) MAJOR DEFENSE ACQUISITION PROGRAM.—  
8 The term “major defense acquisition program” has  
9 the meaning given the term in section 2430(a) of  
10 title 10, United States Code.

11 (2) PRODUCTION OF A MAJOR DEFENSE ACQUI-  
12 SITION PROGRAM.—The term “production of a major  
13 defense acquisition program” means the production  
14 and deployment of a major system that is intended  
15 to achieve an operational capability that satisfies  
16 mission needs, or any activity otherwise defined as  
17 Milestone C under Department of Defense Instruc-  
18 tion 5000.02 or related authorities.

19 (3) CONTRACT FOR THE PRODUCTION OF A  
20 MAJOR DEFENSE ACQUISITION PROGRAM.—The term  
21 “contract for the production of a major defense ac-  
22 quisition program”—

23 (A) means a prime contract for the pro-  
24 duction of a major defense acquisition program;  
25 and

1 (B) does not include individual line items  
2 for segregable efforts or contracts for the incre-  
3 mental improvement of systems that are al-  
4 ready in production (other than contracts for  
5 major upgrades that are themselves major de-  
6 fense acquisition programs).

7 (d) APPLICABILITY.—The requirements of this sec-  
8 tion shall apply to contracts for the production of major  
9 defense acquisition programs entered into on or after Oc-  
10 tober 1, 2014.

11 **SEC. 812. ESTIMATES OF POTENTIAL TERMINATION LIABIL-**  
12 **ITY OF CONTRACTS FOR THE DEVELOPMENT**  
13 **OR PRODUCTION OF MAJOR DEFENSE ACQUI-**  
14 **SITION PROGRAMS.**

15 (a) DEPARTMENT OF DEFENSE REVIEW.—Not later  
16 than 180 days after the date of the enactment of this Act,  
17 the Under Secretary of Defense for Acquisition, Tech-  
18 nology, and Logistics shall review relevant acquisition  
19 guidance and take appropriate actions to ensure that pro-  
20 gram managers for major defense acquisition programs  
21 are preparing estimates of potential termination liability  
22 for covered contracts, including how such termination li-  
23 ability is likely to increase or decrease over the period of  
24 performance, and are giving appropriate consideration to

1 such estimates before making recommendations on deci-  
2 sions to enter into or terminate such contracts.

3 (b) COMPTROLLER GENERAL OF THE UNITED  
4 STATES REPORT.—

5 (1) IN GENERAL.—Not later than 270 days  
6 after the date of the enactment of this Act, the  
7 Comptroller General of the United States shall sub-  
8 mit to the congressional defense committees a report  
9 on the extent to which the Department of Defense  
10 is considering potential termination liability as a fac-  
11 tor in entering into and in terminating covered con-  
12 tracts.

13 (2) MATTERS TO BE ADDRESSED.—The report  
14 required by paragraph (1) shall include, at a min-  
15 imum, an assessment of the following:

16 (A) The extent to which the Department of  
17 Defense developed estimates of potential termi-  
18 nation liability for covered contracts entered  
19 into before the date of the enactment of this  
20 Act and how such termination liability was like-  
21 ly to increase or decrease over the period of  
22 performance before making decisions to enter  
23 into or terminate such contracts.

24 (B) The extent to which the Department  
25 considered estimates of potential termination li-

1 ability for such contracts and how such termi-  
2 nation liability was likely to increase or de-  
3 crease over the period of performance as a risk  
4 factor in deciding whether to enter into or ter-  
5minate such contracts.

6 (c) COVERED CONTRACTS.—For purposes of this sec-  
7 tion, a covered contract is a contract for the development  
8 or production of a major defense acquisition program for  
9 which potential termination liability could reasonably be  
10 expected to exceed \$100,000,000.

11 (d) MAJOR DEFENSE ACQUISITION PROGRAM DE-  
12 FINED.—In this section, the term “major defense acquisi-  
13 tion program” has the meaning given that term in section  
14 2430(a) of title 10, United States Code.

15 **SEC. 813. TECHNICAL CHANGE REGARDING PROGRAMS EX-**  
16 **PERIENCING CRITICAL COST GROWTH DUE**  
17 **TO CHANGE IN QUANTITY PURCHASED.**

18 Section 2433a(c)(3)(A) of title 10, United States  
19 Code, is amended by striking “subparagraphs (B) and  
20 (C)” and inserting “subparagraphs (B), (C), and (E)”.

1 **SEC. 814. REPEAL OF REQUIREMENT TO REVIEW ONGOING**  
2 **PROGRAMS INITIATED BEFORE ENACTMENT**  
3 **OF MILESTONE B CERTIFICATION AND AP-**  
4 **PROVAL PROCESS.**

5 Subsection (b) of section 205 of the Weapon Systems  
6 Acquisition Reform Act of 2009 (Public Law 111–23; 123  
7 Stat. 1725; 10 U.S.C. 2366b note) is repealed.

8 **Subtitle C—Amendments to Gen-**  
9 **eral Contracting Authorities,**  
10 **Procedures, and Limitations**

11 **SEC. 821. MODIFICATION OF TIME PERIOD FOR CONGRES-**  
12 **SIONAL NOTIFICATION OF THE LEASE OF**  
13 **CERTAIN VESSELS BY THE DEPARTMENT OF**  
14 **DEFENSE.**

15 Section 2401(h)(2) of title 10, United States Code,  
16 is amended by striking “30 days of continuous session of  
17 Congress” and inserting “60 days”.

18 **SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM-**  
19 **PLIFIED ACQUISITION PROCEDURES FOR**  
20 **CERTAIN COMMERCIAL ITEMS.**

21 (a) EXTENSION.—Effective as of January 1, 2012,  
22 section 4202 of the Clinger–Cohen Act of 1996 (division  
23 D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304  
24 note) is amended in subsection (e) by striking “2012” and  
25 inserting “2015”.

1 (b) TECHNICAL AMENDMENT TO CROSS REF-  
2 ERENCES.—Subsection (e) of such Act is further amended  
3 by striking “section 303(g)(1) of the Federal Property and  
4 Administrative Services Act of 1949, and section 31(a) of  
5 the Office of Federal Procurement Policy Act, as amended  
6 by this section,” and inserting “section 3305(a) of title  
7 41, United States Code, and section 1901(a) of title 41,  
8 United States Code,”.

9 **SEC. 823. CODIFICATION AND AMENDMENT RELATING TO**  
10 **LIFE-CYCLE MANAGEMENT AND PRODUCT**  
11 **SUPPORT REQUIREMENTS.**

12 (a) CODIFICATION AND AMENDMENT.—

13 (1) IN GENERAL.—Chapter 137 of title 10,  
14 United States Code, as amended by section 331, is  
15 further amended by adding at the end the following  
16 new section:

17 **“§ 2337. Life-cycle management and product support**

18 **“(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—**  
19 The Secretary of Defense shall issue and maintain com-  
20 prehensive guidance on life-cycle management and the de-  
21 velopment and implementation of product support strate-  
22 gies for major weapon systems. The guidance issued pur-  
23 suant to this subsection shall—

24 **“(1) maximize competition and make the best**  
25 **possible use of available Department of Defense and**

1 industry resources at the system, subsystem, and  
2 component levels; and

3 “(2) maximize value to the Department of De-  
4 fense by providing the best possible product support  
5 outcomes at the lowest operations and support cost.

6 “(b) PRODUCT SUPPORT MANAGERS.—

7 “(1) REQUIREMENT.—The Secretary of De-  
8 fense shall require that each major weapon system  
9 be supported by a product support manager in ac-  
10 cordance with this subsection.

11 “(2) RESPONSIBILITIES.—A product support  
12 manager for a major weapon system shall—

13 “(A) develop and implement a comprehen-  
14 sive product support strategy for the weapon  
15 system;

16 “(B) use appropriate predictive analysis  
17 and modeling tools that can improve material  
18 availability and reliability, increase operational  
19 availability rates, and reduce operation and  
20 sustainment costs;

21 “(C) conduct appropriate cost analyses to  
22 validate the product support strategy, including  
23 cost-benefit analyses as outlined in Office of  
24 Management and Budget Circular A-94;

1           “(D) ensure achievement of desired prod-  
2           uct support outcomes through development and  
3           implementation of appropriate product support  
4           arrangements;

5           “(E) adjust performance requirements and  
6           resource allocations across product support in-  
7           tegrators and product support providers as nec-  
8           essary to optimize implementation of the prod-  
9           uct support strategy;

10          “(F) periodically review product support  
11          arrangements between the product support inte-  
12          grators and product support providers to ensure  
13          the arrangements are consistent with the overall  
14          product support strategy;

15          “(G) prior to each change in the product  
16          support strategy or every five years, whichever  
17          occurs first, revalidate any business-case anal-  
18          ysis performed in support of the product sup-  
19          port strategy; and

20          “(H) ensure that the product support  
21          strategy maximizes small business participation  
22          at the appropriate tiers.

23          “(c) DEFINITIONS.—In this section:

24                 “(1) PRODUCT SUPPORT.—The term ‘product  
25                 support’ means the package of support functions re-

1       quired to field and maintain the readiness and oper-  
2       ational capability of major weapon systems, sub-  
3       systems, and components, including all functions re-  
4       lated to weapon system readiness.

5           “(2) PRODUCT SUPPORT ARRANGEMENT.—The  
6       term ‘product support arrangement’ means a con-  
7       tract, task order, or any type of other contractual  
8       arrangement, or any type of agreement or non-con-  
9       tractual arrangement within the Federal Govern-  
10      ment, for the performance of sustainment or logis-  
11      tics support required for major weapon systems,  
12      subsystems, or components. The term includes ar-  
13      rangements for any of the following:

14           “(A) Performance-based logistics.

15           “(B) Sustainment support.

16           “(C) Contractor logistics support.

17           “(D) Life-cycle product support.

18           “(E) Weapon systems product support.

19           “(3) PRODUCT SUPPORT INTEGRATOR.—The  
20      term ‘product support integrator’ means an entity  
21      within the Federal Government or outside the Fed-  
22      eral Government charged with integrating all sources  
23      of product support, both private and public, defined  
24      within the scope of a product support arrangement.



1 **“§ 1706. Government performance of certain acquisi-**  
2 **tion functions**

3 “(a) GOAL.—It shall be the goal of the Department  
4 of Defense and each of the military departments to ensure  
5 that, for each major defense acquisition program and each  
6 major automated information system program, each of the  
7 following positions is performed by a properly qualified  
8 member of the armed forces or full-time employee of the  
9 Department of Defense:

10 “(1) Program executive officer.

11 “(2) Deputy program executive officer.

12 “(3) Program manager.

13 “(4) Deputy program manager.

14 “(5) Senior contracting official.

15 “(6) Chief developmental tester.

16 “(7) Program lead product support manager.

17 “(8) Program lead systems engineer.

18 “(9) Program lead cost estimator.

19 “(10) Program lead contracting officer.

20 “(11) Program lead business financial manager.

21 “(12) Program lead production, quality, and  
22 manufacturing.

23 “(13) Program lead information technology.

24 “(b) PLAN OF ACTION.—The Secretary of Defense  
25 shall develop and implement a plan of action for recruit-  
26 ing, training, and ensuring appropriate career develop-

1 ment of military and civilian personnel to achieve the ob-  
2 jective established in subsection (a).

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘major defense acquisition pro-  
5 gram’ has the meaning given such term in section  
6 2430(a) of this title.

7 “(2) The term ‘major automated information  
8 system program’ has the meaning given such term  
9 in section 2445a(a) of this title.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-  
11 tions at the beginning of such subchapter is amend-  
12 ed by adding at the end the following new item:

“1706. Government performance of certain acquisition functions.”.

13 (b) REPEAL OF SUPERSEDED SECTION.—Section  
14 820 of the John Warner National Defense Authorization  
15 Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C.  
16 1701 note) is repealed.

17 **SEC. 825. COMPETITION IN ACQUISITION OF MAJOR SUB-**  
18 **SYSTEMS AND SUBASSEMBLIES ON MAJOR**  
19 **DEFENSE ACQUISITION PROGRAMS.**

20 Section 202(c) of the Weapon Systems Acquisition  
21 Reform Act of 2009 (Public Law 111–23; 123 Stat. 1720;  
22 10 U.S.C. 2430 note) is amended—

23 (1) in the matter preceding paragraph (1), by  
24 striking “fair and objective ‘make-buy’ decisions by

1 prime contractors” and inserting “competition or the  
2 option of competition at the subcontract level”;

3 (2) by redesignating paragraphs (1), (2), and  
4 (3) as paragraphs (2), (3), and (4), respectively; and

5 (3) by inserting before paragraph (2), as reded-  
6 icated by paragraph (2) of this section, the fol-  
7 lowing new paragraph (1):

8 “(1) where appropriate, breaking out a major  
9 subsystem, conducting a separate competition for  
10 the subsystem, and providing the subsystem to the  
11 prime contractor as Government-furnished equip-  
12 ment;”.

13 **SEC. 826. COMPLIANCE WITH BERRY AMENDMENT RE-**  
14 **QUIRED FOR UNIFORM COMPONENTS SUP-**  
15 **PLIED TO AFGHAN MILITARY OR AFGHAN NA-**  
16 **TIONAL POLICE.**

17 (a) **REQUIREMENT.**—In the case of any textile com-  
18 ponents supplied by the Department of Defense to the Af-  
19 ghan National Army or the Afghan National Police for  
20 purposes of production of uniforms, section 2533a of title  
21 10, United States Code, shall apply, and no exceptions or  
22 exemptions under that section shall apply.

23 (b) **EFFECTIVE DATE.**—This section shall apply to  
24 solicitations issued and contracts awarded for the procure-

1 ment of such components after the date of the enactment  
2 of this Act.

3 **SEC. 827. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**  
4 **TIONS FOR CONTRACTOR EMPLOYEES.**

5 (a) IN GENERAL.—Subsection (a) of section 2409 of  
6 title 10, United States Code, is amended—

7 (1) by inserting “(1)” before “An employee”;

8 (2) in paragraph (1), as so designated—

9 (A) by inserting “or subcontractor” after  
10 “employee of a contractor”;

11 (B) by striking “a Member of Congress”  
12 and all that follows through “the Department  
13 of Justice” and inserting “a person or body de-  
14 scribed in paragraph (2)”; and

15 (C) by striking “evidence of” and all that  
16 follows and inserting the following: “evidence of  
17 the following:

18 “(A) Gross mismanagement of a Department of  
19 Defense contract or grant, a gross waste of Depart-  
20 ment funds, an abuse of authority relating to a De-  
21 partment contract or grant, or a violation of law,  
22 rule, or regulation related to a Department contract  
23 (including the competition for or negotiation of a  
24 contract) or grant.

1           “(B) Gross mismanagement of a National Aero-  
2           nautics and Space Administration contract or grant,  
3           a gross waste of Administration funds, an abuse of  
4           authority relating to an Administration contract or  
5           grant, or a violation of law, rule, or regulation re-  
6           lated to an Administration contract (including the  
7           competition for or negotiation of a contract) or  
8           grant.

9           “(C) A substantial and specific danger to public  
10          health or safety.”; and

11          (3) by adding at the end the following new  
12          paragraphs:

13          “(2) The persons and bodies described in this para-  
14          graph are the persons and bodies as follows:

15                 “(A) A Member of Congress or a representative  
16                 of a committee of Congress.

17                 “(B) An Inspector General.

18                 “(C) The Government Accountability Office.

19                 “(D) An employee of the Department of De-  
20                 fense or the National Aeronautics and Space Admin-  
21                 istration, as applicable, responsible for contract over-  
22                 sight or management.

23                 “(E) An authorized official of the Department  
24                 of Justice or other law enforcement agency.

25                 “(F) A court or grand jury.

1           “(G) A management official or other employee  
2 of the contractor or subcontractor who has the re-  
3 sponsibility to investigate, discover, or address mis-  
4 conduct.

5           “(3) For the purposes of paragraph (1)—

6           “(A) an employee who initiates or provides evi-  
7 dence of contractor or subcontractor misconduct in  
8 any judicial or administrative proceeding relating to  
9 waste, fraud, or abuse on a Department of Defense  
10 or National Aeronautics and Space Administration  
11 contract or grant shall be deemed to have made a  
12 disclosure covered by such paragraph; and

13           “(B) a reprisal described in paragraph (1) is  
14 prohibited even if it is undertaken at the request of  
15 a Department or Administration official, unless the  
16 request takes the form of a nondiscretionary direc-  
17 tive and is within the authority of the Department  
18 or Administration official making the request.”.

19           (b) INVESTIGATION OF COMPLAINTS.—Subsection  
20 (b) of such section is amended—

21           (1) in paragraph (1), by inserting “fails to al-  
22 lege a violation of the prohibition in subsection (a),  
23 or has previously been addressed in another Federal  
24 or State judicial or administrative proceeding initi-  
25 ated by the complainant,” after “is frivolous,”;

1 (2) in paragraph (2)—

2 (A) in subparagraph (A), by inserting “,  
3 fails to allege a violation of the prohibition in  
4 subsection (a), or has previously been addressed  
5 in another Federal or State judicial or adminis-  
6 trative proceeding initiated by the complainant”  
7 after “is frivolous”; and

8 (B) in subparagraph (B), by inserting “,  
9 up to 180 days,” after “such additional period  
10 of time”; and

11 (3) by adding at the end the following new  
12 paragraphs:

13 “(3) The Inspector General may not respond to any  
14 inquiry or disclose any information from or about any per-  
15 son alleging the reprisal, except to the extent that such  
16 response or disclosure is—

17 “(A) made with the consent of the person alleg-  
18 ing the reprisal;

19 “(B) made in accordance with the provisions of  
20 section 552a of title 5 or as required by any other  
21 applicable Federal law; or

22 “(C) necessary to conduct an investigation of  
23 the alleged reprisal.

1       “(4) A complaint may not be brought under this sub-  
2 section more than three years after the date on which the  
3 alleged reprisal took place.”.

4       (c) REMEDY AND ENFORCEMENT AUTHORITY.—Sub-  
5 section (c) of such section is amended—

6           (1) in paragraph (1)(B), by striking “the com-  
7 pensation (including back pay)” and inserting “com-  
8 pensatory damages (including back pay)”;

9           (2) in paragraph (2), by adding at the end fol-  
10 lowing new sentence: “An action under this para-  
11 graph may not be brought more than two years after  
12 the date on which remedies are deemed to have been  
13 exhausted.”;

14           (3) in paragraph (4), by striking “and compen-  
15 satory and exemplary damages.” and inserting “,  
16 compensatory and exemplary damages, and reason-  
17 able attorney fees and costs. The person upon whose  
18 behalf an order was issued may also file such an ac-  
19 tion or join in an action filed by the head of the  
20 agency.”;

21           (4) in paragraph (5), by adding at the end the  
22 following new sentence: “Filing such an appeal shall  
23 not act to stay the enforcement of the order of the  
24 head of an agency, unless a stay is specifically en-  
25 tered by the court.”; and

1           (5) by adding at the end the following new  
2 paragraphs:

3           “(6) The legal burdens of proof specified in section  
4 1221(e) of title 5 shall be controlling for the purposes of  
5 any investigation conducted by an Inspector General, deci-  
6 sion by the head of an agency, or judicial or administrative  
7 proceeding to determine whether discrimination prohibited  
8 under this section has occurred.

9           “(7) The rights and remedies provided for in this sec-  
10 tion may not be waived by any agreement, policy, form,  
11 or condition of employment.”.

12           (d) NOTIFICATION OF EMPLOYEES.—Such section is  
13 further amended—

14           (1) by redesignating subsections (d) and (e) as  
15 subsections (f) and (g), respectively; and

16           (2) by inserting after subsection (c) the fol-  
17 lowing new subsection (d):

18           “(d) NOTIFICATION OF EMPLOYEES.—The Secretary  
19 of Defense and the Administrator of the National Aero-  
20 nautics and Space Administration shall ensure that con-  
21 tractors and subcontractors of the Department of Defense  
22 and the National Aeronautics and Space Administration,  
23 as applicable, inform their employees in writing of the  
24 rights and remedies provided under this section, in the  
25 predominant native language of the workforce.”.

1 (e) EXCEPTIONS FOR INTELLIGENCE COMMUNITY.—

2 Such section is further amended by inserting after sub-  
3 section (d), as added by subsection (d)(2) of this section,  
4 the following new subsection (e):

5 “(e) EXCEPTIONS.—(1) This section shall not apply  
6 to any element of the intelligence community, as defined  
7 in section 3(4) of the National Security Act of 1947 (50  
8 U.S.C. 401a(4)).

9 “(2) This section shall not apply to any disclosure  
10 made by an employee of a contractor, subcontractor, or  
11 grantee of an element of the intelligence community if  
12 such disclosure—

13 “(A) relates to an activity of an element of the  
14 intelligence community; or

15 “(B) was discovered during contract, sub-  
16 contract, or grantee services provided to an element  
17 of the intelligence community.”.

18 (f) ABUSE OF AUTHORITY DEFINED.—Subsection  
19 (g) of such section, as redesignated by subsection (d)(1)  
20 of this section, is further amended by adding at the end  
21 the following new paragraph:

22 “(6) The term ‘abuse of authority’ means the  
23 following:

24 “(A) An arbitrary and capricious exercise  
25 of authority that is inconsistent with the mis-

1           sion of the Department of Defense or the suc-  
2           cessful performance of a Department contract  
3           or grant.

4           “(B) An arbitrary and capricious exercise  
5           of authority that is inconsistent with the mis-  
6           sion of the National Aeronautics and Space Ad-  
7           ministration or the successful performance of  
8           an Administration contract or grant.”.

9           (g) ALLOWABILITY OF LEGAL FEES.—Section  
10          2324(k) of such title is amended—

11           (1) in paragraph (1), by striking “commenced  
12          by the United States or a State” and inserting  
13          “commenced by the United States, by a State, or by  
14          a contractor employee submitting a complaint under  
15          section 2409 of this title”; and

16           (2) in paragraph (2)(C), by striking “the impo-  
17          sition of a monetary penalty” and inserting “the im-  
18          position of a monetary penalty or an order to take  
19          corrective action under section 2409 of this title”.

20          (h) CONSTRUCTION.—Nothing in this section, or the  
21          amendments made by this section, shall be construed to  
22          provide any rights to disclose classified information not  
23          otherwise provided by law.

24          (i) EFFECTIVE DATE.—

1           (1) IN GENERAL.—The amendments made by  
2 this section shall take effect on the date that is 180  
3 days after the date of the enactment of this Act, and  
4 shall apply to—

5           (A) all contracts awarded on or after such  
6 date;

7           (B) all task orders entered on or after such  
8 date pursuant to contracts awarded before, on,  
9 or after such date; and

10           (C) all contracts awarded before such date  
11 that are modified to include a contract clause  
12 providing for the applicability of such amend-  
13 ments.

14           (2) REVISION OF SUPPLEMENTS TO THE FAR.—  
15 Not later than 180 days after the date of the enact-  
16 ment of this Act, the Department of Defense Sup-  
17 plement to the Federal Acquisition Regulation and  
18 the National Aeronautics and Space Administration  
19 Supplement to the Federal Acquisition Regulation  
20 shall each be revised to implement the requirements  
21 arising under the amendments made by this section.

22           (3) INCLUSION OF CONTRACT CLAUSE IN CON-  
23 TRACTS AWARDED BEFORE EFFECTIVE DATE.—At  
24 the time of any major modification to a contract  
25 that was awarded before the date that is 180 days

1 after the date of the enactment of this Act, the head  
2 of the contracting agency shall make best efforts to  
3 include in the contract a contract clause providing  
4 for the applicability of the amendments made by this  
5 section to the contract.

6 **SEC. 828. PILOT PROGRAM FOR ENHANCEMENT OF CON-**  
7 **TRACTOR EMPLOYEE WHISTLEBLOWER PRO-**  
8 **TECTIONS.**

9 (a) WHISTLEBLOWER PROTECTIONS.—

10 (1) IN GENERAL.—Chapter 47 of title 41,  
11 United States Code, is amended by adding at the  
12 end the following new section:

13 **“§ 4712. Pilot program for enhancement of contractor**  
14 **protection from reprisal for disclosure of**  
15 **certain information**

16 “(a) PROHIBITION OF REPRISALS.—

17 “(1) IN GENERAL.—An employee of a con-  
18 tractor, subcontractor, or grantee may not be dis-  
19 charged, demoted, or otherwise discriminated  
20 against as a reprisal for disclosing to a person or  
21 body described in paragraph (2) information that  
22 the employee reasonably believes is evidence of gross  
23 mismanagement of a Federal contract or grant, a  
24 gross waste of Federal funds, an abuse of authority  
25 relating to a Federal contract or grant, a substantial

1 and specific danger to public health or safety, or a  
2 violation of law, rule, or regulation related to a Fed-  
3 eral contract (including the competition for or nego-  
4 tiation of a contract) or grant.

5 “(2) PERSONS AND BODIES COVERED.—The  
6 persons and bodies described in this paragraph are  
7 the persons and bodies as follows:

8 “(A) A Member of Congress or a rep-  
9 resentative of a committee of Congress.

10 “(B) An Inspector General.

11 “(C) The Government Accountability Of-  
12 fice.

13 “(D) A Federal employee responsible for  
14 contract or grant oversight or management at  
15 the relevant agency.

16 “(E) An authorized official of the Depart-  
17 ment of Justice or other law enforcement agen-  
18 cy.

19 “(F) A court or grand jury.

20 “(G) A management official or other em-  
21 ployee of the contractor, subcontractor, or  
22 grantee who has the responsibility to inves-  
23 tigate, discover, or address misconduct.

24 “(3) RULES OF CONSTRUCTION.—For the pur-  
25 poses of paragraph (1)—

1           “(A) an employee who initiates or provides  
2           evidence of contractor, subcontractor, or grant-  
3           ee misconduct in any judicial or administrative  
4           proceeding relating to waste, fraud, or abuse on  
5           a Federal contract or grant shall be deemed to  
6           have made a disclosure covered by such para-  
7           graph; and

8           “(B) a reprisal described in paragraph (1)  
9           is prohibited even if it is undertaken at the re-  
10          quest of an executive branch official, unless the  
11          request takes the form of a non-discretionary  
12          directive and is within the authority of the exec-  
13          utive branch official making the request.

14          “(b) INVESTIGATION OF COMPLAINTS.—

15          “(1) SUBMISSION OF COMPLAINT.—A person  
16          who believes that the person has been subjected to  
17          a reprisal prohibited by subsection (a) may submit  
18          a complaint to the Inspector General of the executive  
19          agency involved. Unless the Inspector General deter-  
20          mines that the complaint is frivolous, fails to allege  
21          a violation of the prohibition in subsection (a), or  
22          has previously been addressed in another Federal or  
23          State judicial or administrative proceeding initiated  
24          by the complainant, the Inspector General shall in-  
25          vestigate the complaint and, upon completion of such

1 investigation, submit a report of the findings of the  
2 investigation to the person, the contractor or grantee  
3 concerned, and the head of the agency.

4 “(2) INSPECTOR GENERAL ACTION.—

5 “(A) DETERMINATION OR SUBMISSION OF  
6 REPORT ON FINDINGS.—Except as provided  
7 under subparagraph (B), the Inspector General  
8 shall make a determination that a complaint is  
9 frivolous, fails to allege a violation of the prohi-  
10 bition in subsection (a), or has previously been  
11 addressed in another Federal or State judicial  
12 or administrative proceeding initiated by the  
13 complainant or submit a report under para-  
14 graph (1) within 180 days after receiving the  
15 complaint.

16 “(B) EXTENSION OF TIME.—If the Inspec-  
17 tor General is unable to complete an investiga-  
18 tion in time to submit a report within the 180-  
19 day period specified in subparagraph (A) and  
20 the person submitting the complaint agrees to  
21 an extension of time, the Inspector General  
22 shall submit a report under paragraph (1) with-  
23 in such additional period of time, up to 180  
24 days, as shall be agreed upon between the In-

1           spector General and the person submitting the  
2           complaint.

3           “(3) PROHIBITION ON DISCLOSURE.—The In-  
4           spector General may not respond to any inquiry or  
5           disclose any information from or about any person  
6           alleging the reprisal, except to the extent that such  
7           response or disclosure is—

8                   “(A) made with the consent of the person  
9                   alleging the reprisal;

10                   “(B) made in accordance with the provi-  
11                   sions of section 552a of title 5 or as required  
12                   by any other applicable Federal law; or

13                   “(C) necessary to conduct an investigation  
14                   of the alleged reprisal.

15           “(4) TIME LIMITATION.—A complaint may not  
16           be brought under this subsection more than three  
17           years after the date on which the alleged reprisal  
18           took place.

19           “(c) REMEDY AND ENFORCEMENT AUTHORITY.—

20                   “(1) IN GENERAL.—Not later than 30 days  
21                   after receiving an Inspector General report pursuant  
22                   to subsection (b), the head of the executive agency  
23                   concerned shall determine whether there is sufficient  
24                   basis to conclude that the contractor or grantee con-  
25                   cerned has subjected the complainant to a reprisal

1 prohibited by subsection (a) and shall either issue an  
2 order denying relief or shall take one or more of the  
3 following actions:

4 “(A) Order the contractor or grantee to  
5 take affirmative action to abate the reprisal.

6 “(B) Order the contractor or grantee to re-  
7 instate the person to the position that the per-  
8 son held before the reprisal, together with com-  
9 pensatory damages (including back pay), em-  
10 ployment benefits, and other terms and condi-  
11 tions of employment that would apply to the  
12 person in that position if the reprisal had not  
13 been taken.

14 “(C) Order the contractor or grantee to  
15 pay the complainant an amount equal to the  
16 aggregate amount of all costs and expenses (in-  
17 cluding attorneys’ fees and expert witnesses’  
18 fees) that were reasonably incurred by the com-  
19 plainant for, or in connection with, bringing the  
20 complaint regarding the reprisal, as determined  
21 by the head of the executive agency.

22 “(2) EXHAUSTION OF REMEDIES.—If the head  
23 of an executive agency issues an order denying relief  
24 under paragraph (1) or has not issued an order  
25 within 210 days after the submission of a complaint

1 under subsection (b), or in the case of an extension  
2 of time under paragraph (b)(2)(B), not later than  
3 30 days after the expiration of the extension of time,  
4 and there is no showing that such delay is due to  
5 the bad faith of the complainant, the complainant  
6 shall be deemed to have exhausted all administrative  
7 remedies with respect to the complaint, and the com-  
8 plainant may bring a de novo action at law or equity  
9 against the contractor or grantee to seek compen-  
10 satory damages and other relief available under this  
11 section in the appropriate district court of the  
12 United States, which shall have jurisdiction over  
13 such an action without regard to the amount in con-  
14 troversy. Such an action shall, at the request of ei-  
15 ther party to the action, be tried by the court with  
16 a jury. An action under this paragraph may not be  
17 brought more than two years after the date on which  
18 remedies are deemed to have been exhausted.

19 “(3) ADMISSIBILITY OF EVIDENCE.—An Inspec-  
20 tor General determination and an agency head order  
21 denying relief under paragraph (2) shall be admis-  
22 sible in evidence in any de novo action at law or eq-  
23 uity brought pursuant to this subsection.

24 “(4) ENFORCEMENT OF ORDERS.—Whenever a  
25 person fails to comply with an order issued under

1 paragraph (1), the head of the executive agency con-  
2 cerned shall file an action for enforcement of such  
3 order in the United States district court for a dis-  
4 trict in which the reprisal was found to have oc-  
5 curred. In any action brought under this paragraph,  
6 the court may grant appropriate relief, including in-  
7 junctive relief, compensatory and exemplary dam-  
8 ages, and attorney fees and costs. The person upon  
9 whose behalf an order was issued may also file such  
10 an action or join in an action filed by the head of  
11 the executive agency.

12 “(5) JUDICIAL REVIEW.—Any person adversely  
13 affected or aggrieved by an order issued under para-  
14 graph (1) may obtain review of the order’s conform-  
15 ance with this subsection, and any regulations issued  
16 to carry out this section, in the United States court  
17 of appeals for a circuit in which the reprisal is al-  
18 leged in the order to have occurred. No petition  
19 seeking such review may be filed more than 60 days  
20 after issuance of the order by the head of the execu-  
21 tive agency. Review shall conform to chapter 7 of  
22 title 5. Filing such an appeal shall not act to stay  
23 the enforcement of the order of the head of an exec-  
24 utive agency, unless a stay is specifically entered by  
25 the court.

1           “(6) BURDENS OF PROOF.—The legal burdens  
2           of proof specified in section 1221(e) of title 5 shall  
3           be controlling for the purposes of any investigation  
4           conducted by an Inspector General, decision by the  
5           head of an executive agency, or judicial or adminis-  
6           trative proceeding to determine whether discrimina-  
7           tion prohibited under this section has occurred.

8           “(7) RIGHTS AND REMEDIES NOT WAIVABLE.—  
9           The rights and remedies provided for in this section  
10          may not be waived by any agreement, policy, form,  
11          or condition of employment.

12          “(d) NOTIFICATION OF EMPLOYEES.—The head of  
13          each executive agency shall ensure that contractors, sub-  
14          contractors, and grantees of the agency inform their em-  
15          ployees in writing of the rights and remedies provided  
16          under this section, in the predominant native language of  
17          the workforce.

18          “(e) CONSTRUCTION.—Nothing in this section may  
19          be construed to authorize the discharge of, demotion of,  
20          or discrimination against an employee for a disclosure  
21          other than a disclosure protected by subsection (a) or to  
22          modify or derogate from a right or remedy otherwise avail-  
23          able to the employee.

24          “(f) EXCEPTIONS.—(1) This section shall not apply  
25          to any element of the intelligence community, as defined

1 in section 3(4) of the National Security Act of 1947 (50  
2 U.S.C. 401a(4)).

3 “(2) This section shall not apply to any disclosure  
4 made by an employee of a contractor, subcontractor, or  
5 grantee of an element of the intelligence community if  
6 such disclosure—

7 “(A) relates to an activity of an element of the  
8 intelligence community; or

9 “(B) was discovered during contract, sub-  
10 contract, or grantee services provided to an element  
11 of the intelligence community.

12 “(g) DEFINITIONS.—In this section:

13 “(1) The term ‘abuse of authority’ means an  
14 arbitrary and capricious exercise of authority that is  
15 inconsistent with the mission of the executive agency  
16 concerned or the successful performance of a con-  
17 tract or grant of such agency.

18 “(2) The term ‘Inspector General’ means an In-  
19 spector General appointed under the Inspector Gen-  
20 eral Act of 1978 and any Inspector General that re-  
21 ceives funding from, or has oversight over contracts  
22 or grants awarded for or on behalf of, the executive  
23 agency concerned.

24 “(h) CONSTRUCTION.—Nothing in this section, or the  
25 amendments made by this section, shall be construed to

1 provide any rights to disclose classified information not  
2 otherwise provided by law.

3 “(i) DURATION OF SECTION.—This section shall be  
4 in effect for the four-year period beginning on the date  
5 of the enactment of this section.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions at the beginning of such chapter is amended  
8 by adding at the end the following new item:

“4712. Pilot program for enhancement of contractor protection from reprisal for  
disclosure of certain information.”.

9 (b) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by  
11 subsection (a) shall take effect on the date that is  
12 180 days after the date of the enactment of this Act,  
13 and shall, during the period section 4712 of title 41,  
14 United States Code, as added by such subsection, is  
15 in effect, apply to—

16 (A) all contracts and grants awarded on or  
17 after such date;

18 (B) all task orders entered on or after such  
19 date pursuant to contracts awarded before, on,  
20 or after such date; and

21 (C) all contracts awarded before such date  
22 that are modified to include a contract clause  
23 providing for the applicability of such amend-  
24 ments.

1           (2) REVISION OF FEDERAL ACQUISITION REGU-  
2           LATION.—Not later than 180 days after the date of  
3           the enactment of this Act, the Federal Acquisition  
4           Regulation shall be revised to implement the require-  
5           ments arising under the amendments made by this  
6           section.

7           (3) INCLUSION OF CONTRACT CLAUSE IN CON-  
8           TRACTS AWARDED BEFORE EFFECTIVE DATE.—At  
9           the time of any major modification to a contract  
10          that was awarded before the date that is 180 days  
11          after the date of the enactment of this Act, the head  
12          of the contracting agency shall make best efforts to  
13          include in the contract a contract clause providing  
14          for the applicability of the amendments made by this  
15          section to the contract.

16          (c) SUSPENSION OF EFFECTIVENESS OF SECTION  
17          4705 OF TITLE 41, UNITED STATES CODE, WHILE PILOT  
18          PROGRAM IS IN EFFECT.—Section 4705 of title 41,  
19          United States Code, is amended by adding at the end the  
20          following new subsection:

21                 “(f) FOUR-YEAR SUSPENSION OF EFFECTIVENESS  
22          WHILE PILOT PROGRAM IS IN EFFECT.—While section  
23          4712 of this title is in effect, this section shall not be in  
24          effect.”.

1 (d) ALLOWABILITY OF LEGAL FEES.—Section 4310  
2 of title 41, United States Code, is amended—

3 (1) in subsection (b), by striking “commenced  
4 by the Federal Government or a State” and insert-  
5 ing “commenced by the Federal Government, by a  
6 State, or by a contractor or grantee employee sub-  
7 mitting a complaint under section 4712 of this  
8 title”; and

9 (2) in subsection (c)(3), by striking “the impo-  
10 sition of a monetary penalty” and inserting “the im-  
11 position of a monetary penalty or an order to take  
12 corrective action under section 4712 of this title”.

13 (e) GOVERNMENT ACCOUNTABILITY OFFICE STUDY  
14 AND REPORT.—

15 (1) STUDY.—Not later than three years after  
16 the date of the enactment of this Act, the Comp-  
17 troller General of the United States shall begin con-  
18 ducting a study to evaluate the implementation of  
19 section 4712 of title 41, United States Code, as  
20 added by subsection (a).

21 (2) REPORT.—Not later than four years after  
22 the date of the enactment of this Act, the Comp-  
23 troller General shall submit to Congress a report on  
24 the results of the study required by paragraph (1),

1 with such findings and recommendations as the  
2 Comptroller General considers appropriate.

3 **SEC. 829. EXTENSION OF CONTRACTOR CONFLICT OF IN-**  
4 **TEREST LIMITATIONS.**

5 (a) ASSESSMENT OF EXTENSION OF LIMITATIONS TO  
6 CERTAIN ADDITIONAL FUNCTIONS AND CONTRACTS.—  
7 Not later than 180 days after the date of the enactment  
8 of this Act, the Secretary of Defense shall review the guid-  
9 ance on personal conflicts of interest for contractor em-  
10 ployees issued pursuant to section 841(a) of the Duncan  
11 Hunter National Defense Authorization Act for Fiscal  
12 Year 2009 (Public Law 110–417; 122 Stat. 4537) in  
13 order to determine whether it would be in the best interest  
14 of the Department of Defense and the taxpayers to extend  
15 such guidance to personal conflicts of interest by con-  
16 tractor personnel performing any of the following:

17 (1) Functions other than acquisition functions  
18 that are closely associated with inherently govern-  
19 mental functions (as that term is defined in section  
20 2383(b)(3) of title 10, United States Code).

21 (2) Personal services contracts (as that term is  
22 defined in section 2330a(g)(5) of title 10, United  
23 States Code).

24 (3) Contracts for staff augmentation services  
25 (as that term is defined in section 808(d)(3) of the

1 National Defense Authorization Act for Fiscal Year  
2 2012 (Public Law 112–81; 125 Stat. 1490)).

3 (b) EXTENSION OF LIMITATIONS.—If the Secretary  
4 determines pursuant to the review under subsection (a)  
5 that the guidance on personal conflicts of interest should  
6 be extended, the Secretary shall revise the Defense Sup-  
7 plement to the Federal Acquisition Regulation to the ex-  
8 tent necessary to achieve such extension.

9 (c) RESULTS OF REVIEW.—Not later than 180 days  
10 after the date of the enactment of this Act, the Secretary  
11 shall document in writing the results of the review con-  
12 ducted under subsection (a), including, at a minimum—

13 (1) the findings and recommendations of the re-  
14 view; and

15 (2) the basis for such findings and rec-  
16 ommendations.

17 **SEC. 830. REPEAL OF SUNSET FOR CERTAIN PROTESTS OF**  
18 **TASK AND DELIVERY ORDER CONTRACTS.**

19 Section 2304c(e) of title 10, United States Code, is  
20 amended by striking paragraph (3).

21 **SEC. 831. GUIDANCE AND TRAINING RELATED TO EVALU-**  
22 **ATING REASONABLENESS OF PRICE.**

23 (a) GUIDANCE.—Not later than 180 days after the  
24 date of the enactment of this Act, the Under Secretary  
25 of Defense for Acquisition, Technology, and Logistics shall

1 issue guidance on the use of the authority provided by sec-  
2 tions 2306a(d) and 2379 of title 10, United States Code.

3 The guidance shall—

4 (1) include standards for determining whether  
5 information on the prices at which the same or simi-  
6 lar items have previously been sold is adequate for  
7 evaluating the reasonableness of price;

8 (2) include standards for determining the ex-  
9 tent of uncertified cost information that should be  
10 required in cases in which price information is not  
11 adequate for evaluating the reasonableness of price;

12 (3) ensure that in cases in which such  
13 uncertified cost information is required, the informa-  
14 tion shall be provided in the form in which it is reg-  
15 ularly maintained by the offeror in its business oper-  
16 ations; and

17 (4) provide that no additional cost information  
18 may be required by the Department of Defense in  
19 any case in which there are sufficient non-Govern-  
20 ment sales to establish reasonableness of price.

21 (b) TRAINING AND EXPERTISE.—Not later than 270  
22 days after the date of the enactment of this Act, the Under  
23 Secretary of Defense for Acquisition, Technology, and Lo-  
24 gistics shall develop and begin implementation of a plan  
25 of action to—

1           (1) train the acquisition workforce on the use of  
2           the authority provided by sections 2306a(d) and  
3           2379 of title 10, United States Code, in evaluating  
4           reasonableness of price in procurements of commer-  
5           cial items; and

6           (2) develop a cadre of experts within the De-  
7           partment of Defense to provide expert advice to the  
8           acquisition workforce in the use of the authority pro-  
9           vided by such sections in accordance with the guid-  
10          ance issued pursuant to subsection (a).

11          (c) DOCUMENTATION REQUIREMENTS.—The Under  
12          Secretary of Defense for Acquisition, Technology, and Lo-  
13          gistics shall ensure that requests for uncertified cost infor-  
14          mation for the purposes of evaluating reasonableness of  
15          price are sufficiently documented. The Under Secretary  
16          shall require that the contract file include, at a minimum,  
17          the following:

18                 (1) A justification of the need for additional  
19                 cost information.

20                 (2) A copy of any request from the Department  
21                 of Defense to a contractor for additional cost infor-  
22                 mation.

23                 (3) Any response received from the contractor  
24                 to the request, including any rationale or justifica-

1           tion provided by the contractor for a failure to pro-  
2           vide the requested information.

3           (d) COMPTROLLER GENERAL REVIEW AND RE-  
4           PORT.—

5                   (1) REVIEW REQUIREMENT.—The Comptroller  
6           General of the United States shall conduct a review  
7           of data collected pursuant to sections 2306a(d) and  
8           2379 of title 10, United States Code, during the  
9           two-year period beginning on the date of the enact-  
10          ment of this Act.

11                   (2) REPORT REQUIREMENT.—Not later than  
12          180 days after the end of the two-year period re-  
13          ferred to in paragraph (1), the Comptroller General  
14          shall submit to the congressional defense committees  
15          a report on—

16                           (A) the extent to which the Department of  
17          Defense needed access to additional cost infor-  
18          mation pursuant to sections 2306a(d) and 2379  
19          of title 10, United States Code, during such  
20          two-year period in order to determine price rea-  
21          sonableness;

22                           (B) the extent to which acquisition officials  
23          of the Department of Defense complied with the  
24          guidance issued pursuant to subsection (a) dur-  
25          ing such two-year period;

1 (C) the extent to which the Department of  
2 Defense needed access to additional cost infor-  
3 mation during such two-year period to deter-  
4 mine reasonableness of price, but was not pro-  
5 vided such information by the contractor on re-  
6 quest; and

7 (D) recommendations for improving eval-  
8 uations of reasonableness of price by Depart-  
9 ment of Defense acquisition professionals, in-  
10 cluding recommendations for any amendments  
11 to law, regulations, or guidance.

12 **SEC. 832. DEPARTMENT OF DEFENSE ACCESS TO, USE OF,**  
13 **AND SAFEGUARDS AND PROTECTIONS FOR**  
14 **CONTRACTOR INTERNAL AUDIT REPORTS.**

15 (a) REVISED GUIDANCE REQUIRED.—Not later than  
16 180 days after the date of the enactment of this Act, the  
17 Director of the Defense Contract Audit Agency shall revise  
18 guidance on access to defense contractor internal audit re-  
19 ports (including the Contract Audit Manual) to incor-  
20 porate the requirements of this section.

21 (b) DOCUMENTATION REQUIREMENTS.—The revised  
22 guidance shall ensure that requests for access to defense  
23 contractor internal audit reports are appropriately docu-  
24 mented. The required documentation shall include, at a  
25 minimum, the following:

1           (1) Written determination that access to such  
2 reports is necessary to complete required evaluations  
3 of contractor business systems.

4           (2) A copy of any request from the Defense  
5 Contract Audit Agency to a contractor for access to  
6 such reports.

7           (3) A record of response received from the con-  
8 tractor, including the contractor's rationale or jus-  
9 tification if access to requested reports was not  
10 granted.

11       (b) SAFEGUARDS AND PROTECTIONS.—The revised  
12 guidance shall include appropriate safeguards and protec-  
13 tions to ensure that contractor internal audit reports can-  
14 not be used by the Defense Contract Audit Agency for  
15 any purpose other than evaluating and testing the efficacy  
16 of contractor internal controls and the reliability of associ-  
17 ated contractor business systems.

18       (c) RISK-BASED AUDITING.—A determination by the  
19 Defense Contract Audit Agency that a contractor has a  
20 sound system of internal controls shall provide the basis  
21 for increased reliance on contractor business systems or  
22 a reduced level of testing with regard to specific audits,  
23 as appropriate. Internal audit reports provided by a con-  
24 tractor pursuant to this section may be considered in de-  
25 termining whether or not a contractor has a sound system

1 of internal controls, but shall not be the sole basis for such  
2 a determination.

3 (d) **COMPTROLLER GENERAL REVIEW.**—Not later  
4 than one year after the date of the enactment of this Act,  
5 the Comptroller General of the United States shall initiate  
6 a review of the documentation required by subsection (a).  
7 Not later than 90 days after completion of the review, the  
8 Comptroller General shall submit to the congressional de-  
9 fense committees a report on the results of the review,  
10 with findings and recommendations for improving the  
11 audit processes of the Defense Contract Audit Agency.

12 **SEC. 833. CONTRACTOR RESPONSIBILITIES IN REGULA-**  
13 **TIONS RELATING TO DETECTION AND AVOID-**  
14 **ANCE OF COUNTERFEIT ELECTRONIC PARTS.**

15 Section 818(c)(2)(B) of the National Defense Au-  
16 thorization Act for Fiscal Year 2012 (Public Law 112–  
17 81; 125 Stat. 1493; 10 U.S.C. 2302 note) is amended to  
18 read as follows:

19 “(B) the cost of counterfeit electronic  
20 parts and suspect counterfeit electronic parts  
21 and the cost of rework or corrective action that  
22 may be required to remedy the use or inclusion  
23 of such parts are not allowable costs under De-  
24 partment contracts, unless—

1 “(i) the covered contractor has an  
2 operational system to detect and avoid  
3 counterfeit parts and suspect counterfeit  
4 electronic parts that has been reviewed and  
5 approved by the Department of Defense  
6 pursuant to subsection (e)(2)(B);

7 “(ii) the counterfeit electronic parts or  
8 suspect counterfeit electronic parts were  
9 provided to the contractor as Government  
10 property in accordance with part 45 of the  
11 Federal Acquisition Regulation; and

12 “(iii) the covered contractor provides  
13 timely notice to the Government pursuant  
14 to paragraph (4).”.

15 **Subtitle D—Provisions Relating to**  
16 **Contracts in Support of Contin-**  
17 **gency Operations**

18 **SEC. 841. EXTENSION AND EXPANSION OF AUTHORITY TO**  
19 **ACQUIRE PRODUCTS AND SERVICES PRO-**  
20 **DUCED IN COUNTRIES ALONG A MAJOR**  
21 **ROUTE OF SUPPLY TO AFGHANISTAN.**

22 (a) EXTENSION OF TERMINATION DATE.—Sub-  
23 section (f) of section 801 of the National Defense Author-  
24 ization Act for Fiscal Year 2010 (Public Law 111–84; 123  
25 Stat. 2399) is amended by striking “on or after the date

1 occurring three years after the date of the enactment of  
2 this Act” and inserting “after December 31, 2014”.

3 (b) EXPANSION OF AUTHORITY TO COVER FORCES  
4 OF THE UNITED STATES AND COALITION FORCES.—Sub-  
5 section (b)(1) of such section is amended—

6 (1) in subparagraph (B), by striking “or” at  
7 the end;

8 (2) in subparagraph (C), by adding “or” at the  
9 end; and

10 (3) by adding at the end the following:

11 “(D) by the United States or coalition  
12 forces in Afghanistan if the product or service  
13 is from a country that has agreed to allow the  
14 transport of coalition personnel, equipment, and  
15 supplies;”.

16 (c) REPEAL OF EXPIRED REPORT REQUIREMENT.—  
17 Subsection (g) of such section is repealed.

18 (d) CLERICAL AMENDMENT.—The heading of such  
19 section is amended by striking “; **REPORT**”.

20 **SEC. 842. LIMITATION ON AUTHORITY TO ACQUIRE PROD-**  
21 **UCTS AND SERVICES PRODUCED IN AFGHANI-**  
22 **STAN.**

23 Section 886 of the National Defense Authorization  
24 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
25 266; 10 U.S.C. 2302 note) is amended—

1 (1) in the section heading, by striking “**IRAQ**  
2 **OR**”;

3 (2) by striking “Iraq or” each place it appears;  
4 and

5 (3) in the subsection heading of subsection (c),  
6 by striking “IRAQ OR”.

7 **SEC. 843. RESPONSIBILITY WITHIN DEPARTMENT OF DE-**  
8 **FENSE FOR OPERATIONAL CONTRACT SUP-**  
9 **PORT.**

10 (a) **GUIDANCE REQUIRED.**—Not later than one year  
11 after the date of the enactment of this Act, the Secretary  
12 of Defense shall develop and issue guidance establishing  
13 the chain of authority and responsibility within the De-  
14 partment of Defense for policy, planning, and execution  
15 of operational contract support.

16 (b) **ELEMENTS.**—The guidance under subsection (a)  
17 shall, at a minimum—

18 (1) specify the officials, offices, and components  
19 of the Department within the chain of authority and  
20 responsibility described in subsection (a);

21 (2) identify for each official, office, and compo-  
22 nent specified under paragraph (1)—

23 (A) requirements for policy, planning, and  
24 execution of contract support for operational

1 contract support, including, at a minimum, re-  
2 quirements in connection with—

3 (i) coordination of functions, authori-  
4 ties, and responsibilities related to oper-  
5 ational contract support, including coordi-  
6 nation with relevant Federal agencies;

7 (ii) assessments of total force data in  
8 support of Department force planning sce-  
9 narios, including the appropriateness of  
10 and necessity for the use of contractors for  
11 identified functions;

12 (iii) determinations of capability re-  
13 quirements for nonacquisition community  
14 operational contract support, and identi-  
15 fication of resources required for planning,  
16 training, and execution to meet such re-  
17 quirements; and

18 (iv) determinations of policy regarding  
19 the use of contractors by function, and  
20 identification of the training exercises that  
21 will be required for operational contract  
22 support (including an assessment whether  
23 or not such exercises will include contrac-  
24 tors); and

1 (B) roles, authorities, responsibilities, and  
2 lines of supervision for the achievement of the  
3 requirements identified under subparagraph  
4 (A); and

5 (3) ensure that the chain of authority and re-  
6 sponsibility described in subsection (a) is appro-  
7 priately aligned with, and appropriately integrated  
8 into, the structure of the Department for the con-  
9 duct of overseas contingency operations, including  
10 the military departments, the Joint Staff, and the  
11 commanders of the unified combatant commands.

12 **SEC. 844. DATA COLLECTION ON CONTRACT SUPPORT FOR**  
13 **FUTURE OVERSEAS CONTINGENCY OPER-**  
14 **ATIONS INVOLVING COMBAT OPERATIONS.**

15 (a) IN GENERAL.—Not later than one year after the  
16 date of the enactment of this Act, the Secretary of De-  
17 fense, the Secretary of State, and the Administrator of  
18 the United States Agency for International Development  
19 shall each issue guidance regarding data collection on con-  
20 tract support for future contingency operations outside the  
21 United States that involve combat operations.

22 (b) ELEMENTS.—The guidance required by sub-  
23 section (a) shall ensure that the Department of Defense,  
24 the Department of State, and the United States Agency  
25 for International Development take the steps necessary to

1 ensure that each agency has the capability to collect and  
2 report, at a minimum, the following data regarding such  
3 contract support:

4 (1) The total number of contracts entered into  
5 as of the date of any report.

6 (2) The total number of such contracts that are  
7 active as of such date.

8 (3) The total value of contracts entered into as  
9 of such date.

10 (4) The total value of such contracts that are  
11 active as of such date.

12 (5) An identification of the extent to which the  
13 contracts entered into as of such date were entered  
14 into using competitive procedures.

15 (6) The total number of contractor personnel  
16 working under contracts entered into as of the end  
17 of each calendar quarter during the one-year period  
18 ending on such date.

19 (7) The total number of contractor personnel  
20 performing security functions under contracts en-  
21 tered into as of the end of each calendar quarter  
22 during the one-year period ending on such date.

23 (8) The total number of contractor personnel  
24 killed or wounded under any contracts entered into.

1 (c) COMPTROLLER GENERAL REVIEW AND RE-  
2 PORT.—

3 (1) REVIEW.—The Comptroller General of the  
4 United States shall review the data system or sys-  
5 tems established to track contractor data pursuant  
6 to subsections (a) and (b). The review shall, with re-  
7 spect to each such data system, at a minimum—

8 (A) identify each such data system and as-  
9 sess the resources needed to sustain such sys-  
10 tem;

11 (B) determine if all such data systems are  
12 interoperable, use compatible data standards,  
13 and meet the requirements of section 2222 of  
14 title 10, United States Code; and

15 (C) make recommendations on the steps  
16 that the Department of Defense, the Depart-  
17 ment of State, and the United States Agency  
18 for International Development should take to  
19 ensure that all such data systems—

20 (i) meet the requirements of the guid-  
21 ance issued pursuant to subsections (a)  
22 and (b);

23 (ii) are interoperable, use compatible  
24 data standards, and meet the requirements  
25 of section 2222 of such title; and

1 (iii) are supported by appropriate  
2 business processes and rules to ensure the  
3 timeliness and reliability of data.

4 (2) REPORT.—Not later than two years after  
5 the date of the enactment of this Act, the Comp-  
6 troller General shall submit a report on the review  
7 required by paragraph (1) to the following commit-  
8 tees:

9 (A) The congressional defense committees.

10 (B) The Committee on Foreign Relations  
11 and the Committee on Homeland Security and  
12 Governmental Affairs of the Senate.

13 (C) The Committee on Foreign Affairs and  
14 the Committee on Oversight and Government  
15 Reform of the House of Representatives.

16 **SEC. 845. INCLUSION OF OPERATIONAL CONTRACT SUP-**  
17 **PORT IN CERTAIN REQUIREMENTS FOR DE-**  
18 **PARTMENT OF DEFENSE PLANNING, JOINT**  
19 **PROFESSIONAL MILITARY EDUCATION, AND**  
20 **MANAGEMENT STRUCTURE.**

21 (a) READINESS REPORTING SYSTEM.—Section  
22 117(c) of title 10, United States Code, is amended by add-  
23 ing at the end the following new paragraph:

24 “(8) Measure, on an annual basis, the capa-  
25 bility of operational contract support to support cur-

1       rent and anticipated wartime missions of the armed  
2       forces.”.

3       (b) OPERATIONAL CONTRACT SUPPORT PLANNING  
4 AND PREPAREDNESS FUNCTIONS OF CJCS.—Section  
5 153(a)(3) of such title is amended by adding at the end  
6 the following new subparagraph:

7               “(F) In coordination with the Under Secretary  
8       of Defense for Acquisition, Technology, and Logis-  
9       tics, the Secretaries of the military departments, the  
10      heads of the Defense Agencies, and the commanders  
11      of the combatant commands, determining the oper-  
12      ational contract support requirements of the armed  
13      forces and recommending the resources required to  
14      improve and enhance operational contract support  
15      for the armed forces and planning for such oper-  
16      ational contract support.”.

17      (c) OPERATIONAL CONTRACT SUPPORT AS MATTER  
18 WITHIN COURSE OF JOINT PROFESSIONAL MILITARY  
19 EDUCATION.—Section 2151(a) of such title is amended by  
20 adding at the end the following new paragraph:

21               “(6) Operational contract support.”.

22      (d) MANAGEMENT STRUCTURE.—Section 2330(e)(2)  
23 of such title is amended by striking “other than services”  
24 and all that follows and inserting “including services in  
25 support of contingency operations. The term does not in-

1 clude services relating to research and development or  
2 military construction.”.

3 **SEC. 846. REQUIREMENTS FOR RISK ASSESSMENTS RE-**  
4 **LATED TO CONTRACTOR PERFORMANCE.**

5 (a) RISK ASSESSMENTS FOR CONTRACTOR PER-  
6 FORMANCE IN OPERATIONAL OR CONTINGENCY PLANS.—

7 The Secretary of Defense shall require that a risk assess-  
8 ment on reliance on contractors be included in operational  
9 or contingency plans developed by a commander of a com-  
10 batant command in executing the responsibilities pre-  
11 scribed in section 164 of title 10, United States Code.  
12 Such risk assessments shall address, at a minimum, the  
13 potential risks listed in subsection (c).

14 (b) COMPREHENSIVE RISK ASSESSMENTS AND MITI-  
15 GATION PLANS FOR CONTRACTOR PERFORMANCE IN SUP-  
16 PORT OF OVERSEAS CONTINGENCY OPERATIONS.—

17 (1) IN GENERAL.—Subject to paragraphs (2)  
18 and (3), not later than six months after the com-  
19 mencement or designation of a contingency oper-  
20 ation outside the United States that includes or is  
21 expected to include combat operations, the head of  
22 each covered agency shall perform a comprehensive  
23 risk assessment and develop a risk mitigation plan  
24 for operational and political risks associated with

1 contractor performance of critical functions in sup-  
2 port of the operation for such covered agency.

3 (2) EXCEPTIONS.—Except as provided in para-  
4 graph (3), a risk assessment and risk mitigation  
5 plan shall not be required under paragraph (1) for  
6 an overseas contingency operation if—

7 (A) the operation is not expected to con-  
8 tinue for more than one year; and

9 (B) the total amount of obligations for  
10 contracts for support of the operation for the  
11 covered agency is not expected to exceed  
12 \$250,000,000.

13 (3) TERMINATION OF EXCEPTIONS.—Notwith-  
14 standing paragraph (2), the head of a covered agen-  
15 cy shall perform a risk assessment and develop a  
16 risk mitigation plan under paragraph (1) for an  
17 overseas contingency operation with regard to which  
18 a risk assessment and risk mitigation plan has not  
19 previously been performed under paragraph (1) not  
20 later than 60 days after the date on which—

21 (A) the operation has continued for more  
22 than one year; or

23 (B) the total amount of obligations for  
24 contracts for support of the operation for the  
25 covered agency exceeds \$250,000,000.

1           (c) COMPREHENSIVE RISK ASSESSMENTS.—A com-  
2 prehensive risk assessment under subsection (b) shall con-  
3 sider, at a minimum, risks relating to the following:

4           (1) The goals and objectives of the operation  
5           (such as risks from contractor behavior or perform-  
6           ance that may injure innocent members of the local  
7           population or offend their sensibilities).

8           (2) The continuity of the operation (such as  
9           risks from contractors refusing to perform or being  
10          unable to perform when there may be no timely re-  
11          placements available).

12          (3) The safety of military and civilian personnel  
13          of the United States if the presence or performance  
14          of contractor personnel creates unsafe conditions or  
15          invites attack.

16          (4) The safety of contractor personnel employed  
17          by the covered agency.

18          (5) The managerial control of the Government  
19          over the operation (such as risks from over-reliance  
20          on contractors to monitor other contractors or inad-  
21          equate means for Government personnel to monitor  
22          contractor performance).

23          (6) The critical organic or core capabilities of  
24          the Government, including critical knowledge or in-

1       stitutional memory of key operations areas and sub-  
2       ject-matter expertise.

3           (7) The ability of the Government to control  
4       costs, avoid organizational or personal conflicts of  
5       interest, and minimize waste, fraud, and abuse.

6       (d) RISK MITIGATION PLANS.—A risk mitigation  
7       plan under subsection (b) shall include, at a minimum,  
8       the following:

9           (1) For each high-risk area identified in the  
10       comprehensive risk assessment for the operation per-  
11       formed under subsection (b)—

12           (A) specific actions to mitigate or reduce  
13       such risk, including the development of alter-  
14       native capabilities to reduce reliance on con-  
15       tractor performance of critical functions;

16           (B) measurable milestones for the imple-  
17       mentation of planned risk mitigation or risk re-  
18       duction measures; and

19           (C) a process for monitoring, measuring,  
20       and documenting progress in mitigating or re-  
21       ducing risk.

22       (2) A continuing process for identifying and ad-  
23       dressing new and changed risks arising in the course  
24       of the operation, including the periodic reassessment  
25       of risks and the development of appropriate risk

1 mitigation or reduction plans for any new or  
2 changed high-risk area identified.

3 (e) CRITICAL FUNCTIONS.—For purposes of this sec-  
4 tion, critical functions include, at a minimum, the fol-  
5 lowing:

6 (1) Private security functions, as that term is  
7 defined in section 864(a)(6) of the National Defense  
8 Authorization Act for Fiscal Year 2008 (10 U.S.C.  
9 2302 note).

10 (2) Training and advising Government per-  
11 sonnel, including military and security personnel, of  
12 a host nation.

13 (3) Conducting intelligence or information oper-  
14 ations.

15 (4) Any other functions that are closely associ-  
16 ated with inherently governmental functions, includ-  
17 ing the functions set forth in section 7.503(d) of the  
18 Federal Acquisition Regulation.

19 (5) Any other functions that are deemed critical  
20 to the success of the operation.

21 (f) COVERED AGENCY.—In this section, the term  
22 “covered agency” means the Department of Defense, the  
23 Department of State, and the United States Agency for  
24 International Development.

1 **SEC. 847. EXTENSION AND MODIFICATION OF REPORTS ON**  
2 **CONTRACTING IN IRAQ AND AFGHANISTAN.**

3 (a) TWO-YEAR EXTENSION OF REQUIREMENT FOR  
4 JOINT REPORT.—Subsection (a)(5) of section 863 of the  
5 National Defense Authorization Act for Fiscal Year 2008  
6 (10 U.S.C. 2302 note) is amended by striking “February  
7 1, 2013” and inserting “February 1, 2015”.

8 (b) REPEAL OF COMPTROLLER GENERAL REVIEW.—  
9 Such section is further amended by striking subsection  
10 (b).

11 (c) CONFORMING AMENDMENTS.—

12 (1) IN GENERAL.—Such section is further  
13 amended—

14 (A) by striking “JOINT REPORT RE-  
15 QUIRED.—” and all that follows through “para-  
16 graph (6)” and inserting “IN GENERAL.—Ex-  
17 cept as provided in subsection (f)”;

18 (B) by striking “this subsection” each  
19 place it appears and inserting “this section”;

20 (C) by redesignating paragraphs (2)  
21 through (7) as subsections (b) through (g), re-  
22 spectively, and by moving the left margins of  
23 such subsections (including the subparagraphs  
24 in such subsections), as so redesignated, two  
25 ems to the left;

1 (D) in subsection (b), as redesignated by  
2 subparagraph (C) of this paragraph—

3 (i) by capitalizing the second and  
4 third words of the heading; and

5 (ii) by redesignating subparagraphs  
6 (A) through (I) as paragraphs (1) through  
7 (9), respectively;

8 (E) in subsection (c), as redesignated by  
9 subparagraph (C) of this paragraph—

10 (i) by capitalizing the second and  
11 third words of the heading;

12 (ii) by redesignating subparagraphs  
13 (A) through (C) as paragraphs (1) through  
14 (3), respectively; and

15 (iii) by striking “paragraph (2)” each  
16 place it appears and inserting “subsection  
17 (b)”;

18 (F) in subsection (d), as redesignated by  
19 subparagraph (C) of this paragraph, by capital-  
20 izing the second word of the heading;

21 (G) in subsection (e), as redesignated by  
22 subparagraph (C) of this paragraph, by capital-  
23 izing the third word of the heading;

24 (H) in subsection (f), as redesignated by  
25 subparagraph (C) of this paragraph, by striking

1 “this paragraph” and inserting “this sub-  
2 section”; and

3 (I) in subsection (g), as redesignated by  
4 subparagraph (C) of this paragraph, by striking  
5 “paragraph (2)(F)” and inserting “subsection  
6 (b)(6)”.

7 (2) **HEADING AMENDMENT.**—The heading of  
8 such section is amended by striking “**AND COMP-**  
9 **TROLLER GENERAL REVIEW**”.

10 **SEC. 848. RESPONSIBILITIES OF INSPECTORS GENERAL**  
11 **FOR OVERSEAS CONTINGENCY OPERATIONS.**

12 The Inspector General Act of 1978 (5 U.S.C. App.)  
13 is amended—

14 (1) by redesignating section 8L as section 8M;  
15 and

16 (2) by inserting after section 8J the following  
17 new section 8L:

18 **“SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS**  
19 **CONTINGENCY OPERATIONS.**

20 “(a) **ADDITIONAL RESPONSIBILITIES OF CHAIR OF**  
21 **COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND**  
22 **EFFICIENCY.**—Upon the commencement or designation of  
23 a military operation as an overseas contingency operation  
24 that exceeds 60 days, the Chair of the Council of Inspec-  
25 tors General on Integrity and Efficiency (CIGIE) shall,

1 in consultation with the members of the Council, have the  
2 additional responsibilities specified in subsection (b) with  
3 respect to the Inspectors General specified in subsection  
4 (c).

5 “(b) SPECIFIC RESPONSIBILITIES.—The responsibil-  
6 ities specified in this subsection are the following:

7 “(1) In consultation with the Inspectors Gen-  
8 eral specified in subsection (c), to designate a lead  
9 Inspector General in accordance with subsection (d)  
10 to discharge the authorities of the lead Inspector  
11 General for the overseas contingency operation con-  
12 cerned as set forth in subsection (d).

13 “(2) To resolve conflicts of jurisdiction among  
14 the Inspectors General specified in subsection (c) on  
15 investigations, inspections, and audits with respect  
16 to such contingency operation in accordance with  
17 subsection (d)(2)(B).

18 “(3) To assist in identifying for the lead inspec-  
19 tor general for such contingency operation, Inspec-  
20 tors General and inspector general office personnel  
21 available to assist the lead Inspector General and  
22 the other Inspectors General specified in subsection  
23 (c) on matters relating to such contingency oper-  
24 ation.

1           “(c) INSPECTORS GENERAL.—The Inspectors Gen-  
2 eral specified in this subsection are the Inspectors General  
3 as follows:

4           “(1) The Inspector General of the Department  
5 of Defense.

6           “(2) The Inspector General of the Department  
7 of State.

8           “(3) The Inspector General of the United  
9 States Agency for International Development.

10          “(d) LEAD INSPECTOR GENERAL FOR OVERSEAS  
11 CONTINGENCY OPERATION.—(1) A lead Inspector Gen-  
12 eral for an overseas contingency operation shall be des-  
13 igned by the Chair of the Council of Inspectors General  
14 on Integrity and Efficiency under subsection (b)(1) not  
15 later than 30 days after the commencement or designation  
16 of the military operation concerned as an overseas contin-  
17 gency operation that exceeds 60 days. The lead Inspector  
18 General for a contingency operation shall be designated  
19 from among the Inspectors General specified in subsection  
20 (c).

21          “(2) The lead Inspector General for an overseas con-  
22 tingency operation shall have the following responsibilities:

23           “(A) To appoint, from among the offices of the  
24 other Inspectors General specified in subsection (c),  
25 an Inspector General to act as associate Inspector

1 General for the contingency operation who shall act  
2 in a coordinating role to assist the lead Inspector  
3 General in the discharge of responsibilities under  
4 this subsection.

5 “(B) To develop and carry out, in coordination  
6 with the offices of the other Inspectors General spec-  
7 ified in subsection (c), a joint strategic plan to con-  
8 duct comprehensive oversight over all aspects of the  
9 contingency operation and to ensure through either  
10 joint or individual audits, inspections, and investiga-  
11 tions, independent and effective oversight of all pro-  
12 grams and operations of the Federal Government in  
13 support of the contingency operation.

14 “(C) To review and ascertain the accuracy of  
15 information provided by Federal agencies relating to  
16 obligations and expenditures, costs of programs and  
17 projects, accountability of funds, and the award and  
18 execution of major contracts, grants, and agree-  
19 ments in support of the contingency operation.

20 “(D)(i) If none of the Inspectors General speci-  
21 fied in subsection (c) has principal jurisdiction over  
22 a matter with respect to the contingency operation,  
23 to exercise responsibility for discharging oversight  
24 responsibilities in accordance with this Act with re-  
25 spect to such matter.

1           “(ii) If more than one of the Inspectors General  
2 specified in subsection (c) has jurisdiction over a  
3 matter with respect to the contingency operation, to  
4 determine principal jurisdiction for discharging over-  
5 sight responsibilities in accordance with this Act  
6 with respect to such matter.

7           “(E) To employ, or authorize the employment  
8 by the other Inspectors General specified in sub-  
9 section (c), on a temporary basis using the authori-  
10 ties in section 3161 of title 5, United States Code,  
11 such auditors, investigators, and other personnel as  
12 the lead Inspector General considers appropriate to  
13 assist the lead Inspector General and such other In-  
14 spectors General on matters relating to the contin-  
15 gency operation.

16           “(F) To submit to Congress on a bi-annual  
17 basis, and to make available on an Internet website  
18 available to the public, a report on the activities of  
19 the lead Inspector General and the other Inspectors  
20 General specified in subsection (c) with respect to  
21 the contingency operation, including—

22                   “(i) the status and results of investiga-  
23 tions, inspections, and audits and of referrals to  
24 the Department of Justice; and

1           “(ii) overall plans for the review of the  
2           contingency operation by inspectors general, in-  
3           cluding plans for investigations, inspections,  
4           and audits.

5           “(G) To submit to Congress on a quarterly  
6           basis, and to make available on an Internet website  
7           available to the public, a report on the contingency  
8           operation.

9           “(H) To carry out such other responsibilities  
10          relating to the coordination and efficient and effec-  
11          tive discharge by the Inspectors General specified in  
12          subsection (c) of duties relating to the contingency  
13          operation as the lead Inspector General shall specify.

14          “(3)(A) The lead Inspector General for an overseas  
15          contingency operation may employ, or authorize the em-  
16          ployment by the other Inspectors General specified in sub-  
17          section (c) of, annuitants covered by section 9902(g) of  
18          title 5, United States Code, for purposes of assisting the  
19          lead Inspector General in discharging responsibilities  
20          under this subsection with respect to the contingency oper-  
21          ation.

22          “(B) The employment of annuitants under this para-  
23          graph shall be subject to the provisions of section 9902(g)  
24          of title 5, United States Code, as if the lead Inspector  
25          General concerned was the Department of Defense.

1       “(C) The period of employment of an annuitant  
2 under this paragraph may not exceed three years, except  
3 that the period may be extended for up to an additional  
4 two years in accordance with the regulations prescribed  
5 pursuant to section 3161(b)(2) of title 5, United States  
6 Code.

7       “(4) The lead Inspector General for an overseas con-  
8 tingency operation shall discharge the responsibilities for  
9 the contingency operation under this subsection in a man-  
10 ner consistent with the authorities and requirements of  
11 this Act generally and the authorities and requirements  
12 applicable to the Inspectors General specified in subsection  
13 (c) under this Act.

14       “(e) SUNSET FOR PARTICULAR CONTINGENCY OPER-  
15 ATIONS.—The requirements and authorities of this section  
16 with respect to an overseas contingency operation shall  
17 cease at the end of the first fiscal year after the com-  
18 mencement or designation of the contingency operation in  
19 which the total amount appropriated for the contingency  
20 operation is less than \$100,000,000.

21       “(f) CONSTRUCTION OF AUTHORITY.—Nothing in  
22 this section shall be construed to limit the ability of the  
23 Inspectors General specified in subsection (c) to enter into  
24 agreements to conduct joint audits, inspections, or inves-  
25 tigations in the exercise of their oversight responsibilities

1 in accordance with this Act with respect to overseas con-  
2 tingency operations.”.

3 **SEC. 849. OVERSIGHT OF CONTRACTS AND CONTRACTING**  
4 **ACTIVITIES FOR OVERSEAS CONTINGENCY**  
5 **OPERATIONS IN RESPONSIBILITIES OF CHIEF**  
6 **ACQUISITION OFFICERS OF FEDERAL AGEN-**  
7 **CIES.**

8 (a) IN GENERAL.—Subsection (b)(3) of section 1702  
9 of title 41, United States Code, is amended—

10 (1) by redesignating subparagraphs (F) and  
11 (G) as subparagraphs (G) and (H), respectively; and

12 (2) by inserting after subparagraph (E) the fol-  
13 lowing new subparagraph (F):

14 “(F) advising the executive agency on the appli-  
15 cability of relevant policy on the contracts of the  
16 agency for overseas contingency operations and en-  
17 suring the compliance of the contracts and con-  
18 tracting activities of the agency with such policy;”.

19 (b) DEFINITION.—Such section is further amended  
20 by adding at the end the following new subsection:

21 “(d) OVERSEAS CONTINGENCY OPERATIONS DE-  
22 FINED.—In this section, the term ‘overseas contingency  
23 operations’ means military operations outside the United  
24 States and its territories and possessions that are a con-

1 tingency operation (as that term is defined in section  
2 101(a)(13) of title 10).”.

3 **SEC. 850. REPORTS ON RESPONSIBILITY WITHIN DEPART-**  
4 **MENT OF STATE AND THE UNITED STATES**  
5 **AGENCY FOR INTERNATIONAL DEVELOP-**  
6 **MENT FOR CONTRACT SUPPORT FOR OVER-**  
7 **SEAS CONTINGENCY OPERATIONS.**

8 (a) **DOS AND USAID REPORTS REQUIRED.**—Not  
9 later than six months after the date of the enactment of  
10 this Act, the Secretary of State and the Administrator of  
11 the United States Agency for International Development  
12 shall, in consultation with the Chief Acquisition Officer  
13 of the Department of State and the Chief Acquisition Offi-  
14 cer of the United States Agency for International Develop-  
15 ment, respectively, each submit to the appropriate commit-  
16 tees of Congress an assessment of Department of State  
17 and United States Agency for International Development  
18 policies governing contract support in overseas contin-  
19 gency operations.

20 (b) **ELEMENTS.**—Each report under subsection (a)  
21 shall include the following:

22 (1) A description and assessment of the roles  
23 and responsibilities of the officials, offices, and com-  
24 ponents of the Department of State or the United  
25 States Agency for International Development, as ap-

1 plicable, within the chain of authority and responsi-  
2 bility for policy, planning, and execution of contract  
3 support for overseas contingency operations.

4 (2) Procedures and processes of the Depart-  
5 ment or Agency, as applicable, on the following in  
6 connection with contract support for overseas contin-  
7 gency operations:

8 (A) Collection, inventory, and reporting of  
9 data.

10 (B) Acquisition planning.

11 (C) Solicitation and award of contracts.

12 (D) Requirements development and man-  
13 agement.

14 (E) Contract tracking and oversight.

15 (F) Performance evaluations.

16 (G) Risk management.

17 (H) Interagency coordination and transi-  
18 tion planning.

19 (3) Strategies and improvements necessary for  
20 the Department or the Agency, as applicable, to ad-  
21 dress reliance on contractors, workforce planning,  
22 and the recruitment and training of acquisition  
23 workforce personnel, including the anticipated num-  
24 ber of personnel needed to perform acquisition man-  
25 agement and oversight functions and plans for

1 achieving personnel staffing goals, in connection  
2 with overseas contingency operations.

3 (c) COMPTROLLER GENERAL REPORT.—Not later  
4 than one year after the date of the enactment of this Act,  
5 the Comptroller General of the United States shall submit  
6 to the appropriate committees of Congress a report on the  
7 progress of the efforts of the Department of State and  
8 the United States Agency for International Development  
9 in implementing improvements and changes identified  
10 under paragraphs (1) through (3) of subsection (b) in the  
11 reports required by subsection (a), together with such ad-  
12 ditional information as the Comptroller General considers  
13 appropriate to further inform such committees on issues  
14 relating to the reports required by subsection (a).

15 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-  
16 FINED.—In this section, the term “appropriate commit-  
17 tees of Congress” means—

18 (1) the Committee on Foreign Relations, the  
19 Committee on Armed Services, the Committee on  
20 Homeland Security and Governmental Affairs, and  
21 the Committee on Appropriations of the Senate; and

22 (2) the Committee on Foreign Affairs, the  
23 Committee on Armed Services, the Committee on  
24 Oversight and Government Reform, and the Com-

1       mittee on Appropriations of the House of Represent-  
2       atives.

3   **SEC. 851. DATABASE ON PRICE TRENDS OF ITEMS AND**  
4                   **SERVICES UNDER FEDERAL CONTRACTS.**

5       (a) DATABASE REQUIRED.—

6           (1) IN GENERAL.—Chapter 33 of title 41,  
7       United States Code, is amended by adding at the  
8       end the following new section:

9   **“§ 3312. Database on price trends of items and serv-**  
10                   **ices under Federal contracts**

11       “(a) DATABASE REQUIRED.—The Administrator  
12       shall establish and maintain a database of information on  
13       price trends for items and services under contracts with  
14       the Federal Government. The information in the database  
15       shall be designed to assist Federal acquisition officials in  
16       the following:

17           “(1) Monitoring developments in price trends  
18       for items and services under contracts with the Fed-  
19       eral Government.

20           “(2) Conducting price or cost analyses for items  
21       and services under offers for contracts with the Fed-  
22       eral Government, or otherwise conducting deter-  
23       minations of the reasonableness of prices for items  
24       and services under such offers, and addressing un-  
25       justified escalation in prices being paid by the Fed-

1       eral Government for items and services under con-  
2       tracts with the Federal Government.

3       “(b) USE.—(1) The database under subsection (a)  
4 shall be available to executive agencies in the evaluation  
5 of offers for contracts with the Federal Government for  
6 items and services.

7       “(2) The Secretary of Defense may satisfy the re-  
8 quirements of this section by complying with the require-  
9 ments of section 892 of the Ike Skelton National Defense  
10 Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a  
11 note).”.

12               (2) CLERICAL AMENDMENT.—The table of sec-  
13 tions at the beginning of chapter 33 of such title is  
14 amended by adding at the end the following new  
15 item:

“3312. Database on price trends of items and services under Federal con-  
tracts.”.

16       (b) USE OF ELEMENTS OF DEPARTMENT OF DE-  
17 FENSE PILOT PROJECT.—In establishing the database re-  
18 quired by section 3312 of title 41, United States Code (as  
19 added by subsection (a)), the Administrator for Federal  
20 Procurement Policy shall use and incorporate appropriate  
21 elements of the pilot project on pricing being carried out  
22 by the Under Secretary of Defense for Acquisition, Tech-  
23 nology, and Logistics pursuant to section 892 of the Ike  
24 Skelton National Defense Authorization Act for Fiscal

1 Year 2011 (10 U.S.C. 2306a note) and the Better Buying  
2 Power initiative of the Secretary of Defense.

3 **SEC. 852. INFORMATION ON CORPORATE CONTRACTOR**  
4 **PERFORMANCE AND INTEGRITY THROUGH**  
5 **THE FEDERAL AWARDEE PERFORMANCE AND**  
6 **INTEGRITY INFORMATION SYSTEM.**

7 Subsection (d) of section 2313 of title 41, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new paragraph:

10 “(3) INFORMATION ON CORPORATIONS.—The  
11 information in the database on a person that is a  
12 corporation shall, to the extent practicable, include  
13 information on any parent, subsidiary, or successor  
14 entities to the corporation in a manner designed to  
15 give the acquisition officials using the database a  
16 comprehensive understanding of the performance  
17 and integrity of the corporation in carrying out Fed-  
18 eral contracts and grants.”.

19 **SEC. 853. INCLUSION OF DATA ON CONTRACTOR PERFORM-**  
20 **ANCE IN PAST PERFORMANCE DATABASES**  
21 **FOR EXECUTIVE AGENCY SOURCE SELEC-**  
22 **TION DECISIONS.**

23 (a) STRATEGY REQUIRED.—

24 (1) IN GENERAL.—Not later than 180 days  
25 after the date of the enactment of this Act, the Fed-

1       eral Acquisition Regulatory Council shall develop a  
2       strategy for ensuring that timely, accurate, and com-  
3       plete information on contractor performance is in-  
4       cluded in past performance databases used by execu-  
5       tive agencies for making source selection decisions.

6           (2) CONSULTATION WITH USDATL.—In devel-  
7       oping the strategy required by this subsection, the  
8       Federal Acquisition Regulatory Council shall consult  
9       with the Under Secretary of Defense for Acquisition,  
10      Technology, and Logistics to ensure that the strat-  
11      egy is, to the extent practicable, consistent with the  
12      strategy developed by the Under Secretary pursuant  
13      to section 806 of the National Defense Authorization  
14      Act for Fiscal Year 2012 (Public Law 112–81; 125  
15      Stat. 1487; 10 U.S.C. 2302 note).

16      (b) ELEMENTS.—The strategy required by subsection  
17 (a) shall, at a minimum—

18           (1) establish standards for the timeliness and  
19      completeness of past performance submissions for  
20      purposes of databases described in subsection (a);

21           (2) assign responsibility and management ac-  
22      countability for the completeness of past perform-  
23      ance submissions for such purposes; and

24           (3) ensure that past performance submissions  
25      for such purposes are consistent with award fee eval-

1 uations in cases where such evaluations have been  
2 conducted.

3 (c) CONTRACTOR COMMENTS.—Not later than 180  
4 days after the date of the enactment of this Act, the Fed-  
5 eral Acquisition Regulation shall be revised to require the  
6 following:

7 (1) That affected contractors are provided, in a  
8 timely manner, information on contractor perform-  
9 ance to be included in past performance databases  
10 in accordance with subsection (a).

11 (2) That such contractors are afforded up to 14  
12 calendar days, from the date of delivery of the infor-  
13 mation provided in accordance with paragraph (1),  
14 to submit comments, rebuttals, or additional infor-  
15 mation pertaining to past performance for inclusion  
16 in such databases.

17 (3) That agency evaluations of contractor past  
18 performance, including any comments, rebuttals, or  
19 additional information submitted under paragraph  
20 (2), are included in the relevant past performance  
21 database not later than the date that is 14 days  
22 after the date of delivery of the information provided  
23 in accordance with paragraph (1).

24 (d) CONSTRUCTION.—Nothing in this section shall be  
25 construed to prohibit a contractor from submitting com-

1 ments, rebuttals, or additional information pertaining to  
2 past performance after the period described in subsection  
3 (c)(2) has elapsed or to prohibit a contractor from chal-  
4 lenging a past performance evaluation in accordance with  
5 applicable laws, regulations, or procedures.

6 (e) COMPTROLLER GENERAL REPORT.—Not later  
7 than 18 months after the date of the enactment of this  
8 Act, the Comptroller General of the United States shall  
9 submit to the appropriate committees of Congress a report  
10 on the actions taken by the Federal Acquisition Regu-  
11 latory Council pursuant to this section, including an as-  
12 sessment of the following:

13 (1) The extent to which the strategy required  
14 by subsection (a) is consistent with the strategy de-  
15 veloped by the Under Secretary of Defense for Ac-  
16 quisition, Technology, and Logistics as described in  
17 subsection (a)(2).

18 (2) The extent to which the actions of the Fed-  
19 eral Acquisition Regulatory Council pursuant to this  
20 section have otherwise achieved the objectives of this  
21 section.

22 (f) DEFINITIONS.—In this section:

23 (1) The term “appropriate committees of Con-  
24 gress” means—

1           (A) the Committee on Armed Services, the  
2           Committee on Foreign Relations, the Com-  
3           mittee on Homeland Security and Govern-  
4           mental Affairs, and the Committee on Appro-  
5           priations of the Senate; and

6           (B) the Committee on Armed Services, the  
7           Committee on Foreign Affairs, the Committee  
8           on Oversight and Government Reform, and the  
9           Committee on Appropriations of the House of  
10          Representatives.

11          (2) The term “executive agency” has the mean-  
12          ing given that term in section 133 of title 41, United  
13          States Code, except that the term excludes the De-  
14          partment of Defense and the military departments.

15          (3) The term “Federal Acquisition Regulatory  
16          Council” means the Federal Acquisition Regulatory  
17          Council under section 1302(a) of title 41, United  
18          States Code.

1                   **Subtitle E—Other Matters**  
2   **SEC. 861. REQUIREMENTS AND LIMITATIONS FOR SUSPEN-**  
3                   **SION AND DEBARMENT OFFICIALS OF THE**  
4                   **DEPARTMENT OF DEFENSE, THE DEPART-**  
5                   **MENT OF STATE, AND THE UNITED STATES**  
6                   **AGENCY FOR INTERNATIONAL DEVELOP-**  
7                   **MENT.**

8           (a) REQUIREMENTS.—Not later than 180 days after  
9 the date of the enactment of this Act, the head of the  
10 covered agency concerned shall ensure the following:

11           (1) There shall be not less than one suspension  
12 and debarment official—

13                   (A) in the case of the Department of De-  
14 fense, for each of the Department of the Army,  
15 the Department of the Navy, the Department of  
16 the Air Force, and the Defense Logistics Agen-  
17 cy;

18                   (B) for the Department of State; and

19                   (C) for the United States Agency for Inter-  
20 national Development.

21           (2) A suspension and debarment official under  
22 paragraph (1) may not report to or be subject to the  
23 supervision of the acquisition office or the Inspector  
24 General—

1 (A) in the case of the Department of De-  
2 fense, of either the Department of Defense or  
3 the military department or Defense Agency con-  
4 cerned; and

5 (B) in the case of the Department of State  
6 and the United States Agency for International  
7 Development, of the covered agency concerned.

8 (3) Each suspension and debarment official  
9 under paragraph (1) shall have a staff and resources  
10 adequate for the discharge of the suspension and de-  
11 barment responsibilities of such official.

12 (4) Each suspension and debarment official  
13 under paragraph (1) shall document the basis for  
14 any final decision taken pursuant to a formal refer-  
15 ral in accordance with the policies established under  
16 paragraph (5).

17 (5) Each suspension and debarment official  
18 under paragraph (1) shall, in consultation with the  
19 General Counsel of the covered agency, establish in  
20 writing policies for the consideration of the fol-  
21 lowing:

22 (A) Formal referrals of suspension and de-  
23 barment matters.

24 (B) Suspension and debarment matters  
25 that are not formally referred.

1 (b) DUTIES OF INTERAGENCY COMMITTEE ON DE-  
2 BARMENT AND SUSPENSION.—Section 873 of the Duncan  
3 Hunter National Defense Authorization Act for Fiscal  
4 Year 2009 (31 U.S.C. 6101 note) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by inserting “, in-  
7 cluding with respect to contracts in connection  
8 with contingency operations” before the semi-  
9 colon; and

10 (B) in paragraph (7)—

11 (i) in subparagraph (B), by striking  
12 “and” at the end;

13 (ii) in subparagraph (C), by striking  
14 the period at the end and inserting “;  
15 and”; and

16 (iii) by adding at the end the fol-  
17 lowing new subparagraph:

18 “(D) a summary of suspensions,  
19 debarments, and administrative agreements  
20 during the previous year.”; and

21 (2) by striking subsection (b) and inserting the  
22 following new subsections:

23 “(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—  
24 The annual report required by subsection (a)(7) shall be

1 submitted not later than January 31 of each year, begin-  
2 ning with January 31, 2014.

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘contingency operation’ has the  
5 meaning given that term in section 101(a)(13) of  
6 title 10, United States Code.

7 “(2) The term ‘Interagency Committee on De-  
8 barment and Suspension’ means the committee con-  
9 stituted under sections 4 and 5 of Executive Order  
10 No. 12549.”.

11 (c) COVERED AGENCY.—In this section, the term  
12 “covered agency” means the Department of Defense, the  
13 Department of State, and the United States Agency for  
14 International Development.

15 **SEC. 862. UNIFORM CONTRACT WRITING SYSTEM REQUIRE-**  
16 **MENTS.**

17 (a) UNIFORM STANDARDS AND CONTROLS RE-  
18 QUIRED.—Not later than 180 days after the date of the  
19 enactment of this Act, the officials specified in subsection  
20 (b) shall—

21 (1) establish uniform data standards, internal  
22 control requirements, independent verification and  
23 validation requirements, and business process rules  
24 for processing procurement requests, contracts, re-

1        ceipts, and invoices by the Department of Defense or  
2        other executive agencies, as applicable;

3            (2) establish and maintain one or more ap-  
4        proved electronic contract writing systems that con-  
5        form with the standards, requirements, and rules es-  
6        tablished pursuant to paragraph (1); and

7            (3) require the use of electronic contract writ-  
8        ing systems approved in accordance with paragraph  
9        (2) for all contracts entered into by the Department  
10       of Defense or other executive agencies, as applicable.

11       (b) COVERED OFFICIALS.—The officials specified in  
12       this subsection are the following:

13            (1) The Secretary of Defense, with respect to  
14        the Department of Defense and the military depart-  
15        ments.

16            (2) The Administrator for Federal Procurement  
17        Policy, with respect to the executive agencies other  
18        than the Department of Defense and the military  
19        departments.

20       (c) ELECTRONIC WRITING SYSTEMS FOR DEPART-  
21       MENT OF STATE AND USAID.—Notwithstanding sub-  
22       section (b)(2), the Secretary of State and the Adminis-  
23       trator of the United States Agency for International De-  
24       velopment may meet the requirements of subsection (a)(2)  
25       with respect to approved electronic contract writing sys-

1 tems for the Department of State and the United States  
2 Agency for International Development, respectively, if the  
3 Secretary and the Administrator, as the case may be, dem-  
4 onstrate to the Administrator for Federal Procurement  
5 Policy that prior investment of resources in existing con-  
6 tract writing systems will result in the most cost effective  
7 and efficient means to satisfy such requirements.

8 (d) PHASE-IN OF IMPLEMENTATION OF REQUIRE-  
9 MENT FOR APPROVED SYSTEMS.—The officials specified  
10 in subsection (b) may phase in the implementation of the  
11 requirement to use approved electronic contract writing  
12 systems in accordance with subsection (a)(3) over a period  
13 of up to five years beginning with the date of the enact-  
14 ment of this Act.

15 (e) REPORTS.—Not later than 180 days after the  
16 date of the enactment of this Act, the officials specified  
17 in subsection (b) shall each submit to the appropriate com-  
18 mittees of Congress a report on the implementation of the  
19 requirements of this section. Each report shall, at a min-  
20 imum—

21 (1) describe the standards, requirements, and  
22 rules established pursuant to subsection (a)(1);

23 (2) identify the electronic contract writing sys-  
24 tems approved pursuant to subsection (a)(2) and, if  
25 multiple systems are approved, explain why the use

1 of such multiple systems is the most efficient and ef-  
2 fective approach to meet the contract writing needs  
3 of the Federal Government; and

4 (3) provide the schedule for phasing in the use  
5 of approved electronic contract writing systems in  
6 accordance with subsections (a)(3) and (d).

7 (f) DEFINITIONS.—In this section:

8 (1) The term “appropriate committees of Con-  
9 gress” means—

10 (A) the Committee on Armed Services, the  
11 Committee on Foreign Relations, the Com-  
12 mittee on Homeland Security and Govern-  
13 mental Affairs, and the Committee on Appro-  
14 priations of the Senate; and

15 (B) the Committee on Armed Services, the  
16 Committee on Foreign Affairs, the Committee  
17 on Oversight and Government Reform, and the  
18 Committee on Appropriations of the House of  
19 Representatives.

20 (2) The term “executive agency” has the mean-  
21 ing given that term in section 133 of title 41, United  
22 States Code.

1 **SEC. 863. EXTENSION OF OTHER TRANSACTION AUTHOR-**  
2 **ITY.**

3 Section 845(i) of the National Defense Authorization  
4 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-  
5 ed by striking “September 30, 2013” and inserting “Sep-  
6 tember 30, 2018”.

7 **SEC. 864. REPORT ON ALLOWABLE COSTS OF COMPENSA-**  
8 **TION OF CONTRACTOR EMPLOYEES.**

9 (a) REPORT REQUIRED.—Not later than 120 days  
10 after the date of the enactment of this Act, the Comp-  
11 troller General of the United States shall submit to Con-  
12 gress a report on the effect of reducing the allowable costs  
13 of contractor compensation of employees to the amount  
14 payable to the President under section 102 of title 3,  
15 United States Code, or to the amount payable to the Vice  
16 President under section 104 of such title.

17 (b) MATTERS COVERED.—The report shall include,  
18 at a minimum, the following:

19 (1) An estimate of the total number of con-  
20 tractor employees whose allowable costs of com-  
21 pensation in each of fiscal years 2010, 2011, and  
22 2012 would have exceeded the amount of allowable  
23 costs under section 2324(e)(1)(P) of title 10, United  
24 States Code.

25 (2) An estimate of the total number of con-  
26 tractor employees whose allowable costs of com-

1       pensation in each of fiscal years 2010, 2011, and  
2       2012 exceeded the amount payable to the President  
3       under section 102 of title 3, United States Code.

4           (3) An estimate of the total number of con-  
5       tractor employees whose allowable costs of com-  
6       pensation in fiscal year 2012 exceeded the amount  
7       payable to the Vice President under section 104 of  
8       title 3, United States Code.

9           (4) An estimate of the total number of con-  
10      tractor employees in fiscal year 2012 that could have  
11      been characterized as falling within a narrowly tar-  
12      geted exception established by the Secretary of De-  
13      fense under section 2324(e)(1)(P) of title 10, United  
14      States Code, as a result of the amendment made by  
15      section 803(a)(2) of the National Defense Author-  
16      ization Act for Fiscal Year 2012 (Public Law 112-  
17      81; 125 Stat. 1485).

18           (5) A description of the duties and services per-  
19      formed in fiscal year 2012 by employees who were  
20      characterized by their employers as falling within a  
21      narrowly targeted exception described in paragraph  
22      (4).

23           (6) An assessment of whether the compensation  
24      amounts provided in fiscal year 2012 to employees  
25      who were characterized by their employers as falling

1 within a narrowly targeted exception described in  
2 paragraph (4) were provided in a manner consistent  
3 with private sector practice.

4 (7) An assessment of the extent to which con-  
5 tractor employees received compensation in the form  
6 of vested or unvested stock options.

7 (8) An assessment of the potential impact on  
8 the Department of Defense, contractors of the De-  
9 partment of Defense, and employees of such contrac-  
10 tors of adjusting the amount of allowable costs of  
11 contractor compensation to the amount specified in  
12 paragraph (2) or the amount specified in paragraph  
13 (3).

14 (9) Such recommendations as the Comptroller  
15 General considers appropriate.

16 **SEC. 865. REPORTS ON USE OF INDEMNIFICATION AGREE-**  
17 **MENTS.**

18 (a) IN GENERAL.—Not later than 90 days after the  
19 end of each of fiscal years 2013 through 2016, the Sec-  
20 retary of Defense shall submit to the appropriate commit-  
21 tees of Congress a report on any actions described in sub-  
22 section (b) which occurred during the preceding fiscal  
23 years.

24 (b) ACTIONS DESCRIBED.—

1           (1) IN GENERAL.—An action described in this  
2 subsection is the Secretary of Defense—

3           (A) entering into a contract that includes  
4 an indemnification provision relating to bodily  
5 injury caused by negligence or relating to  
6 wrongful death; or

7           (B) modifying an existing contract to in-  
8 clude a provision described in subparagraph (A)  
9 in a contract.

10          (2) EXCLUDED CONTRACTS.—Paragraph (1)  
11 shall not apply to any contract awarded in accord-  
12 ance with—

13           (A) section 2354 of title 10, United States  
14 Code; or

15           (B) the Comprehensive Environmental Re-  
16 sponse, Compensation, and Liability Act of  
17 1980 (42 U.S.C. 9601 et seq.).

18          (c) MATTERS INCLUDED.—For each action covered  
19 in a report under subsection (a), the report shall include—

20           (1) the name of the contractor;

21           (2) a description of the indemnification provi-  
22 sion included in the contract; and

23           (3) a justification for the contract including the  
24 indemnification provision.

1 (d) FORM.—Each report under subsection (a) shall  
2 be submitted in unclassified form, but may include a clas-  
3 sified annex.

4 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-  
5 FINED.—In this section, the term “appropriate commit-  
6 tees of Congress” means—

7 (1) the Committee on Armed Services, the  
8 Committee on the Budget, and the Committee on  
9 Appropriations of the Senate; and

10 (2) the Committee on Armed Services, the  
11 Committee on the Budget, and the Committee on  
12 Appropriations of the House of Representatives.

13 **SEC. 866. PLAN TO INCREASE NUMBER OF CONTRACTORS**  
14 **ELIGIBLE FOR CONTRACTS UNDER AIR**  
15 **FORCE NETCENTS-2 CONTRACT.**

16 (a) PLAN REQUIRED.—Not later than 180 days after  
17 the date of the enactment of this Act, the Secretary of  
18 Defense shall submit to the congressional defense commit-  
19 tees a plan to increase the number of contractors eligible  
20 to be awarded contracts under the Air Force’s Network-  
21 Centric Solutions-2 (NETCENTS-2) indefinite-delivery,  
22 indefinite-quantity (IDIQ) contract.

23 (b) CONTENT.—The plan required under subsection  
24 (a) shall include the following elements:



1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

Subtitle A—Department of Defense Management

- Sec. 901. Additional duties of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and amendments to Strategic Materials Protection Board.
- Sec. 902. Requirement for focus on urgent operational needs and rapid acquisition.
- Sec. 903. Designation of Department of Defense senior official for enterprise resource planning system data conversion.
- Sec. 904. Additional responsibilities and resources for Deputy Assistant Secretary of Defense for Developmental Test and Evaluation.
- Sec. 905. Definition and report on terms “preparation of the environment” and “operational preparation of the environment” for joint doctrine purposes.
- Sec. 906. Information for Deputy Chief Management Officer of the Department of Defense from the military departments and Defense Agencies for defense business system investment reviews.

Subtitle B—Space Activities

- Sec. 911. Reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs.
- Sec. 912. Commercial space launch cooperation.
- Sec. 913. Limitation on international agreements concerning outer space activities.
- Sec. 914. Operationally Responsive Space Program Office.
- Sec. 915. Report on overhead persistent infrared technology.
- Sec. 916. Assessment of foreign components and the space launch capability of the United States.
- Sec. 917. Report on counter space technology.

Subtitle C—Intelligence-Related Activities

- Sec. 921. Authority to provide geospatial intelligence support to certain security alliances and regional organizations.
- Sec. 922. Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University.
- Sec. 923. Review of Army Distributed Common Ground System.
- Sec. 924. Electro-optical imagery.
- Sec. 925. Defense Clandestine Service.

Subtitle D—Cyberspace-Related Matters

- Sec. 931. Implementation strategy for Joint Information Environment.
- Sec. 932. Next-generation host-based cyber security system for the Department of Defense.
- Sec. 933. Improvements in assurance of computer software procured by the Department of Defense.

- Sec. 934. Competition in connection with Department of Defense tactical data link systems.
- Sec. 935. Collection and analysis of network flow data.
- Sec. 936. Competition for large-scale software database and data analysis tools.
- Sec. 937. Software licenses of the Department of Defense.
- Sec. 938. Sense of Congress on potential security risks to Department of Defense networks.
- Sec. 939. Quarterly cyber operations briefings.
- Sec. 940. Sense of Congress on the United States Cyber Command.
- Sec. 941. Reports to Department of Defense on penetrations of networks and information systems of certain contractors.

Subtitle E—Other Matters

- Sec. 951. Advice on military requirements by Chairman of Joint Chiefs of Staff and Joint Requirements Oversight Council.
- Sec. 952. Enhancement of responsibilities of the Chairman of the Joint Chiefs of Staff regarding the national military strategy.
- Sec. 953. One-year extension of authority to waive reimbursement of costs of activities for nongovernmental personnel at Department of Defense regional centers for security studies.
- Sec. 954. National Language Service Corps.
- Sec. 955. Savings to be achieved in civilian personnel workforce and service contractor workforce of the Department of Defense.
- Sec. 956. Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship.

1    **Subtitle A—Department of Defense**  
2                                    **Management**

3    **SEC. 901. ADDITIONAL DUTIES OF DEPUTY ASSISTANT SEC-**  
4                                    **RETARY OF DEFENSE FOR MANUFACTURING**  
5                                    **AND INDUSTRIAL BASE POLICY AND AMEND-**  
6                                    **MENTS TO STRATEGIC MATERIALS PROTEC-**  
7                                    **TION BOARD.**

8           (a) RESPONSIBILITIES OF DEPUTY ASSISTANT SEC-  
9    RETARY.—Section 139c(b) of title 10, United States Code,  
10 is amended—

11                   (1) by striking paragraphs (1) through (4) and  
12                   inserting the following:

1           “(1) Providing input to strategy reviews, in-  
2           cluding quadrennial defense reviews conducted pur-  
3           suant to section 118 of this title, on matters related  
4           to—

5                     “(A) the defense industrial base; and

6                     “(B) materials critical to national security.

7           “(2) Establishing policies of the Department of  
8           Defense for developing and maintaining the defense  
9           industrial base of the United States and ensuring a  
10          secure supply of materials critical to national secu-  
11          rity.

12          “(3) Providing recommendations on budget  
13          matters pertaining to the industrial base, the supply  
14          chain, and the development and retention of skills  
15          necessary to support the industrial base.

16          “(4) Providing recommendations and acquisi-  
17          tion policy guidance on supply chain management  
18          and supply chain vulnerability throughout the entire  
19          supply chain, from suppliers of raw materials to pro-  
20          ducers of major end items.”;

21          (2) by striking paragraph (5) and redesignating  
22          paragraphs (6), (7), (8), (9), and (10) as para-  
23          graphs (5), (6), (7), (8), and (9), respectively;

24          (3) by inserting after paragraph (9), as so re-  
25          designated, the following new paragraph (10):

1           “(10) Providing policy and oversight of matters  
2 related to materials critical to national security to  
3 ensure a secure supply of such materials to the De-  
4 partment of Defense.”;

5           (4) by redesignating paragraph (15) as para-  
6 graph (18); and

7           (5) by inserting after paragraph (14) the fol-  
8 lowing new paragraphs:

9           “(15) Coordinating with the Director of Small  
10 Business Programs on all matters related to indus-  
11 trial base policy of the Department of Defense.

12           “(16) Ensuring reliable sources of materials  
13 critical to national security, such as specialty metals,  
14 armor plate, and rare earth elements.

15           “(17) Establishing policies of the Department  
16 of Defense for continued reliable resource availability  
17 from secure sources for the industrial base of the  
18 United States.”.

19           (b) MATERIALS CRITICAL TO NATIONAL SECURITY  
20 DEFINED.—Section 139c of such title is further amended  
21 by adding at the end the following new subsection:

22           “(d) MATERIALS CRITICAL TO NATIONAL SECURITY  
23 DEFINED.—In this section, the term ‘materials critical to  
24 national security’ has the meaning given that term in sec-  
25 tion 187(e)(1) of this title.”.

1 (c) AMENDMENTS TO STRATEGIC MATERIALS PRO-  
2 TECTION BOARD.—

3 (1) MEMBERSHIP.—Paragraph (2) of section  
4 187(a) of such title is amended to read as follows:

5 “(2) The Board shall be composed of the following:

6 “(A) The Deputy Assistant Secretary of De-  
7 fense for Manufacturing and Industrial Base Policy,  
8 who shall be the chairman of the Board.

9 “(B) The Administrator of the Defense Logis-  
10 tics Agency Strategic Materials, or any successor or-  
11 ganization, who shall be the vice chairman of the  
12 Board.

13 “(C) A designee of the Assistant Secretary of  
14 the Army for Acquisition, Logistics, and Technology.

15 “(D) A designee of the Assistant Secretary of  
16 the Navy for Research, Development, and Acquisi-  
17 tion.

18 “(E) A designee of the Assistant Secretary of  
19 the Air Force for Acquisition.”.

20 (2) DUTIES.—Paragraphs (3) and (4) of sec-  
21 tion 187(b) of such title are each amended by strik-  
22 ing “President” and inserting “Secretary”.

23 (3) MEETINGS.—Section 187(c) of such title is  
24 amended by striking “Secretary of Defense” and in-

1       serting “Deputy Assistant Secretary of Defense for  
2       Manufacturing and Industrial Base Policy”.

3               (4) REPORTS.—Section 187(d) of such title is  
4       amended to read as follows:

5       “(d) REPORTS.—(1) Subject to paragraph (2), after  
6       each meeting of the Board, the Board shall prepare a re-  
7       port containing the results of the meeting and such rec-  
8       ommendations as the Board determines appropriate. Each  
9       such report shall be submitted to the congressional defense  
10       committees, together with comments and recommenda-  
11       tions from the Secretary of Defense, not later than 90  
12       days after the meeting covered by the report.

13       “(2) In any year in which the Board meets more than  
14       once, each report prepared by the Board as required by  
15       paragraph (1) may be combined into one annual report  
16       and submitted as provided by paragraph (1) not later than  
17       90 days after the last meeting of the year.”.

18       **SEC. 902. REQUIREMENT FOR FOCUS ON URGENT OPER-**

19                               **ATIONAL NEEDS AND RAPID ACQUISITION.**

20       (a) DESIGNATION OF SENIOR OFFICIAL RESPON-  
21       SIBLE FOR FOCUS ON URGENT OPERATIONAL NEEDS  
22       AND RAPID ACQUISITION.—

23               (1) IN GENERAL.—The Secretary of Defense,  
24       after consultation with the Secretaries of the mili-  
25       tary departments, shall designate a senior official in

1 the Office of the Secretary of Defense as the prin-  
2 cipal official of the Department of Defense respon-  
3 sible for leading the Department's actions on urgent  
4 operational needs and rapid acquisition, in accord-  
5 ance with this section.

6 (2) STAFF AND RESOURCES.—The Secretary  
7 shall assign to the senior official designated under  
8 paragraph (1) appropriate staff and resources nec-  
9 essary to carry out the official's functions under this  
10 section.

11 (b) RESPONSIBILITIES.—The senior official des-  
12 ignated under subsection (a) shall be responsible for the  
13 following:

14 (1) Acting as an advocate within the Depart-  
15 ment of Defense for issues related to the Depart-  
16 ment's ability to rapidly respond to urgent oper-  
17 ational needs, including programs funded and car-  
18 ried out by the military departments.

19 (2) Improving visibility of urgent operational  
20 needs throughout the Department, including across  
21 the military departments, the Defense Agencies, and  
22 all other entities and processes in the Department  
23 that address urgent operational needs.

24 (3) Ensuring that tools and mechanisms are  
25 used to track, monitor, and manage the status of ur-

1       gent operational needs within the Department, from  
2       validation through procurement and fielding, includ-  
3       ing a formal feedback mechanism for the Armed  
4       Forces to provide information on how well fielded so-  
5       lutions are meeting urgent operational needs.

6       (c) **URGENT OPERATIONAL NEEDS DEFINED.**—In  
7       this section, the term “urgent operational needs” means  
8       capabilities that are determined by the Secretary of De-  
9       fense, pursuant to the review process required by section  
10      804(b) of the Ike Skelton National Defense Authorization  
11      Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be  
12      suitable for rapid fielding in response to urgent oper-  
13      ational needs.

14      **SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE**  
15                      **SENIOR OFFICIAL FOR ENTERPRISE RE-**  
16                      **SOURCE PLANNING SYSTEM DATA CONVER-**  
17                      **SION.**

18      Not later than 90 days after the date of the enact-  
19      ment of this Act, the Secretary of Defense shall—

20              (1) designate a senior official of the Depart-  
21      ment of Defense as the official with principal re-  
22      sponsibility for coordination and management over-  
23      sight of data conversion for all enterprise resource  
24      planning systems of the Department; and

1           (2) set forth the responsibilities of that senior  
2           official with respect to such data conversion.

3   **SEC. 904. ADDITIONAL RESPONSIBILITIES AND RESOURCES**  
4                   **FOR DEPUTY ASSISTANT SECRETARY OF DE-**  
5                   **FENSE FOR DEVELOPMENTAL TEST AND**  
6                   **EVALUATION.**

7           (a) DIRECT COMMUNICATION.—Section 139b(a)(3)  
8           of title 10, United States Code, is amended by striking  
9           “to the Under Secretary” before the period and inserting  
10           “to the Under Secretary. The Deputy Assistant Secretary  
11           may communicate views on matters within the responsi-  
12           bility of the Deputy Assistant Secretary directly to the  
13           Under Secretary without obtaining the approval or concur-  
14           rence of any other official within the Department of De-  
15           fense”.

16           (b) DUTIES.—Section 139b(a)(5) of such title is  
17           amended—

18           (1) in subparagraph (A)(i), by striking “in the  
19           Department of Defense” and inserting “in the mili-  
20           tary departments and other elements of the Depart-  
21           ment of Defense”;

22           (2) in subparagraph (B), by striking “review  
23           and approve” and inserting “review and approve or  
24           disapprove”;

1           (3) in subparagraph (C), by striking “pro-  
2           grams” and inserting “programs (including the ac-  
3           tivities of chief developmental testers and lead devel-  
4           opmental test evaluation organizations designated in  
5           accordance with subsection (c))”;

6           (4) in subparagraph (E), by striking “and”  
7           after the semicolon at the end; and

8           (5) by redesignating subparagraph (F) as sub-  
9           paragraph (G) and by inserting after subparagraph  
10          (E) the following new subparagraph (F):

11                   “(F) in consultation with the Assistant  
12                   Secretary of Defense for Research and Engi-  
13                   neering, assess the technological maturity and  
14                   integration risk of critical technologies at key  
15                   stages in the acquisition process; and”.

16          (c) **CONCURRENT SERVICE.**—Section 139b(a)(7) of  
17          such title is amended by striking “may” and inserting  
18          “shall”.

19          (d) **RESOURCES.**—Section 139b(a) of such title is  
20          amended by adding at the end the following new para-  
21          graph:

22                   “(8) **RESOURCES.**—

23                           “(A) The President shall include in the  
24                           budget transmitted to Congress, pursuant to  
25                           section 1105 of title 31, for each fiscal year, a

1 separate statement of estimated expenditures  
2 and proposed appropriations for the fiscal year  
3 for the activities of the Deputy Assistant Sec-  
4 retary of Defense for Developmental Test and  
5 Evaluation in carrying out the duties and re-  
6 sponsibilities of the Deputy Assistant Secretary  
7 under this section.

8 “(B) The Deputy Assistant Secretary of  
9 Defense for Developmental Test and Evaluation  
10 shall have sufficient professional staff of mili-  
11 tary and civilian personnel to enable the Deputy  
12 Assistant Secretary to carry out the duties and  
13 responsibilities prescribed by law.”.

14 (e) CONSULTATIONS RELATING TO TECHNOLOGICAL  
15 READINESS.—

16 (1) CONSULTATION ON REPORT ON CRITICAL  
17 TECHNOLOGIES.—Section 138b(b)(2) of such title is  
18 amended by striking “The Assistant Secretary shall  
19 submit” and inserting “The Assistant Secretary, in  
20 consultation with the Deputy Assistant Secretary of  
21 Defense for Developmental Test and Evaluation,  
22 shall submit”.

23 (2) CONSULTATION DURING CERTIFICATION  
24 PROCESS FOR MAJOR DEFENSE ACQUISITION PRO-  
25 GRAMS.—Section 2366b(a)(3)(D) of such title is

1 amended by striking “the Assistant Secretary of De-  
2 fense for Research and Engineering” and inserting  
3 “the Assistant Secretary of Defense for Research  
4 and Engineering, in consultation with the Deputy  
5 Assistant Secretary of Defense for Developmental  
6 Test and Evaluation”.

7 (f) DUTIES OF CHIEF DEVELOPMENTAL TESTER  
8 AND LEAD DEVELOPMENTAL TEST AND EVALUATION OR-  
9 GANIZATION.—Section 139b(c) of such title is amended—

10 (1) in paragraph (2), by striking “shall be re-  
11 sponsible for” and inserting “, consistent with poli-  
12 cies and guidance issued pursuant to subsection  
13 (a)(5)(A), shall be responsible for”;

14 (2) in paragraph (3), by striking “shall be re-  
15 sponsible for” and inserting “, consistent with poli-  
16 cies and guidance issued pursuant to subsection  
17 (a)(5)(A), shall be responsible for”; and

18 (3) by adding at the end the following new  
19 paragraph:

20 “(4) TRANSMITTAL OF RECORDS AND DATA.—  
21 The chief developmental tester and the lead develop-  
22 mental test and evaluation organization for a major  
23 defense acquisition program shall promptly transmit  
24 to the Deputy Assistant Secretary of Defense for  
25 Developmental Test and Evaluation any records or

1 data relating to the program that are requested by  
2 the Deputy Assistant Secretary, as provided in sub-  
3 section (a)(6).”.

4 (g) ANNUAL REPORT.—Section 139b(d) of such title  
5 is amended—

6 (1) in the subsection heading, by striking  
7 “JOINT”;

8 (2) by redesignating paragraphs (1), (2), (3),  
9 and (4) as subparagraphs (A), (B), (C), and (D), re-  
10 spectively, and moving each subparagraph (as so re-  
11 designated) two ems to the right;

12 (3) by striking “Not later than March 31” and  
13 inserting:

14 “(1) IN GENERAL.—Not later than March 31”;

15 (4) in the matter appearing before subpara-  
16 graph (A), as so redesignated, by striking “jointly”  
17 and inserting “each”; and

18 (5) by adding at the end the following new  
19 paragraph:

20 “(2) ADDITIONAL REQUIREMENTS FOR REPORT  
21 BY DEPUTY ASSISTANT SECRETARY OF DEFENSE  
22 FOR DEVELOPMENTAL TEST AND EVALUATION.—

23 With respect to the report required under paragraph  
24 (1) by the Deputy Assistant Secretary of Defense

1 for Developmental Test and Evaluation, the report  
2 shall include—

3 “(A) a separate section that covers the ac-  
4 tivities of the Department of Defense Test Re-  
5 source Management Center (established under  
6 section 196 of this title) during the preceding  
7 year; and

8 “(B) a separate section that addresses the  
9 adequacy of the resources available to the Dep-  
10 uty Assistant Secretary of Defense for Develop-  
11 mental Test and Evaluation and to the lead de-  
12 velopmental test and evaluation organizations of  
13 the military departments to carry out the re-  
14 sponsibilities prescribed by this section.”.

15 (h) REPORTS TO CONGRESS ON FAILURE TO COM-  
16 PLY WITH RECOMMENDATIONS.—

17 (1) REPORT REQUIRED.—Not later than 60  
18 days after the end of each fiscal year, from fiscal  
19 year 2013 through fiscal year 2018, the Under Sec-  
20 retary of Defense for Acquisition, Technology, and  
21 Logistics shall submit to the congressional defense  
22 committees a report on each case in which a major  
23 defense acquisition program, in the preceding fiscal  
24 year—

1 (A) proceeded to implement a test and  
2 evaluation master plan notwithstanding a deci-  
3 sion of the Deputy Assistant Secretary of De-  
4 fense for Developmental Test and Evaluation to  
5 disapprove the developmental test and evalua-  
6 tion plan within that plan in accordance with  
7 section 139b(a)(5)(B) of title 10, United States  
8 Code; or

9 (B) proceeded to initial operational testing  
10 and evaluation notwithstanding a determination  
11 by the Deputy Assistant Secretary of Defense  
12 for Developmental Test and Evaluation on the  
13 basis of an assessment of operational test readi-  
14 ness that the program is not ready for oper-  
15 ational testing.

16 (2) MATTERS COVERED.—

17 (A) For each program covered by para-  
18 graph (1)(A), the report shall include the fol-  
19 lowing:

20 (i) A description of the specific as-  
21 pects of the developmental test and evalua-  
22 tion plan that the Deputy Assistant Sec-  
23 retary determined to be inadequate.

24 (ii) An explanation of the reasons why  
25 the program disregarded the Deputy As-

1           sistant Secretary's recommendations with  
2           regard to those aspects of the develop-  
3           mental test and evaluation plan.

4           (iii) The steps taken to address those  
5           aspects of the developmental test and eval-  
6           uation plan and address the concerns of  
7           the Deputy Assistant Secretary.

8           (B) For each program covered by para-  
9           graph (1)(B), the report shall include the fol-  
10          lowing:

11           (i) An explanation of the reasons why  
12           the program proceeded to initial oper-  
13           ational testing and evaluation notwith-  
14           standing the findings of the assessment of  
15           operational test readiness.

16           (ii) A description of the aspects of the  
17           approved testing and evaluation master  
18           plan that had to be set aside to enable the  
19           program to proceed to initial operational  
20           testing and evaluation.

21           (iii) A description of how the program  
22           addressed the specific areas of concern  
23           raised in the assessment of operational test  
24           readiness.

1 (iv) A statement of whether initial  
2 operational testing and evaluation identi-  
3 fied any significant shortcomings in the  
4 program.

5 (3) ADDITIONAL CONGRESSIONAL NOTIFICA-  
6 TION.—Not later than 30 days after any decision to  
7 conduct developmental testing on a major defense  
8 acquisition program without an approved test and  
9 evaluation master plan in place, the Under Secretary  
10 of Defense for Acquisition, Technology, and Logis-  
11 tics shall provide to the congressional defense com-  
12 mittees a written explanation of the basis for the de-  
13 cision and a timeline for getting an approved plan  
14 in place.

15 **SEC. 905. DEFINITION AND REPORT ON TERMS “PREPARA-**  
16 **TION OF THE ENVIRONMENT” AND “OPER-**  
17 **ATIONAL PREPARATION OF THE ENVIRON-**  
18 **MENT” FOR JOINT DOCTRINE PURPOSES.**

19 (a) DEFINITIONS REQUIRED.—Not later than 90  
20 days after the date of the enactment of this Act, the Sec-  
21 retary of Defense shall define for purposes of joint doc-  
22 trine the following terms:

- 23 (1) The term “preparation of the environment”.
- 24 (2) The term “operational preparation of the  
25 environment”.

1 (b) REPORT REQUIRED.—

2 (1) IN GENERAL.—Not later than 180 days  
3 after the date of the enactment of this Act, the Sec-  
4 retary shall submit to the Committees on Armed  
5 Services of the Senate and the House of Representa-  
6 tives a report on the terms defined under subsection

7 (a). The report shall include the following:

8 (A) The definition of the term “prepara-  
9 tion of the environment” pursuant to subsection  
10 (a).

11 (B) Examples of activities meeting the def-  
12 inition of the term “preparation of the environ-  
13 ment” by special operations forces and general  
14 purpose forces.

15 (C) The definition of the term “operational  
16 preparation of the environment” pursuant to  
17 subsection (a).

18 (D) Examples of activities meeting the def-  
19 inition of the term “operational preparation of  
20 the environment” by special operations forces  
21 and general purpose forces.

22 (E) An assessment of the appropriate roles  
23 of special operations forces and general purpose  
24 forces in conducting activities meeting the defi-  
25 nition of the term “preparation of the environ-

1           ment” and the definition of the term “oper-  
2           ational preparation of the environment”.

3           (2) FORM.—The report required by paragraph  
4           (1) shall be submitted in unclassified form, but may  
5           include a classified annex.

6   **SEC. 906. INFORMATION FOR DEPUTY CHIEF MANAGEMENT**  
7                   **OFFICER OF THE DEPARTMENT OF DEFENSE**  
8                   **FROM THE MILITARY DEPARTMENTS AND DE-**  
9                   **ENSE AGENCIES FOR DEFENSE BUSINESS**  
10                  **SYSTEM INVESTMENT REVIEWS.**

11       Section 2222(g) of title 10, United States Code, is  
12 amended by adding at the end the following new para-  
13 graph:

14       “(3)(A) The investment management process re-  
15 quired by paragraph (1) shall include requirements for the  
16 military departments and the Defense Agencies to make  
17 available to the Deputy Chief Management Officer such  
18 information on covered defense business system programs  
19 and other business functions as the Deputy Chief Manage-  
20 ment Officer shall require for the review of defense busi-  
21 ness system programs under the process. Such informa-  
22 tion shall be made available to the Deputy Chief Manage-  
23 ment Officer through existing data sources or in a stand-  
24 ardized format established by the Deputy Chief Manage-  
25 ment Officer for purposes of this paragraph.”.

1           **Subtitle B—Space Activities**

2   **SEC. 911. REPORTS ON INTEGRATION OF ACQUISITION AND**  
3                   **CAPABILITY DELIVERY SCHEDULES FOR SEG-**  
4                   **MENTS OF MAJOR SATELLITE ACQUISITION**  
5                   **PROGRAMS AND FUNDING FOR SUCH PRO-**  
6                   **GRAMS.**

7           (a) IN GENERAL.—Chapter 135 of title 10, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new section:

10   **“§ 2275. Reports on integration of acquisition and ca-**  
11                   **pability delivery schedules for segments**  
12                   **of major satellite acquisition programs**  
13                   **and funding for such programs**

14           “(a) REPORTS REQUIRED.—The Under Secretary of  
15 Defense for Acquisition, Technology, and Logistics shall  
16 submit to the congressional defense committees a report  
17 on each major satellite acquisition program in accordance  
18 with subsection (d) that assesses—

19                   “(1) the integration of the schedules for the ac-  
20                   quisition and the delivery of the capabilities of the  
21                   segments for the program; and

22                   “(2) funding for the program.

23           “(b) ELEMENTS.—Each report required by sub-  
24 section (a) with respect to a major satellite acquisition  
25 program shall include the following:

1           “(1) The amount of funding approved for the  
2 program and for each segment of the program that  
3 is necessary for full operational capability of the pro-  
4 gram.

5           “(2) The dates by which the program and each  
6 segment of the program is anticipated to reach ini-  
7 tial and full operational capability.

8           “(3) A description of the intended primary ca-  
9 pabilities and key performance parameters of the  
10 program.

11           “(4) An assessment of the extent to which the  
12 schedules for the acquisition and the delivery of the  
13 capabilities of the segments for the program or any  
14 related program referred to in paragraph (1) are in-  
15 tegrated.

16           “(5) If the Under Secretary determines pursu-  
17 ant to the assessment under paragraph (4) that the  
18 program is a non-integrated program, an identifica-  
19 tion of—

20           “(A) the impact on the mission of the pro-  
21 gram of having the delivery of the segment ca-  
22 pabilities of the program more than one year  
23 apart;

24           “(B) the measures the Under Secretary is  
25 taking or is planning to take to improve the in-

1           tegration of the acquisition and delivery sched-  
2           ules of the segment capabilities; and

3           “(C) the risks and challenges that impede  
4           the ability of the Department of Defense to  
5           fully integrate those schedules.

6           “(c) CONSIDERATION BY MILESTONE DECISION AU-  
7    THORITY.—The Milestone Decision Authority shall include  
8    the report required by subsection (a) with respect to a  
9    major satellite acquisition program as part of the docu-  
10   mentation used to approve the acquisition of the program.

11          “(d) SUBMITTAL OF REPORTS.—(1) In the case of  
12   a major satellite acquisition program initiated before the  
13   date of the enactment of the National Defense Authoriza-  
14   tion Act for Fiscal Year 2013, the Under Secretary shall  
15   submit the report required by subsection (a) with respect  
16   to the program not later than one year after such date  
17   of enactment.

18          “(2) In the case of a major satellite acquisition pro-  
19   gram initiated on or after the date of the enactment of  
20   the National Defense Authorization Act for Fiscal Year  
21   2013, the Under Secretary shall submit the report re-  
22   quired by subsection (a) with respect to the program at  
23   the time of the Milestone B approval of the program.

24          “(e) NOTIFICATION TO CONGRESS OF NON-INTE-  
25   GRATED ACQUISITION AND CAPABILITY DELIVERY

1 SCHEDULES.—If, after submitting the report required by  
2 subsection (a) with respect to a major satellite acquisition  
3 program, the Under Secretary determines that the pro-  
4 gram is a non-integrated program, the Under Secretary  
5 shall, not later than 30 days after making that determina-  
6 tion, submit to the congressional defense committees a re-  
7 port—

8           “(1) notifying the committees of that deter-  
9           mination; and

10           “(2) identifying—

11                   “(A) the impact on the mission of the pro-  
12                   gram of having the delivery of the segment ca-  
13                   pabilities of the program more than one year  
14                   apart;

15                   “(B) the measures the Under Secretary is  
16                   taking or is planning to take to improve the in-  
17                   tegration of the acquisition and delivery sched-  
18                   ules of the segment capabilities; and

19                   “(C) the risks and challenges that impede  
20                   the ability of the Department of Defense to  
21                   fully integrate those schedules.

22           “(f) ANNUAL UPDATES FOR NON-INTEGRATED PRO-  
23           GRAMS.—

24                   “(1) REQUIREMENT.—For each major satellite  
25                   acquisition program that the Under Secretary has

1       determined under subsection (b)(5) or subsection (e)  
2       is a non-integrated program, the Under Secretary  
3       shall annually submit to Congress, at the same time  
4       the budget of the President for a fiscal year is sub-  
5       mitted under section 1105 of title 31, an update to  
6       the report required by subsection (a) for such pro-  
7       gram.

8           “(2) TERMINATION OF REQUIREMENT.—The  
9       requirement to submit an annual report update for  
10      a program under paragraph (1) shall terminate on  
11      the date on which the Under Secretary submits to  
12      the congressional defense committees notice that the  
13      Under Secretary has determined that such program  
14      is no longer a non-integrated program, or on the  
15      date that is five years after the date on which the  
16      initial report update required under paragraph (1) is  
17      submitted, whichever is earlier.

18           “(3) GAO REVIEW OF CERTAIN NON-INTE-  
19      GRATED PROGRAMS.—If at the time of the termi-  
20      nation of the requirement to annually update a re-  
21      port for a program under paragraph (1) the Under  
22      Secretary has not provided notice to the congress-  
23      sional defense committees that the Under Secretary  
24      has determined that the program is no longer a non-  
25      integrated program, the Comptroller General shall

1       conduct a review of such program and submit the  
2       results of such review to the congressional defense  
3       committees.

4       “(g) DEFINITIONS.—In this section:

5           “(1) SEGMENTS.—The term ‘segments’, with  
6       respect to a major satellite acquisition program, re-  
7       fers to any satellites acquired under the program  
8       and the ground equipment and user terminals nec-  
9       essary to fully exploit the capabilities provided by  
10      those satellites.

11          “(2) MAJOR SATELLITE ACQUISITION PRO-  
12      GRAM.—The term ‘major satellite acquisition pro-  
13      gram’ means a major defense acquisition program  
14      (as defined in section 2430 of this title) for the ac-  
15      quisition of a satellite.

16          “(3) MILESTONE B APPROVAL.—The term  
17      ‘Milestone B approval’ has the meaning given that  
18      term in section 2366(e)(7) of this title.

19          “(4) NON-INTEGRATED PROGRAM.—The term  
20      ‘non-integrated program’ means a program with re-  
21      spect to which the schedules for the acquisition and  
22      the delivery of the capabilities of the segments for  
23      the program, or a related program that is necessary  
24      for the operational capability of the program, pro-  
25      vide for the acquisition or the delivery of the capa-

1 bilities of at least two of the three segments for the  
2 program or related program more than one year  
3 apart.”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
5 at the beginning of chapter 135 of such title is amended  
6 by adding at the end the following new item:

“2275. Reports on integration of acquisition and capability delivery schedules  
for segments of major satellite acquisition programs and fund-  
ing for such programs.”.

7 **SEC. 912. COMMERCIAL SPACE LAUNCH COOPERATION.**

8 (a) IN GENERAL.—Chapter 135 of title 10, United  
9 States Code, as amended by section 911 of this Act, is  
10 further amended by adding at the end the following new  
11 section:

12 **“§ 2276. Commercial space launch cooperation**

13 “(a) AUTHORITY.—The Secretary of Defense may  
14 take such actions as the Secretary considers to be in the  
15 best interest of the Federal Government to—

16 “(1) maximize the use of the capacity of the  
17 space transportation infrastructure of the Depart-  
18 ment of Defense by the private sector in the United  
19 States;

20 “(2) maximize the effectiveness and efficiency  
21 of the space transportation infrastructure of the De-  
22 partment of Defense;

23 “(3) reduce the cost of services provided by the  
24 Department of Defense related to space transpor-

1           tation infrastructure at launch support facilities and  
2           space recovery support facilities;

3           “(4) encourage commercial space activities by  
4           enabling investment by covered entities in the space  
5           transportation infrastructure of the Department of  
6           Defense; and

7           “(5) foster cooperation between the Department  
8           of Defense and covered entities.

9           “(b) AUTHORITY FOR CONTRACTS AND OTHER  
10          AGREEMENTS RELATING TO SPACE TRANSPORTATION IN-  
11          FRASTRUCTURE.—The Secretary of Defense—

12           “(1) may enter into an agreement with a cov-  
13           ered entity to provide the covered entity with sup-  
14           port and services related to the space transportation  
15           infrastructure of the Department of Defense; and

16           “(2) upon the request of such covered entity,  
17           may include such support and services in the space  
18           launch and reentry range support requirements of  
19           the Department of Defense if—

20           “(A) the Secretary determines that the in-  
21           clusion of such support and services in such re-  
22           quirements—

23           “(i) is in the best interest of the Fed-  
24           eral Government;

1                   “(ii) does not interfere with the re-  
2                   quirements of the Department of Defense;  
3                   and

4                   “(iii) does not compete with the com-  
5                   mercial space activities of other covered en-  
6                   tities, unless that competition is in the na-  
7                   tional security interests of the United  
8                   States; and

9                   “(B) any commercial requirement included  
10                  in the agreement has full non-Federal funding  
11                  before the execution of the agreement.

12                 “(c) CONTRIBUTIONS.—

13                 “(1) IN GENERAL.—The Secretary of Defense  
14                 may enter into an agreement with a covered entity  
15                 on a cooperative and voluntary basis to accept con-  
16                 tributions of funds, services, and equipment to carry  
17                 out this section.

18                 “(2) USE OF CONTRIBUTIONS.—Any funds,  
19                 services, or equipment accepted by the Secretary  
20                 under this subsection—

21                 “(A) may be used only for the objectives  
22                 specified in this section in accordance with  
23                 terms of use set forth in the agreement entered  
24                 into under this subsection; and

1           “(B) shall be managed by the Secretary in  
2           accordance with regulations of the Department  
3           of Defense.

4           “(3) REQUIREMENTS WITH RESPECT TO  
5           AGREEMENTS.—An agreement entered into with a  
6           covered entity under this subsection—

7                   “(A) shall address the terms of use, owner-  
8                   ship, and disposition of the funds, services, or  
9                   equipment contributed pursuant to the agree-  
10                  ment; and

11                   “(B) shall include a provision that the cov-  
12                  ered entity will not recover the costs of its con-  
13                  tribution through any other agreement with the  
14                  United States.

15           “(d) DEFENSE COOPERATION SPACE LAUNCH AC-  
16           COUNT.—

17                   “(1) ESTABLISHMENT.—There is established in  
18                  the Treasury of the United States a special account  
19                  to be known as the ‘Defense Cooperation Space  
20                  Launch Account’.

21                   “(2) CREDITING OF FUNDS.—Funds received  
22                  by the Secretary of Defense under subsection (c)  
23                  shall be credited to the Defense Cooperation Space  
24                  Launch Account.

1           “(3) USE OF FUNDS.—Funds deposited in the  
2           Defense Cooperation Space Launch Account under  
3           paragraph (2) are authorized to be appropriated and  
4           shall be available for obligation only to the extent  
5           provided in advance in an appropriation Act for  
6           costs incurred by the Department of Defense in car-  
7           rying out subsection (b). Funds in the Account shall  
8           remain available until expended.

9           “(e) ANNUAL REPORT.—Not later than January 31  
10          of each year, the Secretary of Defense shall submit to the  
11          congressional defense committees a report on the funds,  
12          services, and equipment accepted and used by the Sec-  
13          retary under this section during the preceding fiscal year.

14          “(f) REGULATIONS.—The Secretary of Defense shall  
15          prescribe regulations to carry out this section.

16          “(g) DEFINITIONS.—In this section:

17                 “(1) COVERED ENTITY.—The term ‘covered en-  
18                 tity’ means a non-Federal entity that—

19                         “(A) is organized under the laws of the  
20                         United States or of any jurisdiction within the  
21                         United States; and

22                         “(B) is engaged in commercial space ac-  
23                         tivities.



1        representatives, and the Select Committee on Intel-  
2        ligence of the Senate a certification that such agree-  
3        ment has no legally-binding effect or basis for lim-  
4        iting the activities of the United States in outer  
5        space; and

6            (2) the Secretary of Defense, the Chairman of  
7        the Joint Chiefs of Staff, and the Director of Na-  
8        tional Intelligence shall jointly submit to the con-  
9        gressional defense committees a certification that  
10       such agreement will be equitable, enhance national  
11       security, and have no militarily significant impact on  
12       the ability of the United States to conduct military  
13       or intelligence activities in space.

14       (b) BRIEFINGS AND NOTIFICATIONS REQUIRED.—

15            (1) RESTATEMENT OF POLICY FORMULATION  
16       UNDER THE ARMS CONTROL AND DISARMAMENT ACT  
17       WITH RESPECT TO OUTER SPACE.—No action shall  
18       be taken that would obligate the United States to re-  
19       duce or limit the Armed Forces or armaments of the  
20       United States in outer space in a militarily signifi-  
21       cant manner, except pursuant to the treaty-making  
22       power of the President set forth in Article II, Sec-  
23       tion 2, Clause II of the Constitution or unless au-  
24       thorized by the enactment of further affirmative leg-  
25       islation by the Congress of the United States.

1 (2) BRIEFINGS.—

2 (A) REQUIREMENT.—The Secretary of De-  
3 fense, the Secretary of State, and the Director  
4 of National Intelligence shall jointly provide to  
5 the covered congressional committees regular,  
6 detailed updates on the negotiation of a non-le-  
7 gally binding international agreement con-  
8 cerning an International Code of Conduct for  
9 Outer Space Activities or any similar agree-  
10 ment.

11 (B) TERMINATION OF REQUIREMENT.—  
12 The requirement to provide regular briefings  
13 under subparagraph (A) shall terminate on the  
14 date on which the United States becomes a sig-  
15 natory to an agreement referred to in subpara-  
16 graph (A), or on the date on which the Presi-  
17 dent certifies to Congress that the United  
18 States is no longer negotiating an agreement  
19 referred to in subparagraph (A), whichever is  
20 earlier.

21 (3) NOTIFICATIONS.—If the United States be-  
22 comes a signatory to a non-legally binding inter-  
23 national agreement concerning an International  
24 Code of Conduct for Outer Space Activities or any  
25 similar agreement, not less than 60 days prior to

1 any action that will obligate the United States to re-  
2 duce or limit the Armed Forces or armaments or ac-  
3 tivities of the United States in outer space, the head  
4 of each Department or agency of the Federal Gov-  
5 ernment that is affected by such action shall submit  
6 to Congress notice of such action and the effect of  
7 such action on such Department or agency.

8 (4) DEFINITION.—In this subsection, the term  
9 “covered congressional committees” means—

10 (A) the Committee on Armed Services, the  
11 Committee on Foreign Affairs, and the Perma-  
12 nent Select Committee on Intelligence of the  
13 House of Representatives; and

14 (B) the Committee on Armed Services, the  
15 Committee on Foreign Relations, and the Select  
16 Committee on Intelligence of the Senate.

17 (c) REPORT ON FOREIGN COUNTER-SPACE PRO-  
18 GRAMS.—

19 (1) REPORT REQUIRED.—Chapter 135 of title  
20 10, United States Code, as amended by section 912  
21 of this Act, is further amended by adding at the end  
22 the following new section:

23 **“§ 2277. Report on foreign counter-space programs**

24 “(a) REPORT REQUIRED.—Not later than January 1  
25 of each year, the Secretary of Defense and the Director

1 of National Intelligence shall jointly submit to Congress  
2 a report on the counter-space programs of foreign coun-  
3 tries.

4 “(b) CONTENTS.—Each report required under sub-  
5 section (a) shall include—

6 “(1) an explanation of whether any foreign  
7 country has a counter-space program that could be  
8 a threat to the national security or commercial space  
9 systems of the United States; and

10 “(2) the name of each country with a counter-  
11 space program described in paragraph (1).

12 “(c) FORM.—

13 “(1) IN GENERAL.—Except as provided in para-  
14 graphs (2) and (3), each report required under sub-  
15 section (a) shall be submitted in unclassified form.

16 “(2) CLASSIFIED ANNEX.—The Secretary of  
17 Defense and the Director of National Intelligence  
18 may submit to the covered congressional committees  
19 a classified annex to a report required under sub-  
20 section (a) containing any classified information re-  
21 quired to be submitted for such report.

22 “(3) FOREIGN COUNTRY NAMES.—

23 “(A) UNCLASSIFIED FORM.—Subject to  
24 subparagraph (B), each report required under  
25 subsection (a) shall include the information re-

1           required under subsection (b)(2) in unclassified  
2           form.

3                   “(B) NATIONAL SECURITY WAIVER.—The  
4           Secretary of Defense and the Director of Na-  
5           tional Intelligence may waive the requirement  
6           under subparagraph (A) if the Secretary and  
7           the Director of National Intelligence jointly de-  
8           termine it is in the interests of national security  
9           to waive such requirement and submits to Con-  
10          gress an explanation of why the Secretary and  
11          the Director waived such requirement.

12          “(d) COVERED CONGRESSIONAL COMMITTEES DE-  
13          FINED.—In this section, the term ‘covered congressional  
14          committees’ means the Committee on Armed Services and  
15          the Permanent Select Committee on Intelligence of the  
16          House of Representatives and the Committee on Armed  
17          Services and the Select Committee on Intelligence of the  
18          Senate.”.

19                   (2) CLERICAL AMENDMENT.—The table of sec-  
20          tions at the beginning of chapter 135 of title 10,  
21          United States Code, as so amended, is further  
22          amended by adding at the end the following new  
23          item:

“2277. Report on foreign counter-space programs.”.

1 **SEC. 914. OPERATIONALLY RESPONSIVE SPACE PROGRAM**

2 **OFFICE.**

3 (a) IN GENERAL.—Subsection (a) of section 2273a  
4 of title 10, United States Code, is amended to read as  
5 follows:

6 “(a) IN GENERAL.—There is within the Air Force  
7 Space and Missile Systems Center of the Department of  
8 Defense a joint program office known as the Operationally  
9 Responsive Space Program Office (in this section referred  
10 to as the ‘Office’). The facilities of the Office may not  
11 be co-located with the headquarters facilities of the Air  
12 Force Space and Missile Systems Center.”.

13 (b) HEAD OF OFFICE.—Subsection (b) of such sec-  
14 tion is amended by striking “shall be—” and all that fol-  
15 lows and inserting “shall be the designee of the Depart-  
16 ment of Defense Executive Agent for Space. The head of  
17 the Office shall report to the Commander of the Air Force  
18 Space and Missile Systems Center.”.

19 (c) MISSION.—Subsection (c)(1) of such section is  
20 amended by striking “spacelift” and inserting “launch”.

21 (d) SENIOR ACQUISITION EXECUTIVE.—Paragraph  
22 (1) of subsection (e) of such section is amended to read  
23 as follows:

24 “(1) The Program Executive Officer for Space  
25 shall be the Acquisition Executive of the Office and

1 shall provide streamlined acquisition authorities for  
2 projects of the Office.”.

3 (e) EXECUTIVE COMMITTEE.—Such section is fur-  
4 ther amended by adding at the end the following new sub-  
5 section:

6 “(g) EXECUTIVE COMMITTEE.—(1) The Secretary of  
7 Defense shall establish for the Office an Executive Com-  
8 mittee (to be known as the ‘Operationally Responsive  
9 Space Executive Committee’) to provide coordination,  
10 oversight, and approval of projects of the Office.

11 “(2) The Executive Committee shall consist of the of-  
12 ficials (and their duties) as follows:

13 “(A) The Department of Defense Executive  
14 Agent for Space, who shall serve as Chair of the Ex-  
15 ecutive Committee and provide oversight,  
16 prioritization, coordination, and resources for the  
17 Office.

18 “(B) The Under Secretary of Defense for Ac-  
19 quisition, Technology, and Logistics, who shall pro-  
20 vide coordination and oversight of the Office and  
21 recommend funding sources for programs of the Of-  
22 fice that exceed the approved program baseline.

23 “(C) The Commander of the United States  
24 Strategic Command, who shall validate requirements  
25 for systems to be acquired by the Office and partici-



1           (2) a description of the strategy, plan, and  
2           budget for the space layer, with supporting ground  
3           architecture, including key decision points for the  
4           current and next generation overhead persistent in-  
5           frared technology with respect to missile warning,  
6           missile defense, battlespace awareness, and technical  
7           intelligence;

8           (3) an assessment of whether there are further  
9           opportunities for the Department of Defense and the  
10          intelligence community to capitalize on increased  
11          data sharing, fusion, interoperability, and exploi-  
12          tation;

13          (4) recommendations on how to better coordi-  
14          nate the efforts by the Department and the intel-  
15          ligence community to exploit overhead persistent in-  
16          frared sensor data; and

17          (5) any other relevant information that the Sec-  
18          retary considers necessary.

19          (b) **COMPTROLLER GENERAL ASSESSMENT.**—Not  
20          later than 90 days after the date on which the Secretary  
21          of Defense submits the report required under subsection  
22          (a), the Comptroller General of the United States shall  
23          submit to the congressional defense committees an assess-  
24          ment of the report required under subsection (a), includ-  
25          ing—



1 **SEC. 917. REPORT ON COUNTER SPACE TECHNOLOGY.**

2 (a) REPORT.—Not later than one year after the date  
3 of the enactment of this Act, and annually thereafter for  
4 two years, the Secretary of Defense shall submit to the  
5 congressional defense committees, the Committee on For-  
6 eign Affairs of the House of Representatives, and the  
7 Committee on Foreign Relations of the Senate a report  
8 based on all available information (including the Counter  
9 Space Technology List of the Department of State) de-  
10 scribing key space technologies that could be used, or are  
11 being sought, by a foreign country with a counter space  
12 or ballistic missile program, and should be subject to ex-  
13 port controls by the United States or an ally of the United  
14 States, as appropriate.

15 (b) FORM.—Each report required under subsection  
16 (a) shall be submitted in unclassified form, but may in-  
17 clude a classified annex.

18 **Subtitle C—Intelligence-Related**  
19 **Activities**

20 **SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTEL-**  
21 **LIGENCE SUPPORT TO CERTAIN SECURITY**  
22 **ALLIANCES AND REGIONAL ORGANIZATIONS.**

23 (a) AUTHORIZATION.—Section 443(a) of title 10,  
24 United States Code, is amended by striking “foreign coun-  
25 tries” and inserting “foreign countries, regional organiza-

1 tions with defense or security components, and security  
2 alliances of which the United States is a member”.

3 (b) CLERICAL AMENDMENTS.—

4 (1) SECTION HEADING.—The heading of section  
5 443 of title 10, United States Code, is amended by  
6 striking “**foreign countries**” and inserting  
7 “**foreign countries, regional organiza-**  
8 **tions, and security alliances**”.

9 (2) TABLE OF SECTIONS.—The table of sections  
10 at the beginning of chapter 22 of title 10, United  
11 States Code, is amended by striking the item relat-  
12 ing to section 443 and inserting the following new  
13 item:

“443. Imagery intelligence and geospatial information: support for foreign coun-  
tries, regional organizations, and security alliances.”.

14 (c) REPORTS.—

15 (1) IN GENERAL.—Not later than January 15  
16 during each of 2014 and 2015, the Director of the  
17 National Geospatial-Intelligence Agency shall submit  
18 to the appropriate congressional committees an an-  
19 nual report on the imagery intelligence or geospatial  
20 information support that the Director provided to a  
21 regional organization or security alliance under sec-  
22 tion 443(a) of title 10, United States Code, as  
23 amended by subsection (a), during the year covered  
24 by the report, including an identification of each

1 such organization or alliance and the number of  
2 times such organization or alliance received such in-  
3 telligence or support.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
5 TEES DEFINED.—In this subsection, the term “ap-  
6 propriate congressional committees” means—

7 (A) the congressional defense committees;  
8 and

9 (B) the Permanent Select Committee on  
10 Intelligence of the House of Representatives  
11 and the Select Committee on Intelligence of the  
12 Senate.

13 **SEC. 922. TECHNICAL AMENDMENTS TO REFLECT CHANGE**  
14 **IN NAME OF NATIONAL DEFENSE INTEL-**  
15 **LIGENCE COLLEGE TO NATIONAL INTEL-**  
16 **LIGENCE UNIVERSITY.**

17 (a) CONFORMING AMENDMENTS TO REFLECT NAME  
18 CHANGE.—Section 2161 of title 10, United States Code,  
19 is amended by striking “National Defense Intelligence  
20 College” each place it appears and inserting “National In-  
21 telligence University”.

22 (b) CLERICAL AMENDMENTS.—

23 (1) SECTION HEADING.—The heading of such  
24 section is amended to read as follows:

1 **“§ 2161. Degree granting authority for National Intel-**  
2 **ligence University”.**

3 (2) TABLE OF SECTIONS.—The item related to  
4 such section in the table of sections at the beginning  
5 of chapter 108 of such title is amended to read as  
6 follows:

“2161. Degree granting authority for National Intelligence University.”.

7 **SEC. 923. REVIEW OF ARMY DISTRIBUTED COMMON**  
8 **GROUND SYSTEM.**

9 (a) REVIEW.—The Secretary of the Army shall direct  
10 the Army Systems Acquisition Review Council to—

11 (1) review the Distributed Common Ground  
12 System program of the Army; and

13 (2) report the results of such review to the con-  
14 gressional defense committees not later than 180  
15 days after the date of the enactment of this Act.

16 (b) ELEMENTS.—The review required under sub-  
17 section (a) shall include—

18 (1) an assessment of the current acquisition  
19 strategy for the Distributed Common Ground Sys-  
20 tem program of the Army to determine the relevance  
21 of such program to the current and emerging needs  
22 of the Army, including evolving technology needs  
23 and architectural strategies;

24 (2) an assessment of the current technology  
25 performance to meet existing program requirements,

1 including interoperability, net-readiness, and func-  
2 tional performance for both cloud-enabled and dis-  
3 connected operations;

4 (3) an analysis of competitive procedures that  
5 allow new and emerging capabilities, including inte-  
6 gration of quick reaction capabilities, to be rapidly  
7 integrated into the architecture, including through  
8 the use of product fly-offs using standardized, Gov-  
9 ernment-provided common data sets that allow for  
10 equitable comparisons of capabilities;

11 (4) an analysis of the current technological path  
12 to ensure such path incorporates current best prac-  
13 tices from industry and is in concert with the emerg-  
14 ing needs and requirements of the Joint Information  
15 Environment;

16 (5) an assessment of such program to ensure  
17 appropriate investments in human systems integra-  
18 tion are being made to ensure interface usability;

19 (6) an assessment of such program to ensure  
20 enterprise knowledge management and training re-  
21 quirements are commensurate with the anticipated  
22 force structure of the Army for the decade following  
23 the date of the enactment of this Act; and

24 (7) recommendations for any changes that may  
25 be needed as a result of the review.

1 **SEC. 924. ELECTRO-OPTICAL IMAGERY.**

2 (a) IDENTIFICATION OF DEPARTMENT OF DEFENSE  
3 ELECTRO-OPTICAL SATELLITE IMAGERY REQUIRE-  
4 MENTS.—

5 (1) REPORT.—Not later than April 1, 2013, the  
6 Chairman of the Joint Requirements Oversight  
7 Council shall submit to the Director of the Congres-  
8 sional Budget Office a report setting forth a com-  
9 prehensive description of Department of Defense  
10 peacetime and wartime requirements for electro-opti-  
11 cal satellite imagery.

12 (2) SCOPE OF REQUIREMENTS.—The require-  
13 ments under paragraph (1) shall—

14 (A) be expressed in such terms as are nec-  
15 essary, which may include daily regional and  
16 global area coverage and number of point tar-  
17 gets, resolution, revisit rates, mean-time to ac-  
18 cess, latency, redundancy, survivability, and di-  
19 versity; and

20 (B) take into consideration all types of im-  
21 agery and collection means available.

22 (b) ASSESSMENT OF IDENTIFIED REQUIREMENTS.—

23 (1) IN GENERAL.—Not later than September  
24 15, 2013, the Director of the Congressional Budget  
25 Office shall submit to the appropriate committees of

1 Congress a report setting forth an assessment by the  
2 Director of the report required by subsection (a).

3 (2) ELEMENTS.—The assessment required by  
4 paragraph (1) shall include an assessment of the fol-  
5 lowing:

6 (A) The extent to which the requirements  
7 of the Department for electro-optical imagery  
8 from space can be satisfied by commercial com-  
9 panies using either—

10 (i) current designs; or

11 (ii) enhanced designs that could be  
12 developed at low risk.

13 (B) The estimated cost and schedule of  
14 satisfying such requirements using commercial  
15 companies.

16 (3) CONSULTATION AND OTHER RESOURCES.—  
17 In preparing the assessment required by paragraph  
18 (1), the Director shall—

19 (A) consult widely with officials of the  
20 Government, private industry, and academia;  
21 and

22 (B) make maximum use of existing studies  
23 and modeling and simulations.

24 (4) ACCESS TO INFORMATION.—The Secretary  
25 of Defense shall provide the appropriately cleared

1 staff of the Director of the Congressional Budget  
2 Office with such access to information and programs  
3 applicable to the assessment required by paragraph  
4 (1) as the Director of the Congressional Budget Of-  
5 fice shall require for the preparation of the assess-  
6 ment.

7 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
8 FINED.—In this section, the term “appropriate commit-  
9 tees of Congress” means—

10 (1) the Committees on Armed Services and Ap-  
11 propriations and the Select Committee on Intel-  
12 ligence of the Senate; and

13 (2) the Committees on Armed Services and Ap-  
14 propriations and the Permanent Select Committee  
15 on Intelligence of the House of Representatives.

16 **SEC. 925. DEFENSE CLANDESTINE SERVICE.**

17 (a) PROHIBITION ON USE OF FUNDS FOR ADDI-  
18 TIONAL PERSONNEL.—

19 (1) PROHIBITION.—Subject to paragraph (2),  
20 none of the funds authorized to be appropriated by  
21 this Act may be obligated or expended for—

22 (A) civilian personnel in the Department of  
23 Defense conducting or supporting human intel-  
24 ligence in excess of the number of such civilian  
25 personnel as of April 20, 2012; or

1 (B) positions in the Department of De-  
2 fense served by members of the Armed Forces  
3 conducting or supporting human intelligence  
4 within the Department of Defense in excess of  
5 the number of such positions as of April 20,  
6 2012.

7 (2) REDUCTION OF CIVILIAN PERSONNEL.—

8 (A) REDUCTION.—Subject to subpara-  
9 graph (B), if on the date of the enactment of  
10 this Act the number of civilian personnel in the  
11 Department of Defense conducting or sup-  
12 porting human intelligence exceeds the number  
13 of such personnel as of April 20, 2012, the Sec-  
14 retary of Defense shall, not later than 30 days  
15 after the date of the enactment of this Act, take  
16 appropriate action to promptly reduce, con-  
17 sistent with reduction-in-force procedures, the  
18 total number of such civilian personnel to the  
19 number of such civilian personnel as of April  
20 20, 2012.

21 (B) EXCEPTION.—For each civilian per-  
22 sonnel in the Department of Defense con-  
23 ducting or supporting human intelligence in ex-  
24 cess of the number of such civilian personnel as  
25 of April 20, 2012, that the Secretary considers

1           necessary to maintain after the date of the en-  
2           actment of this Act during all or part of fiscal  
3           year 2013, the Secretary shall submit to the ap-  
4           propriate committees of Congress a comprehen-  
5           sive justification for maintaining such civilian  
6           personnel, including the specific role, mission,  
7           and responsibilities of such civilian personnel  
8           and whether such civilian personnel was em-  
9           ployed in another capacity in the Department of  
10          Defense immediately prior to beginning the con-  
11          duct or support of human intelligence.

12           (C) LIMITATION.—Notwithstanding any  
13          other provision of this subsection, following the  
14          action taken by the Secretary under subpara-  
15          graph (A), the number of civilian personnel in  
16          the Department of Defense conducting or sup-  
17          porting human intelligence for fiscal year 2013  
18          shall not exceed the total of—

19                   (i) the number of such civilian per-  
20                   sonnel as of April 20, 2012; and

21                   (ii) the number of such civilian per-  
22                   sonnel for which the Secretary has sub-  
23                   mitted a justification under subparagraph  
24                   (B).

1 (b) CAPE REPORT ON COSTS.—Not later than 120  
2 days after the date of the enactment of this Act, the Direc-  
3 tor of Cost Assessment and Program Evaluation of the  
4 Department of Defense, in consultation with the Director  
5 of National Intelligence, shall submit to the appropriate  
6 committees of Congress an independent, comprehensive  
7 estimate of the costs of the Defense Clandestine Service,  
8 including an estimate of the costs over the period of the  
9 current future-years defense program and such years oc-  
10 ccurring after such period as the Director is able to reason-  
11 ably estimate.

12 (c) USDI REPORT ON DCS.—

13 (1) REPORT REQUIRED.—Not later than Feb-  
14 ruary 1, 2013, the Under Secretary of Defense for  
15 Intelligence shall submit to the appropriate commit-  
16 tees of Congress a report on the Defense Clandes-  
17 tine Service.

18 (2) ELEMENTS.—The report under paragraph  
19 (1) shall include the following:

20 (A) A detailed description of the location  
21 and schedule for current and anticipated de-  
22 ployments of case officers trained under the  
23 Field Tradecraft Course and a certification of  
24 whether each activity receiving a deployment  
25 can accommodate and support the deployment.

1 (B) A statement of the objectives for the  
2 effective management of case officers trained  
3 under the Field Tradecraft Course. Such objec-  
4 tives shall include an outline of career manage-  
5 ment tracks commencing with accession, initial  
6 training requirement, number of Defense Clan-  
7 destine Service tours requiring Field Tradecraft  
8 Course training, and objectives for management  
9 of career tracks, including promotion criteria.

10 (C) A statement of the manner in which  
11 each military department and the Defense In-  
12 telligence Agency will each achieve the objec-  
13 tives applicable under subparagraph (B).

14 (D) A copy of any memoranda of under-  
15 standing or memoranda of agreement between  
16 the Department of Defense and other depart-  
17 ments and agencies of the United States Gov-  
18 ernment, or between components of the Depart-  
19 ment of Defense, that are required to imple-  
20 ment objectives for the Defense Clandestine  
21 Service.

22 (d) DEFINITIONS.—In this section:

23 (1) APPROPRIATE COMMITTEES OF CON-  
24 GRESS.—The term “appropriate committees of Con-  
25 gress” means—

1 (A) the Committee on Armed Services, the  
2 Committee on Appropriations, and the Select  
3 Committee on Intelligence of the Senate; and

4 (B) the Committee on Armed Services, the  
5 Committee on Appropriations, and the Perma-  
6 nent Select Committee on Intelligence of the  
7 House of Representatives.

8 (2) FUTURE-YEARS DEFENSE PROGRAM.—The  
9 term “future-years defense program” means the fu-  
10 ture-years defense program under section 221 of  
11 title 10, United States Code.

## 12 **Subtitle D—Cyberspace-Related** 13 **Matters**

### 14 **SEC. 931. IMPLEMENTATION STRATEGY FOR JOINT INFOR-** 15 **MATION ENVIRONMENT.**

16 (a) IMPLEMENTATION STRATEGY.—Not later than  
17 March 31, 2013, the Secretary of Defense shall submit  
18 to the congressional defense committees a strategy for im-  
19 plementing the Joint Information Environment. Such  
20 strategy shall include—

21 (1) a description for the vision for the Joint In-  
22 formation Environment, including a roadmap for  
23 achieving such vision from the existing baseline ar-  
24 chitecture;

1           (2) an assessment of the key milestones,  
2           metrics, and resources needed to achieve such vision,  
3           including the anticipated implementation cost and  
4           lifecycle cost savings of the Joint Information Envi-  
5           ronment;

6           (3) a description of the acquisition strategy and  
7           management plan for implementing the Joint Infor-  
8           mation Environment;

9           (4) an analysis of the key technical and policy  
10          challenges that must be addressed to achieve such  
11          vision, including assignment of responsibility for ad-  
12          dressing such challenges;

13          (5) an identification of dependencies with exist-  
14          ing initiatives or programs and capability gaps not  
15          currently addressed by funded initiatives or pro-  
16          grams; and

17          (6) an assessment of the personnel challenges  
18          associated with manning, training, operating, de-  
19          fending, and fighting in the Joint Information Envi-  
20          ronment as a command and control and weapon sys-  
21          tem.

22          (b) PERSONNEL PLAN.—Not later than one year  
23          after the date of the enactment of this Act, the Secretary  
24          of Defense, in consultation with the Chairman of the Joint  
25          Chiefs of Staff, shall submit to the congressional defense

1 committees a Department-wide personnel plan for making  
2 the Joint Information Environment operational. Such per-  
3 sonnel plan shall be based on the strategy required under  
4 subsection (a) and shall include a validated Joint Staff  
5 requirement for manpower levels and the levels required  
6 for each of the military departments and combat support  
7 agencies needed for full spectrum cyber operations, includ-  
8 ing the national cyber defense mission and the operational  
9 plans of the combatant commands, for each fiscal year  
10 across the current future-years defense program.

11 **SEC. 932. NEXT-GENERATION HOST-BASED CYBER SECUR-**  
12 **RITY SYSTEM FOR THE DEPARTMENT OF DE-**  
13 **FENSE.**

14 (a) STRATEGY FOR ACQUISITION OF SYSTEM RE-  
15 QUIRED.—The Chief Information Officer of the Depart-  
16 ment of Defense shall, in consultation with the Under Sec-  
17 retary of Defense for Acquisition, Technology, and Logis-  
18 tics and the Commander of the United States Cyber Com-  
19 mand, develop a strategy to acquire next-generation host-  
20 based cyber security tools and capabilities (in this section  
21 referred to as a “next-generation system”) for the Depart-  
22 ment of Defense.

23 (b) ELEMENTS OF SYSTEM.—It is the sense of Con-  
24 gress that any next-generation system acquired under the

1 strategy required by subsection (a) should meet the fol-  
2 lowing requirements:

3 (1) To overcome problems and limitations in  
4 current capabilities, the system should not rely on  
5 techniques that—

6 (A) cannot address new or rapidly  
7 morphing threats;

8 (B) consume substantial amounts of com-  
9 munications capacity to remain current with  
10 known threats and to report current status; or

11 (C) consume substantial amounts of re-  
12 sources to store rapidly growing threat libraries.

13 (2) The system should provide an open archi-  
14 tecture-based framework for so-called “plug-and-  
15 play” integration of a variety of types of deployable  
16 tools, including appropriate commercially available  
17 applications, in addition to cyber intrusion detection  
18 tools, including tools for—

19 (A) insider threat detection;

20 (B) continuous monitoring and configura-  
21 tion management;

22 (C) remediation following infections; and

23 (D) protection techniques that do not rely  
24 on detection of the attack.



1 (b) POLICY ELEMENTS.—The baseline software as-  
2 surance policy under subsection (a) shall—

3 (1) require use of appropriate automated vul-  
4 nerability analysis tools in computer software code  
5 during the entire lifecycle of a covered system, in-  
6 cluding during development, operational testing, op-  
7 erations and sustainment phases, and retirement;

8 (2) require covered systems to identify and  
9 prioritize security vulnerabilities and, based on risk,  
10 determine appropriate remediation strategies for  
11 such security vulnerabilities;

12 (3) ensure such remediation strategies are  
13 translated into contract requirements and evaluated  
14 during source selection;

15 (4) promote best practices and standards to  
16 achieve software security, assurance, and quality;  
17 and

18 (5) support competition and allow flexibility and  
19 compatibility with current or emerging software  
20 methodologies.

21 (c) VERIFICATION OF EFFECTIVE IMPLEMENTA-  
22 TION.—The Under Secretary of Defense for Acquisition,  
23 Technology, and Logistics, in coordination with the Chief  
24 Information Officer of the Department of Defense, shall—

1           (1) collect data on implementation of the policy  
2           developed under subsection (a) and measure the ef-  
3           fectiveness of such policy, including the particular  
4           elements required under subsection (b); and

5           (2) identify and promote best practices, tools,  
6           and standards for developing and validating assured  
7           software for the Department of Defense.

8           (d) BRIEFING ON ADDITIONAL MEANS OF IMPROV-  
9           ING SOFTWARE ASSURANCE.—Not later than one year  
10          after the date of the enactment of this Act, the Under  
11          Secretary for Acquisition, Technology, and Logistics shall,  
12          in coordination with the Chief Information Officer of the  
13          Department of Defense, provide to the congressional de-  
14          fense committees a briefing on the following:

15               (1) A research and development strategy to ad-  
16               vance capabilities in software assurance and vulner-  
17               ability detection.

18               (2) The state-of-the-art of software assurance  
19               analysis and test.

20               (3) How the Department might hold contrac-  
21               tors liable for software defects or vulnerabilities.

22          (e) DEFINITIONS.—In this section:

23               (1) COVERED SYSTEM.—The term “covered sys-  
24               tem” means any Department of Defense critical in-  
25               formation, business, or weapons system that is—

1 (A) a major system, as that term is de-  
2 fined in section 2302(5) of title 10, United  
3 States Code;

4 (B) a national security system, as that  
5 term is defined in section 3542(b)(2) of title  
6 44, United States Code; or

7 (C) a Department of Defense information  
8 system categorized as Mission Assurance Cat-  
9 egory I in Department of Defense Directive  
10 8500.01E that is funded by the Department of  
11 Defense.

12 (2) SOFTWARE ASSURANCE.—The term “soft-  
13 ware assurance” means the level of confidence that  
14 software functions as intended and is free of  
15 vulnerabilities, either intentionally or unintentionally  
16 designed or inserted as part of the software,  
17 throughout the life cycle.

18 **SEC. 934. COMPETITION IN CONNECTION WITH DEPART-**  
19 **MENT OF DEFENSE TACTICAL DATA LINK**  
20 **SYSTEMS.**

21 (a) COMPETITION IN CONNECTION WITH TACTICAL  
22 DATA LINK SYSTEMS.—Not later than December 1, 2013,  
23 the Under Secretary of Defense for Acquisition, Tech-  
24 nology, and Logistics shall—

1           (1) develop an inventory of all tactical data link  
2 systems in use and in development in the Depart-  
3 ment of Defense, including interfaces and wave-  
4 forms;

5           (2) conduct an analysis of each data link sys-  
6 tem contained in the inventory under paragraph (1)  
7 to determine whether—

8                 (A) the upgrade, new deployment, or re-  
9 placement of such system should be open to  
10 competition; or

11                (B) the data link should be converted to an  
12 open architecture, or a different data link  
13 standard should be adopted to enable such com-  
14 petition;

15           (3) for each data link system for which com-  
16 petition is determined advisable under subparagraph  
17 (A) or (B) of paragraph (2), develop a plan to  
18 achieve such competition, including a plan to ad-  
19 dress any policy, legal, programmatic, or technical  
20 barriers to such competition; and

21           (4) for each data link system for which com-  
22 petition is determined not advisable under paragraph  
23 (2), prepare an explanation for such determination.

24           (b) EARLIER ACTIONS.—If the Under Secretary com-  
25 pletes any portion of the plan described in subsection

1 (a)(3) before December 1, 2013, the Secretary may com-  
2 mence action on such portion of the plan upon completion  
3 of such portion, including publication of such portion of  
4 the plan.

5 (c) REPORT.—At the same time the budget of the  
6 President for fiscal year 2015 is submitted to Congress  
7 pursuant to section 1105(a) of title 31, United States  
8 Code, the Under Secretary shall submit to the congres-  
9 sional defense committees a report on the plans described  
10 in paragraph (3) of subsection (a), including any expla-  
11 nation prepared under paragraph (4) of such subsection.

12 **SEC. 935. COLLECTION AND ANALYSIS OF NETWORK FLOW**  
13 **DATA.**

14 (a) DEVELOPMENT OF TECHNOLOGIES.—The Chief  
15 Information Officer of the Department of Defense may,  
16 in coordination with the Under Secretary of Defense for  
17 Policy and the Under Secretary of Defense for Intelligence  
18 and acting through the Director of the Defense Informa-  
19 tion Systems Agency, use the available funding and re-  
20 search activities and capabilities of the Community Data  
21 Center of the Defense Information Systems Agency to de-  
22 velop and demonstrate collection, processing, and storage  
23 technologies for network flow data that—

1           (1) are potentially scalable to the volume used  
2           by Tier 1 Internet Service Providers to collect and  
3           analyze the flow data across their networks;

4           (2) will substantially reduce the cost and com-  
5           plexity of capturing and analyzing high volumes of  
6           flow data; and

7           (3) support the capability—

8                 (A) to detect and identify cyber security  
9                 threats, networks of compromised computers,  
10                and command and control sites used for man-  
11                aging illicit cyber operations and receiving in-  
12                formation from compromised computers;

13               (B) to track illicit cyber operations for at-  
14                tribution of the source; and

15               (C) to provide early warning and attack  
16                assessment of offensive cyber operations.

17           (b) COORDINATION.—Any research and development  
18           required in the development of the technologies described  
19           in subsection (a) shall be conducted in cooperation with  
20           the heads of other appropriate departments and agencies  
21           of the Federal Government and, whenever feasible, Tier  
22           1 Internet Service Providers and other managed security  
23           service providers.

1 **SEC. 936. COMPETITION FOR LARGE-SCALE SOFTWARE**  
2 **DATABASE AND DATA ANALYSIS TOOLS.**

3 (a) ANALYSIS.—

4 (1) REQUIREMENT.—The Secretary of Defense,  
5 acting through the Chief Information Officer of the  
6 Department of Defense, shall conduct an analysis of  
7 large-scale software database tools and large-scale  
8 software data analysis tools that could be used to  
9 meet current and future Department of Defense  
10 needs for large-scale data analytics.

11 (2) ELEMENTS.—The analysis required under  
12 paragraph (1) shall include—

13 (A) an analysis of the technical require-  
14 ments and needs for large-scale software data-  
15 base and data analysis tools, including  
16 prioritization of key technical features needed  
17 by the Department of Defense; and

18 (B) an assessment of the available sources  
19 from Government and commercial sources to  
20 meet such needs, including an assessment by  
21 the Deputy Assistant Secretary of Defense for  
22 Manufacturing and Industrial Base Policy to  
23 ensure sufficiency and diversity of potential  
24 commercial sources.

25 (3) SUBMISSION.—Not later than 180 days  
26 after the date of the enactment of this Act, the

1 Chief Information Officer shall submit to the con-  
2 gressional defense committees the results of the  
3 analysis required under paragraph (1).

4 (b) COMPETITION REQUIRED.—

5 (1) IN GENERAL.—If, following the analysis re-  
6 quired under subsection (a), the Chief Information  
7 Officer of the Department of Defense identifies  
8 needs for software systems or large-scale software  
9 database or data analysis tools, the Department  
10 shall acquire such systems or such tools based on  
11 market research and using competitive procedures in  
12 accordance with applicable law and the Defense Fed-  
13 eral Acquisition Regulation Supplement.

14 (2) NOTIFICATION.—If the Chief Information  
15 Officer elects to acquire large-scale software data-  
16 base or data analysis tools using procedures other  
17 than competitive procedures, the Chief Information  
18 Officer and the Under Secretary of Defense for Ac-  
19 quisition, Technology, and Logistics shall submit a  
20 written notification to the congressional defense  
21 committees on a quarterly basis until September 30,  
22 2018, that describes the acquisition involved, the  
23 date the decision was made, and the rationale for  
24 not using competitive procedures.

1 **SEC. 937. SOFTWARE LICENSES OF THE DEPARTMENT OF**  
2 **DEFENSE.**

3 (a) **PLAN FOR INVENTORY OF LICENSES.—**

4 (1) **IN GENERAL.—**Not later than 180 days  
5 after the date of the enactment of this Act, the  
6 Chief Information Officer of the Department of the  
7 Defense shall, in consultation with the chief informa-  
8 tion officers of the military departments and the De-  
9 fense Agencies, issue a plan for the inventory of se-  
10 lected software licenses of the Department of De-  
11 fense, including a comparison of licenses purchased  
12 with licenses installed.

13 (2) **SELECTED SOFTWARE LICENSES.—**The  
14 Chief Information Officer shall determine the soft-  
15 ware licenses to be treated as selected software li-  
16 censes of the Department for purposes of this sec-  
17 tion. The licenses shall be determined so as to maxi-  
18 mize the return on investment in the inventory con-  
19 ducted pursuant to the plan required by paragraph  
20 (1).

21 (3) **PLAN ELEMENTS.—**The plan under para-  
22 graph (1) shall include the following:

23 (A) An identification and explanation of  
24 the software licenses determined by the Chief  
25 Information Officer under paragraph (2) to be  
26 selected software licenses for purposes of this

1 section, and a summary outline of the software  
2 licenses determined not to be selected software  
3 licenses for such purposes.

4 (B) Means to assess the needs of the De-  
5 partment and the components of the Depart-  
6 ment for selected software licenses during the  
7 two fiscal years following the date of the  
8 issuance of the plan.

9 (C) Means by which the Department can  
10 achieve the greatest possible economies of scale  
11 and cost savings in the procurement, use, and  
12 optimization of selected software licenses.

13 (b) PERFORMANCE PLAN.—If the Chief Information  
14 Officer determines through the inventory conducted pur-  
15 suant to the plan required by subsection (a) that the num-  
16 ber of selected software licenses of the Department and  
17 the components of the Department exceeds the needs of  
18 the Department for such software licenses, the Secretary  
19 of Defense shall implement a plan to bring the number  
20 of such software licenses into balance with the needs of  
21 the Department.

1 **SEC. 938. SENSE OF CONGRESS ON POTENTIAL SECURITY**  
2 **RISKS TO DEPARTMENT OF DEFENSE NET-**  
3 **WORKS.**

4 It is the sense of Congress that the Department of  
5 Defense—

6 (1) must ensure it maintains full visibility and  
7 adequate control of its supply chain, including sub-  
8 contractors, in order to mitigate supply chain exploi-  
9 tation; and

10 (2) needs the authority and capability to miti-  
11 gate supply chain risks to its information technology  
12 systems that fall outside the scope of National Secu-  
13 rity Systems.

14 **SEC. 939. QUARTERLY CYBER OPERATIONS BRIEFINGS.**

15 (a) BRIEFINGS.—Chapter 23 of title 10, United  
16 States Code, is amended by inserting after section 483 the  
17 following new section:

18 **“§ 484. Quarterly cyber operations briefings**

19 “The Secretary of Defense shall provide to the Com-  
20 mittees on Armed Services of the House of Representa-  
21 tives and the Senate quarterly briefings on all offensive  
22 and significant defensive military operations in cyberspace  
23 carried out by the Department of Defense during the im-  
24 mediately preceding quarter.”.

25 (b) INITIAL BRIEFING.—The first briefing required  
26 under section 484 of title 10, United States Code, as

1 added by subsection (a), shall be provided not later than  
2 March 1, 2013.

3 (c) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of chapter 23 of title 10, United States  
5 Code, is amended by inserting after the item relating to  
6 section 483 the following new item:

“484. Quarterly cyber operations briefings.”.

7 **SEC. 940. SENSE OF CONGRESS ON THE UNITED STATES**  
8 **CYBER COMMAND.**

9 It is the sense of Congress that—

10 (1) there is a serious cyber threat to the na-  
11 tional security of the United States and the need to  
12 work both offensively and defensively to protect the  
13 networks and critical infrastructure of the United  
14 States;

15 (2) it is important to have a unified command  
16 structure in the Department of Defense to direct  
17 military operations in cyberspace;

18 (3) a change in the status of the United States  
19 Cyber Command has implications for the entire De-  
20 partment and the national security of the United  
21 States, which require careful consideration;

22 (4) Congress expects to be briefed and con-  
23 sulted about any proposal to elevate the United  
24 States Cyber Command to a unified command at the

1 time when the Secretary of Defense makes such a  
2 proposal and to receive—

3 (A) a clear statement of mission of the  
4 United States Cyber Command and related  
5 legal definitions;

6 (B) an outline of the specific national secu-  
7 rity benefits of elevating the sub-unified United  
8 States Cyber Command to a unified command;

9 (C) an estimate of the cost of creating a  
10 unified United States Cyber Command and a  
11 justification of the expenditure; and

12 (D) if the Secretary considers it advisable  
13 to continue the designation of the Commander  
14 of the United States Cyber Command as also  
15 being the Director of the National Security  
16 Agency—

17 (i) an explanation of how a single in-  
18 dividual could serve as a commander of a  
19 combatant command that conducts overt,  
20 though clandestine, cyber operations under  
21 title 10, United States Code, and serve as  
22 the head of an element of the intelligence  
23 community that conducts covert cyber op-  
24 erations under the National Security Act  
25 of 1947 (50 U.S.C. 401 et seq.) in a man-

1           ner that affords deniability to the United  
2           States; and

3                   (ii) a statement of whether the Sec-  
4           retary believes it is appropriate either to  
5           appoint a line officer as the Director of the  
6           National Security Agency or to take the  
7           unprecedented step of appointing an intel-  
8           ligence officer as a unified commander;  
9           and

10           (5) appropriate policy foundations and standing  
11           rules of engagement must be in place before any de-  
12           cision to create a unified United States Cyber Com-  
13           mand.

14 **SEC. 941. REPORTS TO DEPARTMENT OF DEFENSE ON PEN-**  
15 **ETRATIONS OF NETWORKS AND INFORMA-**  
16 **TION SYSTEMS OF CERTAIN CONTRACTORS.**

17           (a) PROCEDURES FOR REPORTING PENETRA-  
18 TIONS.—The Secretary of Defense shall establish proce-  
19 dures that require each cleared defense contractor to re-  
20 port to a component of the Department of Defense des-  
21 ignated by the Secretary for purposes of such procedures  
22 when a network or information system of such contractor  
23 that meets the criteria established pursuant to subsection  
24 (b) is successfully penetrated.

1 (b) NETWORKS AND INFORMATION SYSTEMS SUB-  
2 JECT TO REPORTING.—

3 (1) CRITERIA.—The Secretary of Defense shall  
4 designate a senior official to, in consultation with  
5 the officials specified in paragraph (2), establish cri-  
6 teria for covered networks to be subject to the proce-  
7 dures for reporting system penetrations under sub-  
8 section (a).

9 (2) OFFICIALS.—The officials specified in this  
10 subsection are the following:

11 (A) The Under Secretary of Defense for  
12 Policy.

13 (B) The Under Secretary of Defense for  
14 Acquisition, Technology, and Logistics.

15 (C) The Under Secretary of Defense for  
16 Intelligence.

17 (D) The Chief Information Officer of the  
18 Department of Defense.

19 (E) The Commander of the United States  
20 Cyber Command.

21 (c) PROCEDURE REQUIREMENTS.—

22 (1) RAPID REPORTING.—The procedures estab-  
23 lished pursuant to subsection (a) shall require each  
24 cleared defense contractor to rapidly report to a  
25 component of the Department of Defense designated

1       pursuant to subsection (a) of each successful pene-  
2       tration of the network or information systems of  
3       such contractor that meet the criteria established  
4       pursuant to subsection (b). Each such report shall  
5       include the following:

6               (A) A description of the technique or  
7               method used in such penetration.

8               (B) A sample of the malicious software, if  
9               discovered and isolated by the contractor, in-  
10              volved in such penetration.

11              (C) A summary of information created by  
12              or for the Department in connection with any  
13              Department program that has been potentially  
14              compromised due to such penetration.

15              (2) ACCESS TO EQUIPMENT AND INFORMATION  
16              BY DEPARTMENT OF DEFENSE PERSONNEL.—The  
17              procedures established pursuant to subsection (a)  
18              shall—

19              (A) include mechanisms for Department of  
20              Defense personnel to, upon request, obtain ac-  
21              cess to equipment or information of a cleared  
22              defense contractor necessary to conduct forensic  
23              analysis in addition to any analysis conducted  
24              by such contractor;

1 (B) provide that a cleared defense con-  
2 tractor is only required to provide access to  
3 equipment or information as described in sub-  
4 paragraph (A) to determine whether informa-  
5 tion created by or for the Department in con-  
6 nection with any Department program was suc-  
7 cessfully exfiltrated from a network or informa-  
8 tion system of such contractor and, if so, what  
9 information was exfiltrated; and

10 (C) provide for the reasonable protection of  
11 trade secrets, commercial or financial informa-  
12 tion, and information that can be used to iden-  
13 tify a specific person.

14 (3) LIMITATION ON DISSEMINATION OF CER-  
15 TAIN INFORMATION.—The procedures established  
16 pursuant to subsection (a) shall prohibit the dissemi-  
17 nation outside the Department of Defense of infor-  
18 mation obtained or derived through such procedures  
19 that is not created by or for the Department except  
20 with the approval of the contractor providing such  
21 information.

22 (d) ISSUANCE OF PROCEDURES AND ESTABLISH-  
23 MENT OF CRITERIA.—

24 (1) IN GENERAL.—Not later than 90 days after  
25 the date of the enactment of this Act—

1 (A) the Secretary of Defense shall estab-  
2 lish the procedures required under subsection  
3 (a); and

4 (B) the senior official designated under  
5 subsection (b)(1) shall establish the criteria re-  
6 quired under such subsection.

7 (2) APPLICABILITY DATE.—The requirements  
8 of this section shall apply on the date on which the  
9 Secretary of Defense establishes the procedures re-  
10 quired under this section.

11 (e) DEFINITIONS.—In this section:

12 (1) CLEARED DEFENSE CONTRACTOR.—The  
13 term “cleared defense contractor” means a private  
14 entity granted clearance by the Department of De-  
15 fense to access, receive, or store classified informa-  
16 tion for the purpose of bidding for a contract or con-  
17 ducting activities in support of any program of the  
18 Department of Defense.

19 (2) COVERED NETWORK.—The term “covered  
20 network” means a network or information system of  
21 a cleared defense contractor that contains or proc-  
22 esses information created by or for the Department  
23 of Defense with respect to which such contractor is  
24 required to apply enhanced protection.

1                   **Subtitle E—Other Matters**

2   **SEC. 951. ADVICE ON MILITARY REQUIREMENTS BY CHAIR-**  
3                   **MAN OF JOINT CHIEFS OF STAFF AND JOINT**  
4                   **REQUIREMENTS OVERSIGHT COUNCIL.**

5           (a) AMENDMENTS RELATED TO CHAIRMAN OF JOINT  
6 CHIEFS OF STAFF.—Section 153(a)(4) of title 10, United  
7 States Code, is amended by striking subparagraph (F)  
8 and inserting the following new subparagraphs:

9                   “(F) Identifying, assessing, and approving mili-  
10 tary requirements (including existing systems and  
11 equipment) to meet the National Military Strategy.

12                   “(G) Recommending to the Secretary appro-  
13 priate trade-offs among life-cycle cost, schedule, and  
14 performance objectives, and procurement quantity  
15 objectives, to ensure that such trade-offs are made  
16 in the acquisition of materiel and equipment to sup-  
17 port the strategic and contingency plans required by  
18 this subsection in the most effective and efficient  
19 manner.”.

20           (b) AMENDMENTS RELATED TO JROC.—Section  
21 181(b) of such title is amended—

22                   (1) in paragraph (1)(C), by striking “in ensur-  
23 ing” and all that follows through “requirements”  
24 and inserting the following: “in ensuring that appro-  
25 priate trade-offs are made among life-cycle cost,

1 schedule, and performance objectives, and procure-  
2 ment quantity objectives, in the establishment and  
3 approval of military requirements”; and

4 (2) in paragraph (3), by striking “such resource  
5 level” and inserting “the total cost of such re-  
6 sources”.

7 (c) AMENDMENTS RELATED TO CHIEFS OF ARMED  
8 FORCES.—Section 2547(a) of such title is amended—

9 (1) in paragraph (1), by striking “of require-  
10 ments relating to the defense acquisition system”  
11 and inserting “of requirements for equipping the  
12 armed force concerned”;

13 (2) by redesignating paragraphs (3) and (4) as  
14 paragraphs (5) and (6), respectively; and

15 (3) by inserting after paragraph (2) the fol-  
16 lowing new paragraphs:

17 “(3) The recommendation of trade-offs among  
18 life-cycle cost, schedule, and performance objectives,  
19 and procurement quantity objectives, to ensure ac-  
20 quisition programs deliver best value in meeting the  
21 approved military requirements.

22 “(4) Termination of development or procure-  
23 ment programs for which life-cycle cost, schedule,  
24 and performance expectations are no longer con-  
25 sistent with approved military requirements and lev-

1       els of priority, or which no longer have approved  
2       military requirements.”.

3   **SEC. 952. ENHANCEMENT OF RESPONSIBILITIES OF THE**  
4                   **CHAIRMAN OF THE JOINT CHIEFS OF STAFF**  
5                   **REGARDING THE NATIONAL MILITARY**  
6                   **STRATEGY.**

7       (a) IN GENERAL.—Subsection (b) of section 153 of  
8       title 10, United States Code, is amended to read as fol-  
9       lows:

10       “(b) NATIONAL MILITARY STRATEGY.—

11               “(1) NATIONAL MILITARY STRATEGY.—(A) The  
12       Chairman shall determine each even-numbered year  
13       whether to prepare a new National Military Strategy  
14       in accordance with this subparagraph or to update  
15       a strategy previously prepared in accordance with  
16       this subsection. The Chairman shall complete prepa-  
17       ration of the National Military Strategy or update in  
18       time for transmittal to Congress pursuant to para-  
19       graph (3), including in time for inclusion of the re-  
20       port of the Secretary of Defense, if any, under para-  
21       graph (4).

22               “(B) Each National Military Strategy (or up-  
23       date) under this paragraph shall be based on a com-  
24       prehensive review conducted by the Chairman in  
25       conjunction with the other members of the Joint

1 Chiefs of Staff and the commanders of the unified  
2 and specified combatant commands.

3 “(C) Each National Military Strategy (or up-  
4 date) submitted under this paragraph shall describe  
5 how the military will achieve the objectives of the  
6 United States as articulated in—

7 “(i) the most recent National Security  
8 Strategy prescribed by the President pursuant  
9 to section 108 of the National Security Act of  
10 1947 (50 U.S.C. 404a);

11 “(ii) the most recent annual report of the  
12 Secretary of Defense submitted to the President  
13 and Congress pursuant to section 113 of this  
14 title;

15 “(iii) the most recent Quadrennial Defense  
16 Review conducted by the Secretary of Defense  
17 pursuant to section 118 of this title; and

18 “(iv) any other national security or defense  
19 strategic guidance issued by the President or  
20 the Secretary of Defense.

21 “(D) Each National Military Strategy (or up-  
22 date) submitted under this paragraph shall iden-  
23 tify—

24 “(i) the United States military objectives  
25 and the relationship of those objectives to the

1 strategic environment and to the threats re-  
2 quired to be described under subparagraph (E);

3 “(ii) the operational concepts, missions,  
4 tasks, or activities necessary to support the  
5 achievement of the objectives identified under  
6 clause (i);

7 “(iii) the fiscal, budgetary, and resource  
8 environments and conditions that, in the assess-  
9 ment of the Chairman, affect the strategy; and

10 “(iv) the assumptions made with respect to  
11 each of clauses (i) through (iii).

12 “(E) Each National Military Strategy (or up-  
13 date) submitted under this paragraph shall also in-  
14 clude a description of—

15 “(i) the strategic environment and the op-  
16 portunities and challenges that affect United  
17 States national interests and United States na-  
18 tional security;

19 “(ii) the threats, such as international, re-  
20 gional, transnational, hybrid, terrorism, cyber  
21 attack, weapons of mass destruction, asym-  
22 metric challenges, and any other categories of  
23 threats identified by the Chairman, to the  
24 United States national security;

1           “(iii) the implications of current force  
2           planning and sizing constructs for the strategy;

3           “(iv) the capacity, capabilities, and avail-  
4           ability of United States forces (including both  
5           the active and reserve components) to support  
6           the execution of missions required by the strat-  
7           egy;

8           “(v) areas in which the armed forces in-  
9           tends to engage and synchronize with other de-  
10          partments and agencies of the United States  
11          Government contributing to the execution of  
12          missions required by the strategy;

13          “(vi) areas in which the armed forces could  
14          be augmented by contributions from alliances  
15          (such as the North Atlantic Treaty Organiza-  
16          tion), international allies, or other friendly na-  
17          tions in the execution of missions required by  
18          the strategy;

19          “(vii) the requirements for operational con-  
20          tractor support to the armed forces for con-  
21          ducting security force assistance training,  
22          peacekeeping, overseas contingency operations,  
23          and other major combat operations under the  
24          strategy; and

1           “(viii) the assumptions made with respect  
2           to each of clauses (i) through (vii).

3           “(F) Each update to a National Military Strat-  
4           egy under this paragraph shall address only those  
5           parts of the most recent National Military Strategy  
6           for which the Chairman determines, on the basis of  
7           a comprehensive review conducted in conjunction  
8           with the other members of the Joint Chiefs of Staff  
9           and the commanders of the combatant commands,  
10          that a modification is needed.

11          “(2) RISK ASSESSMENT.—(A) The Chairman  
12          shall prepare each year an assessment of the risks  
13          associated with the most current National Military  
14          Strategy (or update) under paragraph (1). The risk  
15          assessment shall be known as the ‘Risk Assessment  
16          of the Chairman of the Joint Chiefs of Staff’. The  
17          Chairman shall complete preparation of the Risk As-  
18          sessment in time for transmittal to Congress pursu-  
19          ant to paragraph (3), including in time for inclusion  
20          of the report of the Secretary of Defense, if any,  
21          under paragraph (4).

22          “(B) The Risk Assessment shall do the fol-  
23          lowing:

24                 “(i) As the Chairman considers appro-  
25                 priate, update any changes to the strategic en-

1            vironment, threats, objectives, force planning  
2            and sizing constructs, assessments, and as-  
3            sumptions that informed the National Military  
4            Strategy required by this section.

5            “(ii) Identify and define the strategic risks  
6            to United States interests and the military risks  
7            in executing the missions of the National Mili-  
8            tary Strategy.

9            “(iii) Identify and define levels of risk dis-  
10           distinguishing between the concepts of probability  
11           and consequences, including an identification of  
12           what constitutes ‘significant’ risk in the judg-  
13           ment of the Chairman.

14           “(iv)(I) Identify and assess risk in the Na-  
15           tional Military Strategy by category and level  
16           and the ways in which risk might manifest  
17           itself, including how risk is projected to in-  
18           crease, decrease, or remain stable over time;  
19           and

20           “(II) for each category of risk, assess the  
21           extent to which current or future risk increases,  
22           decreases, or is stable as a result of budgetary  
23           priorities, tradeoffs, or fiscal constraints or lim-  
24           itations as currently estimated and applied in

1 the most current future-years defense program  
2 under section 221 of this title.

3 “(v) Identify and assess risk associated  
4 with the assumptions or plans of the National  
5 Military Strategy about the contributions or  
6 support of—

7 “(I) other departments and agencies  
8 of the United States Government (includ-  
9 ing their capabilities and availability);

10 “(II) alliances, allies, and other  
11 friendly nations (including their capabili-  
12 ties, availability, and interoperability); and

13 “(III) contractors.

14 “(vi) Identify and assess the critical defi-  
15 ciencies and strengths in force capabilities (in-  
16 cluding manpower, logistics, intelligence, and  
17 mobility support) identified during the prepara-  
18 tion and review of the contingency plans of each  
19 unified combatant command, and identify and  
20 assess the effect of such deficiencies and  
21 strengths for the National Military Strategy.

22 “(3) SUBMITTAL OF NATIONAL MILITARY  
23 STRATEGY AND RISK ASSESSMENT TO CONGRESS.—

24 (A) Not later than February 15 of each even-num-  
25 bered year, the Chairman shall, through the Sec-

1       retary of Defense, submit to the Committees on  
2       Armed Services of the Senate and the House of Rep-  
3       resentatives the National Military Strategy or up-  
4       date, if any, prepared under paragraph (1) in such  
5       year.

6               “(B) Not later than February 15 each year, the  
7       Chairman shall, through the Secretary of Defense,  
8       submit to the Committees on Armed Services of the  
9       Senate and the House of Representatives the Risk  
10      Assessment prepared under paragraph (2) in such  
11      year.

12              “(4) SECRETARY OF DEFENSE REPORTS TO  
13      CONGRESS.—(A) In transmitting a National Military  
14      Strategy (or update) or Risk Assessment to Con-  
15      gress pursuant to paragraph (3), the Secretary of  
16      Defense shall include in the transmittal such com-  
17      ments of the Secretary thereon, if any, as the Sec-  
18      retary considers appropriate.

19              “(B) If the Risk Assessment transmitted under  
20      paragraph (3) in a year includes an assessment that  
21      a risk or risks associated with the National Military  
22      Strategy (or update) are significant, or that critical  
23      deficiencies in force capabilities exist for a contin-  
24      gency plan described in paragraph (2)(B)(vi), the  
25      Secretary shall include in the transmittal of the Risk

1 Assessment the plan of the Secretary for mitigating  
2 such risk or deficiency. A plan for mitigating risk of  
3 deficiency under this subparagraph shall—

4 “(i) address the risk assumed in the Na-  
5 tional Military Strategy (or update) concerned,  
6 and the additional actions taken or planned to  
7 be taken to address such risk using only cur-  
8 rent technology and force structure capabilities;  
9 and

10 “(ii) specify, for each risk addressed, the  
11 extent of, and a schedule for expected mitiga-  
12 tion of, such risk, and an assessment of the po-  
13 tential for residual risk, if any, after mitiga-  
14 tion.”.

15 (b) CONFORMING AMENDMENT.—Such section is fur-  
16 ther amended by striking subsection (d).

17 **SEC. 953. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
18 **REIMBURSEMENT OF COSTS OF ACTIVITIES**  
19 **FOR NONGOVERNMENTAL PERSONNEL AT**  
20 **DEPARTMENT OF DEFENSE REGIONAL CEN-**  
21 **TERS FOR SECURITY STUDIES.**

22 Paragraph (1) of section 941(b) of the Duncan  
23 Hunter National Defense Authorization Act for Fiscal  
24 Year 2009 (Public Law 110–417; 10 U.S.C. 184 note) is

1 amended by striking “through 2012” and inserting  
2 “through 2013”.

3 **SEC. 954. NATIONAL LANGUAGE SERVICE CORPS.**

4 (a) CHARTER FOR NATIONAL LANGUAGE SERVICE  
5 CORPS.—The David L. Boren National Security Edu-  
6 cation Act of 1991 (50 U.S.C. 1901 et seq.) is amended  
7 by adding at the end the following new section:

8 **“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

9 “(a) ESTABLISHMENT.—(1) The Secretary of De-  
10 fense may establish and maintain within the Department  
11 of Defense a National Language Service Corps (in this  
12 section referred to as the ‘Corps’).

13 “(2) The purpose of the Corps is to provide a pool  
14 of nongovernmental personnel with foreign language skills  
15 who, as provided in regulations prescribed under this sec-  
16 tion, agree to provide foreign language services to the De-  
17 partment of Defense or another department or agency of  
18 the United States.

19 “(b) NATIONAL SECURITY EDUCATION BOARD.—If  
20 the Secretary establishes the Corps, the Secretary shall  
21 provide for the National Security Education Board to  
22 oversee and coordinate the activities of the Corps to such  
23 extent and in such manner as determined by the Secretary  
24 under paragraph (9) of section 803(d).

1       “(c) MEMBERSHIP.—To be eligible for membership  
2 in the Corps, a person must be a citizen of the United  
3 States authorized by law to be employed in the United  
4 States, have attained the age of 18 years, and possess  
5 such foreign language skills as the Secretary considers ap-  
6 propriate for membership in the Corps.

7       “(d) TRAINING.—The Secretary may provide mem-  
8 bers of the Corps such training as the Secretary prescribes  
9 for purposes of this section.

10       “(e) SERVICE.—Upon a determination that it is in  
11 the national interests of the United States, the Secretary  
12 shall call upon members of the Corps to provide foreign  
13 language services to the Department of Defense or an-  
14 other department or agency of the United States. If a  
15 member of the Corps is, as of the time of such determina-  
16 tion, employed by or performing under a contract for an  
17 element of another Federal agency, the Secretary shall  
18 first obtain the concurrence of the head of that agency.

19       “(f) FUNDING.—The Secretary may impose fees, in  
20 amounts up to full-cost recovery, for language services and  
21 technical assistance rendered by members of the Corps.  
22 Amounts of fees received under this section shall be cred-  
23 ited to the account of the Department providing funds for  
24 any costs incurred by the Department in connection with  
25 the Corps. Amounts so credited to such account shall be

1 merged with amounts in such account, and shall be avail-  
2 able to the same extent, and subject to the same conditions  
3 and limitations, as amounts in such account. Any amounts  
4 so credited shall remain available until expended.”.

5 (b) NATIONAL SECURITY EDUCATION BOARD MAT-  
6 TERS.—

7 (1) COMPOSITION.—Subsection (b) of section  
8 803 of such Act (50 U.S.C. 1903) is amended—

9 (A) by striking paragraph (5);

10 (B) by redesignating paragraphs (6) and  
11 (7) as paragraphs (8) and (9), respectively; and

12 (C) by inserting after paragraph (4) the  
13 following new paragraphs:

14 “(5) The Secretary of Homeland Security.

15 “(6) The Secretary of Energy.

16 “(7) The Director of National Intelligence.”.

17 (2) FUNCTIONS.—Subsection (d) of such sec-  
18 tion is amended by adding at the end the following  
19 new paragraph:

20 “(9) To the extent provided by the Secretary of  
21 Defense, oversee and coordinate the activities of the  
22 National Language Service Corps under section 813,  
23 including—

24 “(A) assessing on a periodic basis whether  
25 the Corps is addressing the needs identified by

1 the heads of departments and agencies of the  
2 Federal Government for personnel with skills in  
3 various foreign languages;

4 “(B) recommending plans for the Corps to  
5 address foreign language shortfalls and require-  
6 ments of the departments and agencies of the  
7 Federal Government;

8 “(C) recommending effective ways to in-  
9 crease public awareness of the need for foreign  
10 languages skills and career paths in the Federal  
11 Government that use those skills; and

12 “(D) overseeing the Corps efforts to work  
13 with Executive agencies and State and Local  
14 governments to respond to interagency plans  
15 and agreements to address overall foreign lan-  
16 guage shortfalls and to utilize personnel to ad-  
17 dress the various types of crises that warrant  
18 foreign language skills.”.SEC. 955. SAVINGS  
19 TO BE ACHIEVED IN CIVILIAN PER-  
20 SONNEL WORKFORCE AND SERVICE  
21 CONTRACTOR WORKFORCE OF THE DE-  
22 PARTMENT OF DEFENSE.

23 (a) REQUIRED PLAN.—

24 (1) IN GENERAL.—The Secretary of Defense  
25 shall ensure that the civilian personnel workforce

1 and service contractor workforce of the Department  
2 of Defense are appropriately sized to support and  
3 execute the National Military Strategy, taking into  
4 account military personnel and force structure levels.  
5 Not later than 90 days after the date of the enact-  
6 ment of this Act, the Secretary of Defense shall de-  
7 velop and begin to execute an efficiencies plan for  
8 the civilian personnel workforce and service con-  
9 tractor workforce of the Department of Defense.

10 (2) CONSISTENCY WITH OTHER POLICIES AND  
11 PROCEDURES.—The Secretary shall ensure the plan  
12 required under this subsection is consistent with the  
13 policies and procedures required under section 129a  
14 of title 10, United States Code, as implemented  
15 under the policies issued by the Under Secretary of  
16 Defense for Personnel and Readiness for deter-  
17 mining the most appropriate and cost-efficient mix  
18 of military, civilian, and service contractor personnel  
19 to perform the missions of the Department of De-  
20 fense.

21 (b) SAVINGS.—The plan required under subsection  
22 (a) shall achieve savings in the total funding for each  
23 workforce covered by such plan over the period from fiscal  
24 year 2012 through fiscal year 2017 that are not less, as  
25 a percentage of such funding, than the savings in funding

1 for basic military personnel pay achieved from reductions  
2 in military end strengths over the same period of time.

3 (c) EXCLUSIONS.—In developing and implementing  
4 the plan required by subsection (a) and achieving the sav-  
5 ings percentages required by subsection (b), the Secretary  
6 of Defense may exclude expenses related to the perform-  
7 ance of functions identified as core or critical to the mis-  
8 sion of the Department, consistent with the workload anal-  
9 ysis and risk assessments required by sections 129 and  
10 129a of title 10, United States Code. In making a deter-  
11 mination of core or critical functions, the Secretary shall  
12 consider at least the following:

13 (1) Civilian personnel expenses for personnel as  
14 follows:

15 (A) Personnel in Mission Critical Occupa-  
16 tions, as defined by the Civilian Human Capital  
17 Strategic Plan of the Department of Defense  
18 and the Acquisition Workforce Plan of the De-  
19 partment of Defense.

20 (B) Personnel employed at facilities pro-  
21 viding core logistics capabilities pursuant to  
22 section 2464 of title 10, United States Code.

23 (C) Personnel in the Offices of the Inspec-  
24 tors General of the Department of Defense.

1           (2) Service contractor expenses for personnel as  
2 follows:

3           (A) Personnel performing maintenance and  
4 repair of military equipment.

5           (B) Personnel providing medical services.

6           (C) Personnel performing financial audit  
7 services.

8           (3) Personnel expenses for personnel in the ci-  
9 vilian personnel workforce or service contractor  
10 workforce performing such other critical functions as  
11 may be identified by the Secretary as requiring ex-  
12 emption in the interest of the national defense.

13 (d) REPORTS.—

14           (1) INITIAL REPORT.—Not later than 120 days  
15 after the date of the enactment of this Act, the Sec-  
16 retary of Defense shall submit to the congressional  
17 defense committees a report including a comprehen-  
18 sive description of the plan required by subsection  
19 (a).

20           (2) STATUS REPORTS.—As part of the budget  
21 submitted by the President to Congress for each of  
22 fiscal years 2015 through 2018, the Secretary shall  
23 include a report describing the implementation of  
24 the plan during the prior fiscal year and any modi-  
25 fications to the plan required due to changing cir-

1       cumstances. Each such report shall include a sum-  
2       mary of the savings achieved in such prior fiscal  
3       year through reductions in the military, civilian, and  
4       service contractor personnel workforces, and the  
5       number of military, civilian, and service contractor  
6       personnel reduced. In any case in which savings fall  
7       short of the annual target, the report shall include  
8       an explanation of the reasons for such shortfall.

9               (3) EXCLUSIONS.—Each report under para-  
10       graphs (1) and (2) shall specifically identify any ex-  
11       clusion granted by the Secretary under subsection  
12       (c) in the period of time covered by the report.

13       (e) LIMITATION ON TRANSFERS OF FUNCTIONS.—  
14       The Secretary shall ensure that the savings required by  
15       this section are not achieved through unjustified transfers  
16       of functions between or among the military, civilian, and  
17       service contractor personnel workforces of the Department  
18       of Defense. Nothing in this section shall be construed to  
19       preclude the Secretary from exercising authority available  
20       to the Department under sections 129a, 2330a, 2461, and  
21       2463 of title 10, United States Code.

22       (f) SENSE OF CONGRESS.—It is the sense of Con-  
23       gress that an amount equal to 30 percent of the amount  
24       of the reductions in appropriated funds attributable to re-  
25       duced budgets for the civilian and service contractor

1 workforces of the Department by reason of the plan re-  
2 quired by subsection (a) should be made available for costs  
3 of assisting military personnel separated from the Armed  
4 Forces in the transition from military service.

5 (g) SERVICE CONTRACTOR WORKFORCE DEFINED.—  
6 In this section, the term “service contractor workforce”  
7 means contractor employees performing contract services,  
8 as defined in section 2330(c)(2) of title 10, United States  
9 Code, other than contract services that are funded out of  
10 amounts available for overseas contingency operations.

11 (h) COMPTROLLER GENERAL REVIEW AND RE-  
12 PORT.—For each fiscal year from fiscal year 2015 through  
13 fiscal year 2018, the Comptroller General of the United  
14 States shall review the status reports submitted by the  
15 Secretary as required by subsection (d)(2) to determine  
16 whether the savings required by subsection (b) are being  
17 achieved in the civilian personnel workforce and the serv-  
18 ice contractor workforce and whether the plan required  
19 under subsection (a) is being implemented consistent with  
20 sourcing and workforce management laws, including sec-  
21 tions 129, 129a, 2330a, 2461, and 2463 of title 10,  
22 United States Code. The Comptroller General shall submit  
23 a report on the findings of each review to the congressional  
24 defense committees not later than 120 days after the end  
25 of each fiscal year covered by this subsection.

1 **SEC. 956. EXPANSION OF PERSONS ELIGIBLE FOR EXPE-**  
2 **DITED FEDERAL HIRING FOLLOWING COM-**  
3 **PLETION OF NATIONAL SECURITY EDU-**  
4 **CATION PROGRAM SCHOLARSHIP.**

5 Section 802(k) of the David L. Boren National Secu-  
6 rity Education Act of 1991 (50 U.S.C. 1902(k)) is amend-  
7 ed to read as follows:

8 “(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

9 “(1) APPOINTMENT AUTHORITY.—The Sec-  
10 retary of Defense, the Secretary of Homeland Secu-  
11 rity, the Secretary of State, or the head of a Federal  
12 agency or office identified by the Secretary of De-  
13 fense under subsection (g) as having national secu-  
14 rity responsibilities—

15 “(A) may, without regard to any provision  
16 of title 5, United States Code, governing ap-  
17 pointments in the competitive service, appoint  
18 an eligible program participant—

19 “(i) to a position in the excepted serv-  
20 ice that is certified by the Secretary of De-  
21 fense under clause (i) of subsection  
22 (b)(2)(A) as contributing to the national  
23 security of the United States; or

24 “(ii) subject to clause (ii) of such sub-  
25 section, to a position in the excepted serv-

1                   ice in such Federal agency or office identi-  
2                   fied by the Secretary; and

3                   “(B) may, upon satisfactory completion of  
4                   two years of substantially continuous service by  
5                   an incumbent who was appointed to an ex-  
6                   cepted service position under the authority of  
7                   subparagraph (A), convert the appointment of  
8                   such individual, without competition, to a career  
9                   or career-conditional appointment.

10                  “(2) TREATMENT OF CERTAIN SERVICE.—In  
11                  the case of an eligible program participant described  
12                  in clause (ii) or (iii) of paragraph (3)(C) who re-  
13                  ceives an appointment under paragraph (1)(A), the  
14                  head of a Department or Federal agency or office  
15                  referred to in paragraph (1) may count any period  
16                  that the individual served in a position with the Fed-  
17                  eral Government toward satisfaction of the service  
18                  requirement under paragraph (1)(B) if that serv-  
19                  ice—

20                  “(A) in the case of an appointment under  
21                  clause (i) of paragraph (1)(A), was in a position  
22                  that is identified under clause (i) of subsection  
23                  (b)(2)(A) as contributing to the national secu-  
24                  rity of the United States; or

1           “(B) in the case of an appointment under  
2           clause (ii) of paragraph (1)(A), was in the Fed-  
3           eral agency or office in which the appointment  
4           under that clause is made.

5           “(3) ELIGIBLE PROGRAM PARTICIPANT DE-  
6           FINED.—In this subsection, the term ‘eligible pro-  
7           gram participant’ means an individual who—

8           “(A) has successfully completed an aca-  
9           demic program for which a scholarship or fel-  
10          lowship under this section was awarded;

11          “(B) has not previously been appointed to  
12          the excepted service position under paragraph  
13          (1)(A); and

14          “(C) at the time of the appointment of the  
15          individual to an excepted service position under  
16          paragraph (1)(A)—

17                 “(i) under the terms of the agreement  
18                 for such scholarship or fellowship, owes a  
19                 service commitment to a Department or  
20                 Federal agency or office referred to in  
21                 paragraph (1);

22                 “(ii) is employed by the Federal Gov-  
23                 ernment under a non-permanent appoint-  
24                 ment to a position in the excepted service

1           that has national security responsibilities;  
2           or  
3           “(iii) is a former civilian employee of  
4           the Federal Government who has less than  
5           a one-year break in service from the last  
6           period of Federal employment of such indi-  
7           vidual in a non-permanent appointment in  
8           the excepted service with national security  
9           responsibilities.”.

## 10 **TITLE X—GENERAL PROVISIONS**

### Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Budgetary effects of this Act.
- Sec. 1003. Sense of Congress on notice to Congress on unfunded priorities.
- Sec. 1004. Authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization.
- Sec. 1005. Audit readiness of Department of Defense statements of budgetary resources.
- Sec. 1006. Report on balances carried forward by the Department of Defense at the end of fiscal year 2012.
- Sec. 1007. Report on elimination and streamlining of reporting requirements, thresholds, and statutory and regulatory requirements resulting from unqualified audit opinion of Department of Defense financial statements.

### Subtitle B—Counter-Drug Activities

- Sec. 1008. Extension of the authority to establish and operate National Guard counterdrug schools.
- Sec. 1009. Biannual reports on use of funds in the Drug Interdiction and Counter-Drug Activities, Defense-wide account.
- Sec. 1010. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.
- Sec. 1011. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
- Sec. 1012. Requirement for biennial certification on provision of support for counter-drug activities to certain foreign governments.

### Subtitle C—Naval Vessels and Shipyards

- Sec. 1013. Policy relating to major combatant vessels of the strike forces of the United States Navy.

- Sec. 1014. Limitation on availability of funds for delayed annual naval vessel construction plan.
- Sec. 1015. Retirement of naval vessels.
- Sec. 1016. Termination of a Maritime Prepositioning Ship squadron.
- Sec. 1017. Sense of Congress on recapitalization for the Navy and Coast Guard.
- Sec. 1018. Notice to Congress for the review of proposals to name naval vessels.

## Subtitle D—Counterterrorism

- Sec. 1021. Extension of authority to make rewards for combating terrorism.
- Sec. 1022. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1023. Report on recidivism of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who have been transferred to foreign countries.
- Sec. 1024. Notice and report on use of naval vessels for detention of individuals captured outside Afghanistan pursuant to the Authorization for Use of Military Force.
- Sec. 1025. Notice required prior to transfer of certain individuals detained at the Detention Facility at Parwan, Afghanistan.
- Sec. 1026. Report on recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan.
- Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1028. Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.
- Sec. 1029. Rights Unaffected.

## Subtitle E—Nuclear Forces

- Sec. 1031. Nuclear weapons employment strategy of the United States.
- Sec. 1032. Progress of modernization.
- Sec. 1033. Report in the event of insufficient funding for modernization of nuclear weapons stockpile.
- Sec. 1034. Prevention of asymmetry of nuclear weapon stockpile reductions.
- Sec. 1035. Strategic delivery systems.
- Sec. 1036. Consideration of expansion of nuclear forces of other countries.
- Sec. 1037. Nonstrategic nuclear weapon reductions and extended deterrence policy.
- Sec. 1038. Unilateral change in nuclear weapons stockpile of the United States.
- Sec. 1039. Expansion of duties and responsibilities of the Nuclear Weapons Council.
- Sec. 1040. Interagency Council on the Strategic Capability of the National Laboratories.
- Sec. 1041. Cost estimates for nuclear weapons.
- Sec. 1042. Prior notification with regard to retirement of strategic delivery systems.
- Sec. 1043. Report on nuclear warheads on intercontinental ballistic missiles of the United States.
- Sec. 1044. Requirements for combined or interoperable warhead for certain missile systems.

- Sec. 1045. Reports on capability of conventional and nuclear forces against certain tunnel sites and on nuclear weapons program of the People's Republic of China.
- Sec. 1046. Report on conventional and nuclear forces in the Western Pacific region.

#### Subtitle F—Miscellaneous Authorities and Limitations

- Sec. 1051. Expansion of authority of the Secretary of the Army to loan or donate excess non-automatic service rifles for funeral and other ceremonial purposes.
- Sec. 1052. Interagency collaboration on unmanned aircraft systems.
- Sec. 1053. Authority to transfer surplus Mine-Resistant Ambush-Protected vehicles and spare parts.
- Sec. 1054. Notice to Congress of certain Department of Defense nondisclosure agreements.
- Sec. 1055. Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet.
- Sec. 1056. Authority for short-term extension of lease for aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program.
- Sec. 1057. Rule of construction relating to prohibition on infringing on the individual right to lawfully acquire, possess, own, carry, and otherwise use privately owned firearms, ammunition, and other weapons.
- Sec. 1058. Sense of Congress on the Joint Warfighting Analysis Center.
- Sec. 1059. Limitations on retirement of fixed-wing intra-theater airlift aircraft for general support and time sensitive/mission critical direct support airlift missions of the Department of Defense.

#### Subtitle G—Studies and Reports

- Sec. 1061. Electronic warfare strategy of the Department of Defense.
- Sec. 1062. Report on counterproliferation capabilities and limitations.
- Sec. 1063. Report on strategic airlift aircraft.
- Sec. 1064. Repeal of biennial report on the Global Positioning System.
- Sec. 1065. Improvements to reports required on acquisition of technology relating to weapons of mass destruction and the threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles.
- Sec. 1066. Report on force structure of the United States Army.
- Sec. 1067. Report on planned efficiency initiatives at Space and Naval Warfare Systems Command.
- Sec. 1068. Report on military resources necessary to execute United States Force Posture Strategy in the Asia Pacific Region.
- Sec. 1069. Rialto-Colton Basin, California, water resources study.
- Sec. 1070. Reports on the potential security threat posed by Boko Haram.
- Sec. 1071. Study on the ability of national test and evaluation capabilities to support the maturation of hypersonic technologies for future defense systems development.

#### Subtitle H—Other Matters

- Sec. 1076. Technical and clerical amendments.
- Sec. 1077. Sense of Congress on recognizing Air Mobility Command on its 20th anniversary.

- Sec. 1078. Dissemination abroad of information about the United States.
- Sec. 1079. Coordination for computer network operations.
- Sec. 1080. Sense of Congress regarding unauthorized disclosures of classified information.
- Sec. 1081. Technical amendments to repeal statutory references to United States Joint Forces Command.
- Sec. 1082. Sense of Congress on non-United States citizens who are graduates of United States educational institutions with advanced degrees in science, technology, engineering, and mathematics.
- Sec. 1083. Scientific framework for recalcitrant cancers.
- Sec. 1084. Protection of veterans' memorials.
- Sec. 1085. Sense of Congress regarding spectrum.
- Sec. 1086. Public Safety Officers' Benefits Program.
- Sec. 1087. Removal of action.
- Sec. 1088. Transport for female genital mutilation.
- Sec. 1089. Amendments to law enforcement officer safety provisions of title 18.
- Sec. 1090. Reauthorization of sale of aircraft and parts for wildfire suppression purposes.
- Sec. 1091. Transfer of excess aircraft to other departments of the Federal Government.

## 1       **Subtitle A—Financial Matters**

### 2       **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

#### 3       (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

4               (1) AUTHORITY.—Upon determination by the  
5       Secretary of Defense that such action is necessary in  
6       the national interest, the Secretary may transfer  
7       amounts of authorizations made available to the De-  
8       partment of Defense in this division for fiscal year  
9       2013 between any such authorizations for that fiscal  
10      year (or any subdivisions thereof). Amounts of au-  
11      thorizations so transferred shall be merged with and  
12      be available for the same purposes as the authoriza-  
13      tion to which transferred.

14              (2) LIMITATION.—Except as provided in para-  
15      graph (3), the total amount of authorizations that

1 the Secretary may transfer under the authority of  
2 this section may not exceed \$4,000,000,000.

3 (3) EXCEPTION FOR TRANSFERS BETWEEN  
4 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-  
5 fer of funds between military personnel authoriza-  
6 tions under title IV shall not be counted toward the  
7 dollar limitation in paragraph (2).

8 (b) LIMITATIONS.—The authority provided by sub-  
9 section (a) to transfer authorizations—

10 (1) may only be used to provide authority for  
11 items that have a higher priority than the items  
12 from which authority is transferred; and

13 (2) may not be used to provide authority for an  
14 item that has been denied authorization by Con-  
15 gress.

16 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
17 transfer made from one account to another under the au-  
18 thority of this section shall be deemed to increase the  
19 amount authorized for the account to which the amount  
20 is transferred by an amount equal to the amount trans-  
21 ferred.

22 (d) NOTICE TO CONGRESS.—The Secretary shall  
23 promptly notify Congress of each transfer made under  
24 subsection (a).

1 **SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.**

2 The budgetary effects of this Act, for the purposes  
3 of complying with the Statutory Pay-As-You-Go Act of  
4 2010, shall be determined by reference to the latest state-  
5 ment titled “Budgetary Effects of PAYGO Legislation”  
6 for this Act, jointly submitted for printing in the Congres-  
7 sional Record by the Chairmen of the House and Senate  
8 Budget Committees, provided that such statement has  
9 been submitted prior to the vote on passage in the House  
10 acting first on the conference report or amendment be-  
11 tween the Houses.

12 **SEC. 1003. SENSE OF CONGRESS ON NOTICE TO CONGRESS**  
13 **ON UNFUNDED PRIORITIES.**

14 It is the sense of Congress that—

15 (1) not later than 45 days after the submittal  
16 to Congress of the budget for a fiscal year under  
17 section 1105(a) of title 31, United States Code, each  
18 officer specified in paragraph (2) should, through  
19 the Chairman of the Joint Chiefs of Staff and the  
20 Secretary of Defense, submit to the congressional  
21 defense committees a list of any priority military  
22 programs or activities under the jurisdiction of such  
23 officer for which, in the estimate of such officer ad-  
24 ditional funds, if available, would substantially re-  
25 duce operational or programmatic risk or accelerate

1 the creation or fielding of a critical military capa-  
2 bility;

3 (2) the officers specified in this paragraph  
4 are—

5 (A) the Chief of Staff of the Army;

6 (B) the Chief of Naval Operations;

7 (C) the Chief of Staff of the Air Force;

8 (D) the Commandant of the Marine Corps;

9 and

10 (E) the Commander of the United States  
11 Special Operations Command; and

12 (3) each list, if any, under paragraph (1)  
13 should set forth for each military program or activ-  
14 ity on such list—

15 (A) a description of such program or activ-  
16 ity;

17 (B) a summary description of the justifica-  
18 tion for or objectives of additional funds, if  
19 available for such program or activity; and

20 (C) the additional amount of funds rec-  
21 ommended in connection with the justification  
22 or objectives described for such program or ac-  
23 tivity under subparagraph (B).

1 **SEC. 1004. AUTHORITY TO TRANSFER FUNDS TO THE NA-**  
2 **TIONAL NUCLEAR SECURITY ADMINISTRA-**  
3 **TION TO SUSTAIN NUCLEAR WEAPONS MOD-**  
4 **ERNIZATION.**

5 (a) **TRANSFER AUTHORIZED.**—If the amount author-  
6 ized to be appropriated for the weapons activities of the  
7 National Nuclear Security Administration for fiscal year  
8 2013 in section 3101 is less than \$7,900,000,000 (the  
9 amount projected to be required for such activities in fiscal  
10 year 2013 as specified in the report under section 1251  
11 of the National Defense Authorization Act for Fiscal Year  
12 2010 (Public Law 111–84; 123 Stat. 2549)), the Sec-  
13 retary of Defense may transfer, from amounts authorized  
14 to be appropriated for the Department of Defense for fis-  
15 cal year 2013 pursuant to this Act, to the Secretary of  
16 Energy an amount, not to exceed \$150,000,000, to be  
17 available only for weapons activities of the National Nu-  
18 clear Security Administration.

19 (b) **NOTICE TO CONGRESS.**—In the event of a trans-  
20 fer under subsection (a), the Secretary of Defense shall  
21 promptly notify Congress of the transfer, and shall include  
22 in such notice the Department of Defense account or ac-  
23 counts from which funds are transferred.

24 (c) **TRANSFER MECHANISM.**—Any funds transferred  
25 under this section shall be transferred in accordance with

1 established procedures for reprogramming under section  
2 1001 or successor provisions of law.

3 (d) CONSTRUCTION OF AUTHORITY.—The transfer  
4 authority provided under subsection (a) is in addition to  
5 any other transfer authority provided under this Act.

6 **SEC. 1005. AUDIT READINESS OF DEPARTMENT OF DE-**  
7 **FENSE STATEMENTS OF BUDGETARY RE-**  
8 **SOURCES.**

9 (a) OBJECTIVE.—Section 1003(a)(2)(A)(ii) of the  
10 National Defense Authorization Act for Fiscal Year 2010  
11 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222  
12 note) is amended by inserting “, and the statement of  
13 budgetary resources of the Department of Defense is vali-  
14 dated as ready for audit by not later than September 30,  
15 2014” after “September 30, 2017”.

16 (b) AFFORDABLE AND SUSTAINABLE APPROACH.—

17 (1) IN GENERAL.—The Chief Management Offi-  
18 cer of the Department of Defense and the Chief  
19 Management Officers of each of the military depart-  
20 ments shall ensure that plans to achieve an  
21 auditable statement of budgetary resources of the  
22 Department of Defense by September 30, 2014, in-  
23 clude appropriate steps to minimize one-time fixes  
24 and manual work-arounds, are sustainable and af-

1       fordable, and will not delay full auditability of finan-  
2       cial statements.

3               (2) ADDITIONAL ELEMENTS IN FIAR PLAN RE-  
4       PORT.—Each semi-annual report on the Financial  
5       Improvement and Audit Readiness Plan of the De-  
6       partment of Defense submitted by the Under Sec-  
7       retary of Defense (Comptroller) under section  
8       1003(b) of the National Defense Authorization Act  
9       for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
10       2439; 10 U.S.C. 2222 note) during the period begin-  
11       ning on the date of the enactment of this Act and  
12       ending on September 30, 2014, shall include the fol-  
13       lowing:

14               (A) A description of the actions taken by  
15       the military departments pursuant to paragraph  
16       (1).

17               (B) A determination by the Chief Manage-  
18       ment Officer of each military department  
19       whether or not such military department is able  
20       to achieve an auditable statement of budgetary  
21       resources by September 30, 2014, without an  
22       unaffordable or unsustainable level of one-time  
23       fixes and manual work-arounds and without de-  
24       laying the full auditability of the financial state-  
25       ments of such military department.

1 (C) If the Chief Management Officer of a  
2 military department determines under subpara-  
3 graph (B) that the military department is not  
4 able to achieve an auditable statement of budg-  
5 etary resources by September 30, 2014, as de-  
6 scribed in that subparagraph—

7 (i) an explanation why the military  
8 department is unable to meet the deadline;

9 (ii) an alternative deadline by which  
10 the military department will achieve an  
11 auditable statement of budgetary re-  
12 sources; and

13 (iii) a description of the plan of the  
14 military department for meeting the alter-  
15 native deadline.

16 **SEC. 1006. REPORT ON BALANCES CARRIED FORWARD BY**  
17 **THE DEPARTMENT OF DEFENSE AT THE END**  
18 **OF FISCAL YEAR 2012.**

19 Not later than 180 days after the date of the enact-  
20 ment of this Act, the Secretary of Defense shall submit  
21 to Congress, and publish on the Internet website of the  
22 Department of Defense available to the public, the fol-  
23 lowing:

1           (1) The total dollar amount of all balances car-  
2           ried forward by the Department of Defense at the  
3           end of fiscal year 2012 by account.

4           (2) The total dollar amount of all unobligated  
5           balances carried forward by the Department of De-  
6           fense at the end of fiscal year 2012 by account.

7           (3) The total dollar amount of any balances  
8           (both obligated and unobligated) that have been car-  
9           ried forward by the Department of Defense for five  
10          years or more as of the end of fiscal year 2012 by  
11          account.

12 **SEC. 1007. REPORT ON ELIMINATION AND STREAMLINING**  
13                   **OF REPORTING REQUIREMENTS, THRESH-**  
14                   **OLDS, AND STATUTORY AND REGULATORY**  
15                   **REQUIREMENTS RESULTING FROM UNQUALI-**  
16                   **FIED AUDIT OPINION OF DEPARTMENT OF**  
17                   **DEFENSE FINANCIAL STATEMENTS.**

18          Not later than 180 days after the date of the enact-  
19          ment of this Act, the Under Secretary of Defense (Comp-  
20          troller) shall submit to the congressional defense commit-  
21          tees a report setting forth, in the opinion of the Under  
22          Secretary, the following:

23           (1) A list of reports currently required by law  
24           to be submitted by the Department of Defense to  
25           Congress that would be no longer necessary if the fi-

1 nancial statements of the Department of Defense  
2 were audited with an unqualified opinion.

3 (2) A list of each statutory and regulatory re-  
4 quirement that would be no longer necessary if the  
5 financial statements of the Department of defense  
6 were audited with an unqualified opinion.

7 (3) A list of each statutory and regulatory re-  
8 quirement that could be revised and streamlined if  
9 the financial statement of the Department of De-  
10 fense were audited with an unqualified opinion.

## 11 **Subtitle B—Counter-Drug** 12 **Activities**

### 13 **SEC. 1008. EXTENSION OF THE AUTHORITY TO ESTABLISH** 14 **AND OPERATE NATIONAL GUARD** 15 **COUNTERDRUG SCHOOLS.**

16 Section 901 of the Office of National Drug Control  
17 Policy Reauthorization Act of 2006 (Public Law 109–469;  
18 120 Stat. 3536; 32 U.S.C. 112 note) is amended—

19 (1) in subsection (c)—

20 (A) by striking paragraph (1) and redesign-  
21 ating paragraphs (2) through (5) as para-  
22 graphs (1) through (4), respectively; and

23 (B) by adding at the end the following new  
24 paragraph:

1           “(5) The Western Regional Counterdrug Train-  
2           ing Center, Camp Murray, Washington.”;

3           (2) by striking subsection (f) and inserting the  
4           following new subsection (f):

5           “(f) ANNUAL REPORT ON ACTIVITIES.—Not later  
6           than February 1 each year, the Secretary of Defense shall  
7           submit to Congress a report on the activities of the Na-  
8           tional Guard counterdrug schools during the preceding  
9           year. Each such report shall set forth a description of the  
10          activities of each National Guard counterdrug school for  
11          the fiscal year preceding the fiscal year during which the  
12          report is submitted, including—

13           “(1) the amount of funding made available and  
14           the appropriation account for each National Guard  
15           counterdrug school during such fiscal year;

16           “(2) the cumulative amount of funding made  
17           available for each National Guard counterdrug  
18           school during five fiscal years preceding such fiscal  
19           year;

20           “(3) a description of the curriculum and train-  
21           ing used at each National Guard counterdrug school;

22           “(4) a description of how the activities con-  
23           ducted at each National Guard counterdrug school  
24           fulfilled Department of Defense counterdrug mis-  
25           sion;

1           “(5) a list of the entities described in subsection  
2           (b) whose personnel received training at each Na-  
3           tional Guard counterdrug school; and

4           “(6) updates, if any, to the Department of De-  
5           fense regulations prescribed under subsection (a).”;  
6           and

7           (3) in subsection (g)—

8                   (A) in paragraph (1), by striking “There is  
9                   hereby authorized” and all that follows through  
10                   “such fiscal year” and inserting the following:  
11                   “Not more than \$30,000,000 may be expended  
12                   by the Secretary of Defense for purposes of the  
13                   National Guard counterdrug schools in any fis-  
14                   cal year”; and

15                   (B) in paragraph (2), by striking “amount  
16                   authorized to be appropriated by paragraph  
17                   (1)” and inserting “amount expended pursuant  
18                   to paragraph (1)”.

19   **SEC. 1009. BIENNIAL REPORTS ON USE OF FUNDS IN THE**  
20                   **DRUG INTERDICTION AND COUNTER-DRUG**  
21                   **ACTIVITIES, DEFENSE-WIDE ACCOUNT.**

22           (a) BIENNIAL REPORTS ON EXPENDITURES OF  
23   FUNDS.—Not later than 60 days after the end of the first  
24   half of a fiscal year and after the end of the second half  
25   of a fiscal year, the Secretary of Defense shall submit to

1 the congressional defense committees a report setting  
2 forth a description of the expenditure of funds, by project  
3 code, from the Drug Interdiction and Counter-Drug Ac-  
4 tivities, Defense-wide account during such half of the fis-  
5 cal year, including expenditures of funds in direct or indi-  
6 rect support of the counter-drug activities of foreign gov-  
7 ernments.

8 (b) INFORMATION ON SUPPORT OF COUNTER-DRUG  
9 ACTIVITIES OF FOREIGN GOVERNMENTS.—The informa-  
10 tion in a report under subsection (a) on direct or indirect  
11 support of the counter-drug activities of foreign govern-  
12 ments shall include, for each foreign government so sup-  
13 ported, the following:

14 (1) The total amount of assistance provided to,  
15 or expended on behalf of, the foreign government.

16 (2) A description of the types of counter-drug  
17 activities conducted using the assistance.

18 (3) An explanation of the legal authority under  
19 which the assistance was provided.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “first half of a fiscal year” means  
22 the period beginning on October 1 of any year and  
23 ending on March 31 of the following year.

1           (2) The term “second half of a fiscal year”  
2           means the period beginning on April 1 of any year  
3           and ending on September 30 of such year.

4           (d) CESSATION OF REQUIREMENT.—No report shall  
5           be required under subsection (a) for any half of a fiscal  
6           year beginning on or after October 1, 2017.

7           (e) REPEAL OF OBSOLETE AUTHORITY.—Section  
8           1022 of the Floyd D. Spence National Defense Authoriza-  
9           tion Act for Fiscal Year 2001 (as enacted into law by Pub-  
10          lic Law 106–398) is hereby repealed.

11 **SEC. 1010. EXTENSION OF AUTHORITY TO SUPPORT UNI-**  
12                           **FIED                   COUNTER-DRUG                   AND**  
13                           **COUNTERTERRORISM CAMPAIGN IN COLOM-**  
14                           **BIA.**

15          Section 1021 of the Ronald W. Reagan National De-  
16          fense Authorization Act for Fiscal Year 2005 (Public Law  
17          108–375; 118 Stat. 2042), as most recently amended by  
18          section 1007 of the National Defense Authorization Act  
19          for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
20          1558), is amended—

21               (1) in subsection (a), by striking “2012” and  
22               inserting “2013”; and

23               (2) in subsection (e), by striking “2012” and  
24               inserting “2013”.

1 **SEC. 1011. EXTENSION OF AUTHORITY FOR JOINT TASK**  
2 **FORCES TO PROVIDE SUPPORT TO LAW EN-**  
3 **FORCEMENT AGENCIES CONDUCTING**  
4 **COUNTER-TERRORISM ACTIVITIES.**

5 Section 1022(b) of the National Defense Authoriza-  
6 tion Act for Fiscal Year 2004 (Public Law 108–136; 117  
7 Stat. 1594; 10 U.S.C. 371 note) is amended by striking  
8 “2012” and inserting “2013”.

9 **SEC. 1012. REQUIREMENT FOR BIENNIAL CERTIFICATION**  
10 **ON PROVISION OF SUPPORT FOR COUNTER-**  
11 **DRUG ACTIVITIES TO CERTAIN FOREIGN**  
12 **GOVERNMENTS.**

13 Section 1033 of the National Defense Authorization  
14 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.  
15 1881), as most recently amended by section 1006 of the  
16 National Defense Authorization Act for Fiscal Year 2012  
17 (Public Law 112–81; 125 Stat. 1557), is further amend-  
18 ed—

19 (1) in subsection (f)(1), by striking “the written  
20 certification described in subsection (g) for that fis-  
21 cal year.” and inserting “a written certification de-  
22 scribed in subsection (g) applicable to that fiscal  
23 year. The first such certification with respect to any  
24 such government may apply only to a period of one  
25 fiscal year. Subsequent certifications with respect to

1 any such government may apply to a period of not  
2 to exceed two fiscal years.”; and

3 (2) in subsection (g), in the matter preceding  
4 paragraph (1)—

5 (A) by striking “The written” and insert-  
6 ing “A written”; and

7 (B) by striking “for a fiscal year” and all  
8 that follows through the colon and inserting  
9 “for a government to receive support under this  
10 section for any period of time is a certification  
11 of each of the following with respect to that  
12 government.”.

## 13 **Subtitle C—Naval Vessels and** 14 **Shipyards**

15 **SEC. 1013. POLICY RELATING TO MAJOR COMBATANT VES-**  
16 **SELS OF THE STRIKE FORCES OF THE**  
17 **UNITED STATES NAVY.**

18 Section 1012(b) of the National Defense Authoriza-  
19 tion Act for Fiscal Year 2008 (Public Law 110–181; 122  
20 Stat. 303), as most recently amended by section 1015 of  
21 the Duncan Hunter National Defense Authorization Act  
22 for Fiscal Year 2009 (Public Law 110–417; 122 Stat.  
23 4586), is amended by striking “Secretary of Defense” and  
24 all that follows through the period and inserting the fol-  
25 lowing: “Secretary of the Navy notifies the congressional

1 defense committees that, as a result of a cost-benefit anal-  
2 ysis, it would not be practical for the Navy to design the  
3 class of ships with an integrated nuclear power system.”.

4 **SEC. 1014. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
5 **DELAYED ANNUAL NAVAL VESSEL CON-**  
6 **STRUCTION PLAN.**

7 (a) IN GENERAL.—Section 231 of title 10, United  
8 States Code, is amended—

9 (1) by redesignating subsection (e) as sub-  
10 section (f); and

11 (2) by inserting after subsection (d) the fol-  
12 lowing new subsection (e):

13 “(e) LIMITATION ON AVAILABILITY OF FUNDS FOR  
14 FISCAL YEARS WITHOUT PLAN AND CERTIFICATION.—

15 (1) If the Secretary of Defense does not include with the  
16 defense budget materials for a fiscal year the plan and  
17 certification under subsection (a), the Secretary of the  
18 Navy may not use more than 50 percent of the funds de-  
19 scribed in paragraph (2) during the fiscal year in which  
20 such materials are submitted until the date on which such  
21 plan and certification are submitted to the congressional  
22 defense committees.

23 “(2) The funds described in this paragraph are funds  
24 made available to the Secretary of the Navy for operation

1 and maintenance, Navy, for emergencies and extraor-  
2 dinary expenses.”.

3 (b) CONFORMING AMENDMENT.—Section 12304b(i)  
4 of title 10, United States Code, is amended by striking  
5 “section 231(g)(2)” and inserting “section 231(f)(2)”.

6 **SEC. 1015. RETIREMENT OF NAVAL VESSELS.**

7 (a) REPORT REQUIRED.—Not later than 30 days  
8 after the date of the enactment of this Act, the Chief of  
9 Naval Operations shall submit to the congressional de-  
10 fense committees a report that sets forth a comprehensive  
11 description of the current requirements of the Navy for  
12 combatant vessels of the Navy, including submarines.

13 (b) ADDITIONAL REPORT ELEMENT IF LESS THAN  
14 313 VESSELS REQUIRED.—If the number of combatant  
15 vessels for the Navy (including submarines) specified as  
16 being required in the report under subsection (a) is less  
17 than 313 combatant vessels, the report shall include a jus-  
18 tification for the number of vessels specified as being so  
19 required and the rationale by which the number of vessels  
20 is considered consistent with applicable strategic guidance  
21 issued by the President and the Secretary of Defense in  
22 2012.

23 **SEC. 1016. TERMINATION OF A MARITIME PREPOSITIONING**  
24 **SHIP SQUADRON.**

25 (a) REPORT REQUIRED.—

1           (1) IN GENERAL.—Not later than 60 days after  
2           the date of the enactment of this Act, the Chief of  
3           Naval Operations and the Commandant of the Ma-  
4           rine Corps shall jointly submit to the congressional  
5           defense committees a report setting forth an assess-  
6           ment of the Marine Corps Prepositioning Program—  
7           Norway and the capability of that program to ad-  
8           dress any readiness gaps that will be created by the  
9           termination of Maritime Prepositioning Ship Squad-  
10          ron One in the Mediterranean.

11          (2) ELEMENTS.—The report required by para-  
12          graph (1) shall include the following:

13                (A) A detailed description of the time re-  
14                quired to transfer stockpiles onto naval vessels  
15                for use in contingency operations.

16                (B) A comparison of the response time of  
17                the Marine Corps Prepositioning Program—Nor-  
18                way with the response time of Maritime  
19                Prepositioning Ship Squadron One.

20                (C) A description of the equipment stored  
21                in the stockpiles of the Marine Corps  
22                Prepositioning Program—Norway, the dif-  
23                ferences (if any) between that equipment and  
24                the equipment of a Maritime Prepositioning  
25                Ship squadron, and any increased risk or oper-



1           (2) More than 80 percent of the population of  
2 the world lives within 100 miles of an ocean.

3           (3) More than 90 percent of the world's com-  
4 merce traverses an ocean.

5           (4) The national security of the United States  
6 is inextricably linked to the maintenance of global  
7 freedom of access for both the strategic and com-  
8 mercial interests of the United States.

9           (5) To maintain that freedom of access the sea  
10 services of the United States, composed of the Navy,  
11 the Marine Corps, and the Coast Guard, must be  
12 sufficiently positioned as rotationally globally  
13 deployable forces with the capability to decisively de-  
14 fend United States citizens, homeland, and interests  
15 abroad from direct or asymmetric attack and must  
16 be comprised of sufficient vessels to maintain global  
17 freedom of action.

18           (6) To achieve appropriate capabilities to en-  
19 sure national security, the Government of the United  
20 States must continue to recapitalize the fleets of the  
21 Navy and Coast Guard and must continue to con-  
22 duct vital maintenance and repair of existing vessels  
23 to ensure such vessels meet service life goals.

24           (b) SENSE OF CONGRESS.—It is the sense of Con-  
25 gress that—

1           (1) the sea services of the United States should  
2           be funded and maintained to provide the broad spec-  
3           trum of capabilities required to protect the national  
4           security of the United States;

5           (2) such capabilities should include—

6                   (A) the ability to project United States  
7                   power rapidly anywhere on the globe without  
8                   the need for host nation basing permission or  
9                   long and potentially vulnerable logistics supply  
10                  lines;

11                   (B) the ability to land and recover mari-  
12                   time forces from the sea for direct combat ac-  
13                   tion, to evacuate United States citizens from  
14                   hostile situations, and to provide humanitarian  
15                   assistance where needed;

16                   (C) the ability to operate from the sub-  
17                   surface with overpowering conventional combat  
18                   power, as well as strategic deterrence; and

19                   (D) the ability to operate in collaboration  
20                   with United States maritime partners in the  
21                   common interest of preventing piracy at sea  
22                   and maintaining the commercial sea lanes avail-  
23                   able for global commerce;

24           (3) the Secretary of Defense, in coordination  
25           with the Secretary of the Navy, should maintain the

1       recapitalization plans for the Navy as a priority in  
2       all future force structure decisions; and

3               (4) the Secretary of Homeland Security should  
4       maintain the recapitalization plans for the Coast  
5       Guard as a priority in all future force structure deci-  
6       sions.

7       **SEC. 1018. NOTICE TO CONGRESS FOR THE REVIEW OF**  
8               **PROPOSALS TO NAME NAVAL VESSELS.**

9       (a) FINDINGS.—Congress makes the following find-  
10      ings:

11               (1) The Navy traces its ancestry to October 13,  
12      1775, when an Act of the Continental Congress au-  
13      thorized the first vessel of a navy for the United  
14      Colonies. Vessels of the Continental Navy were  
15      named for early patriots and military heroes, Fed-  
16      eral institutions, colonial cities, and positive char-  
17      acter traits representative of naval and military vir-  
18      tues.

19               (2) An Act of Congress on March 3, 1819,  
20      made the Secretary of the Navy responsible for as-  
21      signing names to vessels of the Navy. Traditional  
22      sources for vessel names customarily encompassed  
23      such categories as geographic locations in the United  
24      States; historic sites, battles, and ships; naval and  
25      military heroes and leaders; and noted individuals

1       who made distinguished contributions to United  
2       States national security.

3           (3) These customs and traditions provide ap-  
4       propriate and necessary standards for the naming of  
5       vessels of the Navy.

6       (b) NOTICE TO CONGRESS.—Section 7292 of title 10,  
7       United States Code, is amended by adding at the end the  
8       following new subsection:

9           “(d)(1) The Secretary of the Navy may not announce  
10      or implement any proposal to name a vessel of the Navy  
11      until 30 days after the date on which the Secretary sub-  
12      mits to the Committees on Armed Services of the Senate  
13      and the House of Representatives a report setting forth  
14      such proposal.

15          “(2) Each report under this subsection shall describe  
16      the justification for the proposal covered by such report  
17      in accordance with the standards referred to in section  
18      1024(a) of the National Defense Authorization Act for  
19      Fiscal Year 2013.”.

20          (c) EFFECTIVE DATE.—This section and the amend-  
21      ment made by this section shall go into effect on the date  
22      that is 30 days after the date of the enactment of this  
23      Act.

1           **Subtitle D—Counterterrorism**

2   **SEC. 1021. EXTENSION OF AUTHORITY TO MAKE REWARDS**  
3                   **FOR COMBATING TERRORISM.**

4           (a) EXTENSION.—Section 127b(e)(3)(C) of title 10,  
5 United States Code, is amended by striking “September  
6 30, 2013” and inserting “September 30, 2014”.

7           (b) REPORT TO CONGRESS.—Not later than 180 days  
8 after the date of the enactment of this Act, the Secretary  
9 of Defense shall submit to the congressional defense com-  
10 mittees a report that outlines the future requirements and  
11 authorities to make rewards for combating terrorism. The  
12 report shall include—

13                   (1) an analysis of future requirements under  
14 section 127b of title 10, United States Code;

15                   (2) a detailed description of requirements for  
16 rewards in support of operations with allied forces;  
17 and

18                   (3) an overview of geographic combatant com-  
19 mander requirements through September 30, 2014.

1 **SEC. 1022. PROHIBITION ON USE OF FUNDS TO CONSTRUCT**  
2 **OR MODIFY FACILITIES IN THE UNITED**  
3 **STATES TO HOUSE DETAINEES TRANS-**  
4 **FERRED FROM UNITED STATES NAVAL STA-**  
5 **TION, GUANTANAMO BAY, CUBA.**

6 (a) IN GENERAL.—No amounts authorized to be ap-  
7 propriated or otherwise made available to the Department  
8 of Defense for fiscal year 2013 may be used to construct  
9 or modify any facility in the United States, its territories,  
10 or possessions to house any individual detained at Guanta-  
11 namo for the purposes of detention or imprisonment in  
12 the custody or under the control of the Department of De-  
13 fense unless authorized by Congress.

14 (b) EXCEPTION.—The prohibition in subsection (a)  
15 shall not apply to any modification of facilities at United  
16 States Naval Station, Guantanamo Bay, Cuba.

17 (c) INDIVIDUAL DETAINED AT GUANTANAMO DE-  
18 FINED.—In this section, the term “individual detained at  
19 Guantanamo” has the meaning given that term in section  
20 1028(f)(2).

21 **SEC. 1023. REPORT ON RECIDIVISM OF INDIVIDUALS DE-**  
22 **TAINED AT UNITED STATES NAVAL STATION,**  
23 **GUANTANAMO BAY, CUBA, WHO HAVE BEEN**  
24 **TRANSFERRED TO FOREIGN COUNTRIES.**

25 (a) REPORT REQUIRED.—Not later than 60 days  
26 after the date of the enactment of this Act, and annually

1 thereafter for five years, the Director of the Defense Intel-  
2 ligence Agency, in consultation with the head of each ele-  
3 ment of the intelligence community that the Director con-  
4 siders appropriate, shall submit to the covered congress-  
5 sional committees a report assessing the factors that cause  
6 or contribute to the recidivism of individuals detained at  
7 Guantanamo who are transferred or released to a foreign  
8 country. Such report shall include—

9 (1) a discussion of trends, by country and re-  
10 gion, where recidivism has occurred; and

11 (2) an assessment of the implementation by for-  
12 eign countries of the international arrangements re-  
13 lating to the transfer or release of individuals de-  
14 tained at Guantanamo reached between the United  
15 States and each foreign country to which an indi-  
16 vidual detained at Guantanamo has been transferred  
17 or released.

18 (b) FORM.—The report required under subsection (a)  
19 may be submitted in classified form.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “covered congressional commit-  
22 tees” means—

23 (A) the Committee on Armed Services, the  
24 Committee on Foreign Affairs, and the Perma-

1           nent Select Committee on Intelligence of the  
2           House of Representatives; and

3                   (B) the Committee on Armed Services, the  
4           Committee on Foreign Relations, and the Select  
5           Committee on Intelligence of the Senate.

6           (2) The term “individual detained at Guanta-  
7           namo” means any individual who is or was located  
8           at United States Naval Station, Guantanamo Bay,  
9           Cuba, who—

10                   (A) is not a citizen of the United States or  
11           a member of the Armed Forces of the United  
12           States; and

13                   (B) on or after January 1, 2002, was—

14                           (i) in the custody or under the control  
15                           of the Department of Defense; or

16                           (ii) otherwise under detention at  
17                           United States Naval Station, Guantanamo  
18                           Bay, Cuba.

19 **SEC. 1024. NOTICE AND REPORT ON USE OF NAVAL VES-**  
20 **SELS FOR DETENTION OF INDIVIDUALS CAP-**  
21 **TURED OUTSIDE AFGHANISTAN PURSUANT**  
22 **TO THE AUTHORIZATION FOR USE OF MILI-**  
23 **TARY FORCE.**

24           (a) NOTICE TO CONGRESS.—Not later than 30 days  
25 after first detaining an individual pursuant to the Author-

1 ization for Use of Military Force (Public Law 107–40; 50  
2 U.S.C. 1541 note) on a naval vessel outside the United  
3 States, the Secretary of Defense shall submit to the Com-  
4 mittees on Armed Services of the Senate and House of  
5 Representatives notice of the detention. In the case of such  
6 an individual who is transferred or released before the sub-  
7 mittal of the notice of the individual’s detention, the Sec-  
8 retary shall also submit to such Committees notice of the  
9 transfer or release.

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than 90 days after  
12 the date of the enactment of this Act, the Secretary  
13 of Defense shall submit to the Committees on Armed  
14 Services of the Senate and House of Representatives  
15 a report on the use of naval vessels for the detention  
16 outside the United States of any individual who is  
17 detained pursuant to the Authorization for Use of  
18 Military Force (Public Law 107–40; 50 U.S.C. 1541  
19 note). Such report shall include—

20 (A) procedures and any limitations on de-  
21 taining such individuals at sea on board United  
22 States naval vessels;

23 (B) an assessment of any force protection  
24 issues associated with detaining such individ-  
25 uals on such vessels;

1 (C) an assessment of the likely effect of  
2 such detentions on the original mission of such  
3 naval vessels; and

4 (D) any restrictions on long-term detention  
5 of individuals on United States naval vessels.

6 (2) FORM OF REPORT.—The report required  
7 under paragraph (1) may be submitted in classified  
8 form.

9 **SEC. 1025. NOTICE REQUIRED PRIOR TO TRANSFER OF**  
10 **CERTAIN INDIVIDUALS DETAINED AT THE**  
11 **DETENTION FACILITY AT PARWAN, AFGHANI-**  
12 **STAN.**

13 (a) NOTICE REQUIRED.—The Secretary of Defense  
14 shall submit to the appropriate congressional committees  
15 notice in writing of the proposed transfer of any individual  
16 detained pursuant to the Authorization for Use of Military  
17 Force (Public Law 107–40; 50 U.S.C. 1541 note) who is  
18 a national of a country other than the United States or  
19 Afghanistan from detention at the Detention Facility at  
20 Parwan, Afghanistan, to the custody of the Government  
21 of Afghanistan or of any other country. Such notice shall  
22 be provided not later than 10 days before such a transfer  
23 may take place.

1 (b) ASSESSMENTS REQUIRED.—Prior to any transfer  
2 referred to under subsection (a), the Secretary shall en-  
3 sure that an assessment is conducted as follows:

4 (1) In the case of the proposed transfer of such  
5 an individual by reason of the individual being re-  
6 leased, an assessment of the threat posed by the in-  
7 dividual and the security environment of the country  
8 to which the individual is to be transferred.

9 (2) In the case of the proposed transfer of such  
10 an individual to a country other than Afghanistan  
11 for the purpose of the prosecution of the individual,  
12 an assessment regarding the capacity, willingness,  
13 and historical track record of the country with re-  
14 spect to prosecuting similar cases, including a review  
15 of the primary evidence against the individual to be  
16 transferred and any significant admissibility issues  
17 regarding such evidence that are expected to arise in  
18 connection with the prosecution of the individual.

19 (3) In the case of the proposed transfer of such  
20 an individual for reintegration or rehabilitation in a  
21 country other than Afghanistan, an assessment re-  
22 garding the capacity, willingness, and historical  
23 track records of the country for reintegrating or re-  
24 habilitating similar individuals.



1 (b) FORM.—The report required under subsection (a)  
2 may be submitted in classified form.

3 (c) RELEVANT CONGRESSIONAL COMMITTEES DE-  
4 FINED.—In this section, the term “relevant congressional  
5 committees” means—

6 (1) the Committee on Armed Services and the  
7 Committee on Foreign Relations of the Senate; and

8 (2) the Committee on Armed Services and the  
9 Committee on Foreign Affairs of the House of Rep-  
10 resentatives.

11 **SEC. 1027. PROHIBITION ON THE USE OF FUNDS FOR THE**  
12 **TRANSFER OR RELEASE OF INDIVIDUALS DE-**  
13 **TAINED AT UNITED STATES NAVAL STATION,**  
14 **GUANTANAMO BAY, CUBA.**

15 None of the funds authorized to be appropriated by  
16 this Act for fiscal year 2013 may be used to transfer, re-  
17 lease, or assist in the transfer or release to or within the  
18 United States, its territories, or possessions of Khalid  
19 Sheikh Mohammed or any other detainee who—

20 (1) is not a United States citizen or a member  
21 of the Armed Forces of the United States; and

22 (2) is or was held on or after January 20,  
23 2009, at United States Naval Station, Guantanamo  
24 Bay, Cuba, by the Department of Defense.

1 **SEC. 1028. REQUIREMENTS FOR CERTIFICATIONS RELAT-**  
2 **ING TO THE TRANSFER OF DETAINEES AT**  
3 **UNITED STATES NAVAL STATION, GUANTA-**  
4 **NAMO BAY, CUBA, TO FOREIGN COUNTRIES**  
5 **AND OTHER FOREIGN ENTITIES.**

6 (a) CERTIFICATION REQUIRED PRIOR TO TRANS-  
7 FER.—

8 (1) IN GENERAL.—Except as provided in para-  
9 graph (2) and subsection (d), the Secretary of De-  
10 fense may not use any amounts authorized to be ap-  
11 propriated or otherwise available to the Department  
12 of Defense for fiscal year 2013 to transfer any indi-  
13 vidual detained at Guantanamo to the custody or  
14 control of the individual's country of origin, any  
15 other foreign country, or any other foreign entity  
16 unless the Secretary submits to Congress the certifi-  
17 cation described in subsection (b) not later than 30  
18 days before the transfer of the individual.

19 (2) EXCEPTION.—Paragraph (1) shall not  
20 apply to any action taken by the Secretary to trans-  
21 fer any individual detained at Guantanamo to effec-  
22 tuate an order affecting the disposition of the indi-  
23 vidual that is issued by a court or competent tri-  
24 bunal of the United States having lawful jurisdiction  
25 (which the Secretary shall notify Congress of  
26 promptly after issuance).

1 (b) CERTIFICATION.—A certification described in this  
2 subsection is a written certification made by the Secretary  
3 of Defense, with the concurrence of the Secretary of State  
4 and in consultation with the Director of National Intel-  
5 ligence, that—

6 (1) the government of the foreign country or  
7 the recognized leadership of the foreign entity to  
8 which the individual detained at Guantanamo is to  
9 be transferred—

10 (A) is not a designated state sponsor of  
11 terrorism or a designated foreign terrorist orga-  
12 nization;

13 (B) maintains control over each detention  
14 facility in which the individual is to be detained  
15 if the individual is to be housed in a detention  
16 facility;

17 (C) is not, as of the date of the certifi-  
18 cation, facing a threat that is likely to substan-  
19 tially affect its ability to exercise control over  
20 the individual;

21 (D) has taken or agreed to take effective  
22 actions to ensure that the individual cannot  
23 take action to threaten the United States, its  
24 citizens, or its allies in the future;

1           (E) has taken or agreed to take such ac-  
2           tions as the Secretary of Defense determines  
3           are necessary to ensure that the individual can-  
4           not engage or reengage in any terrorist activity;  
5           and

6           (F) has agreed to share with the United  
7           States any information that—

8                   (i) is related to the individual or any  
9                   associates of the individual; and

10                   (ii) could affect the security of the  
11                   United States, its citizens, or its allies; and

12           (2) includes an assessment, in classified or un-  
13           classified form, of the capacity, willingness, and past  
14           practices (if applicable) of the foreign country or en-  
15           tity in relation to the Secretary's certifications.

16           (c) PROHIBITION IN CASES OF PRIOR CONFIRMED  
17           RECIDIVISM.—

18                   (1) PROHIBITION.—Except as provided in para-  
19                   graph (2) and subsection (d), the Secretary of De-  
20                   fense may not use any amounts authorized to be ap-  
21                   propriated or otherwise made available to the De-  
22                   partment of Defense to transfer any individual de-  
23                   tained at Guantanamo to the custody or control of  
24                   the individual's country of origin, any other foreign  
25                   country, or any other foreign entity if there is a con-

1       firmed case of any individual who was detained at  
2       United States Naval Station, Guantanamo Bay,  
3       Cuba, at any time after September 11, 2001, who  
4       was transferred to such foreign country or entity  
5       and subsequently engaged in any terrorist activity.

6           (2) EXCEPTION.—Paragraph (1) shall not  
7       apply to any action taken by the Secretary to trans-  
8       fer any individual detained at Guantanamo to effec-  
9       tuate an order affecting the disposition of the indi-  
10      vidual that is issued by a court or competent tri-  
11      bunal of the United States having lawful jurisdiction  
12      (which the Secretary shall notify Congress of  
13      promptly after issuance).

14      (d) NATIONAL SECURITY WAIVER.—

15           (1) IN GENERAL.—The Secretary of Defense  
16      may waive the applicability to a detainee transfer of  
17      a certification requirement specified in subparagraph  
18      (D) or (E) of subsection (b)(1) or the prohibition in  
19      subsection (c), if the Secretary certifies the rest of  
20      the criteria required by subsection (b) for transfers  
21      prohibited by (c) and, with the concurrence of the  
22      Secretary of State and in consultation with the Di-  
23      rector of National Intelligence, determines that—

1 (A) alternative actions will be taken to ad-  
2 dress the underlying purpose of the requirement  
3 or requirements to be waived;

4 (B) in the case of a waiver of subpara-  
5 graph (D) or (E) of subsection (b)(1), it is not  
6 possible to certify that the risks addressed in  
7 the paragraph to be waived have been com-  
8 pletely eliminated, but the actions to be taken  
9 under subparagraph (A) will substantially miti-  
10 gate such risks with regard to the individual to  
11 be transferred;

12 (C) in the case of a waiver of subsection  
13 (c), the Secretary has considered any confirmed  
14 case in which an individual who was transferred  
15 to the country subsequently engaged in terrorist  
16 activity, and the actions to be taken under sub-  
17 paragraph (A) will substantially mitigate the  
18 risk of recidivism with regard to the individual  
19 to be transferred; and

20 (D) the transfer is in the national security  
21 interests of the United States.

22 (2) REPORTS.—Whenever the Secretary makes  
23 a determination under paragraph (1), the Secretary  
24 shall submit to the appropriate committees of Con-

1           gress, not later than 30 days before the transfer of  
2           the individual concerned, the following:

3                   (A) A copy of the determination and the  
4                   waiver concerned.

5                   (B) A statement of the basis for the deter-  
6                   mination, including—

7                           (i) an explanation why the transfer is  
8                           in the national security interests of the  
9                           United States;

10                           (ii) in the case of a waiver of para-  
11                           graph (D) or (E) of subsection (b)(1), an  
12                           explanation why it is not possible to certify  
13                           that the risks addressed in the paragraph  
14                           to be waived have been completely elimi-  
15                           nated; and

16                           (iii) a classified summary of—

17                                   (I) the individual's record of co-  
18                                   operation while in the custody of or  
19                                   under the effective control of the De-  
20                                   partment of Defense; and

21                                   (II) the agreements and mecha-  
22                                   nisms in place to provide for con-  
23                                   tinuing cooperation.

24                   (C) A summary of the alternative actions  
25                   to be taken to address the underlying purpose

1 of, and to mitigate the risks addressed in, the  
2 paragraph or subsection to be waived.

3 (D) The assessment required by subsection  
4 (b)(2).

5 (e) RECORD OF COOPERATION.—In assessing the risk  
6 that an individual detained at Guantanamo will engage in  
7 terrorist activity or other actions that could affect the se-  
8 curity of the United States if released for the purpose of  
9 making a certification under subsection (b) or a waiver  
10 under subsection (d), the Secretary of Defense may give  
11 favorable consideration to any such individual—

12 (1) who has substantially cooperated with  
13 United States intelligence and law enforcement au-  
14 thorities, pursuant to a pre-trial agreement, while in  
15 the custody of or under the effective control of the  
16 Department of Defense; and

17 (2) for whom agreements and effective mecha-  
18 nisms are in place, to the extent relevant and nec-  
19 essary, to provide for continued cooperation with  
20 United States intelligence and law enforcement au-  
21 thorities.

22 (f) DEFINITIONS.—In this section:

23 (1) The term “appropriate committees of Con-  
24 gress” means—

1 (A) the Committee on Armed Services, the  
2 Committee on Appropriations, and the Select  
3 Committee on Intelligence of the Senate; and

4 (B) the Committee on Armed Services, the  
5 Committee on Appropriations, and the Perma-  
6 nent Select Committee on Intelligence of the  
7 House of Representatives.

8 (2) The term “individual detained at Guanta-  
9 namo” means any individual located at United  
10 States Naval Station, Guantanamo Bay, Cuba, as of  
11 October 1, 2009, who—

12 (A) is not a citizen of the United States or  
13 a member of the Armed Forces of the United  
14 States; and

15 (B) is—

16 (i) in the custody or under the control  
17 of the Department of Defense; or

18 (ii) otherwise under detention at  
19 United States Naval Station, Guantanamo  
20 Bay, Cuba.

21 (3) The term “foreign terrorist organization”  
22 means any organization so designated by the Sec-  
23 retary of State under section 219 of the Immigra-  
24 tion and Nationality Act (8 U.S.C. 1189).

1 **SEC. 1029. RIGHTS UNAFFECTED.**

2       Nothing in the Authorization for Use of Military  
3 Force (Public Law 107–40; 50 U.S.C. 1541 note) or the  
4 National Defense Authorization Act for Fiscal Year 2012  
5 (Public Law 112–81) shall be construed to deny the avail-  
6 ability of the writ of habeas corpus or to deny any Con-  
7 stitutional rights in a court ordained or established by or  
8 under Article III of the Constitution to any person inside  
9 the United States who would be entitled to the availability  
10 of such writ or to such rights in the absence of such laws.

1           **Subtitle E—Nuclear Forces**

2   **SEC. 1031. NUCLEAR WEAPONS EMPLOYMENT STRATEGY**  
3                   **OF THE UNITED STATES.**

4           (a) REPORTS ON STRATEGY.—Section 491 of title 10,  
5 United States Code, is—

6                   (1) transferred to chapter 24 of such title, as  
7 added by subsection (b)(1); and

8                   (2) amended—

9                           (A) in the heading, by inserting “**weap-**  
10 **ons**” after “**Nuclear**”;

11                           (B) by striking “nuclear employment strat-  
12 egy” each place it appears and inserting “nu-  
13 clear weapons employment strategy”;

14                           (C) in paragraph (1)—

15                                   (i) by inserting “the” after “modifica-  
16 tions to”; and

17                                   (ii) by inserting “, plans, and options”  
18 after “employment strategy”;

19                           (D) by inserting after paragraph (3) the  
20 following new paragraph:

21                                   “(4) The extent to which such modifications in-  
22 clude an increased reliance on conventional or non-  
23 nuclear global strike capabilities or missile defenses  
24 of the United States.”;

1 (E) by striking “On the date” and insert-  
2 ing “(a) REPORTS.—On the date”; and

3 (F) by adding at the end the following new  
4 subsections:

5 “(b) ANNUAL BRIEFINGS.—Not later than March 15  
6 of each year, the Secretary of Defense shall provide to the  
7 congressional defense committees a briefing regarding the  
8 nuclear weapons employment strategy, plans, and options  
9 of the United States.

10 “(c) NOTIFICATION OF ANOMALIES.—(1) The Sec-  
11 retary of Defense shall submit to the congressional defense  
12 committees written notification of an anomaly in the nu-  
13 clear command, control, and communications system of  
14 the United States that is reported to the Secretary of De-  
15 fense or the Nuclear Weapons Council by not later than  
16 14 days after the date on which the Secretary or the Coun-  
17 cil learns of such anomaly, as the case may be.

18 “(2) In this subsection, the term ‘anomaly’ means  
19 any unplanned, irregular, or abnormal event, whether un-  
20 explained or caused intentionally or unintentionally by a  
21 person or a system.”.

22 (b) CLERICAL AND CONFORMING AMENDMENTS.—

23 (1) CHAPTER 24.—Part I of subtitle A of title  
24 10, United States Code, is amended by adding at  
25 the end the following new chapter:

1           **“CHAPTER 24—NUCLEAR POSTURE**

“Sec.  
“491. Nuclear weapons employment strategy of the United States: reports on  
modification of strategy.”.

2           (2) TABLE OF CHAPTERS.—The table of chap-  
3           ters at the beginning of subtitle A of title 10, United  
4           States Code, and at the beginning of part I of such  
5           subtitle, are each amended by inserting after the  
6           item relating to chapter 23 the following new item:

**“24. Nuclear posture ..... 491”.**

7           (3) TRANSFER OF PROVISIONS.—

8           (A) CHAPTER 23.—Chapter 23 of title 10,  
9           United States Code, is amended as follows:

10                   (i) Section 490a is—

11                           (I) transferred to chapter 24 of  
12                           such title, as added by paragraph (1);

13                           (II) inserted after section 491 of  
14                           such title, as added to such chapter  
15                           24 by subsection (a)(1); and

16                           (III) redesignated as section 492.

17                   (ii) The table of sections at the begin-  
18                   ning of such chapter 23 is amended by  
19                   striking the items relating to sections 490a  
20                   and 491.

21           (B) FY12 NDAA.—Section 1077 of the Na-  
22           tional Defense Authorization Act for Fiscal

1 Year 2012 (Public Law 112–81; 50 U.S.C.  
2 2514) is—

3 (i) transferred to chapter 24 of title  
4 10, United States Code, as added by para-  
5 graph (1);

6 (ii) inserted after section 492 of such  
7 title, as added by subparagraph (A)(i);

8 (iii) redesignated as section 493; and

9 (iv) amended by striking “the date of  
10 the enactment of this Act” and inserting  
11 “December 31, 2011,”.

12 (III) by striking “the date of the  
13 enactment of this Act” and inserting  
14 “December 31, 2011,”.

15 (C) CLERICAL AMENDMENTS.—

16 (i) TABLE OF SECTIONS.—The table  
17 of sections at the beginning of chapter 24  
18 of title 10, United States Code, as added  
19 by paragraph (1), is amended by inserting  
20 after the item relating to section 491 the  
21 following new items:

“492. Biennial assessment and report on the delivery platforms for nuclear  
weapons and the nuclear command and control system.

“493. Reports to Congress on the modification of the force structure for the  
strategic nuclear weapons delivery systems of the United  
States.”.

22 (ii) SECTION HEADING TYPEFACE AND  
23 TYPESTYLE.—Section 493 of title 10,

1 United States Code, as added by subpara-  
2 graph (B), is amended—

3 (I) in the enumerator, by striking  
4 “**SEC.**” and inserting “§”; and

5 (II) in the section heading—

6 (aa) by striking the period  
7 at the end; and

8 (bb) by conforming the type-  
9 face and typestyle, including cap-  
10 italization, to the typeface and  
11 typestyle as used in the section  
12 heading of section 491 of such  
13 title.

14 (4) CONFORMING AMENDMENT.—section  
15 1031(b) of the National Defense Authorization Act  
16 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
17 1574) is amended by striking “section 490a of title  
18 10, United States Code, as added by subsection  
19 (a),” and inserting “section 492 of title 10, United  
20 States Code,”.

21 **SEC. 1032. PROGRESS OF MODERNIZATION.**

22 (a) NUCLEAR EMPLOYMENT STRATEGY.—Subsection  
23 (a) of section 491 of title 10, United States Code, as  
24 amended by section 1031, is amended by striking “On the  
25 date on which the President issues” and inserting “By not

1 later than 60 days before the date on which the President  
2 implements”.

3 (b) REPORTS REQUIRED.—Such section 491 is fur-  
4 ther amended by adding at the end the following:

5 “(d) REPORTS ON 2010 NUCLEAR POSTURE REVIEW  
6 IMPLEMENTATION STUDY DECISIONS.—During each of  
7 fiscal years 2012 through 2021, not later than 60 days  
8 before the date on which the President carries out the re-  
9 sults of the decisions made pursuant to the 2010 Nuclear  
10 Posture Review Implementation Study that would alter  
11 the nuclear weapons employment strategy, guidance,  
12 plans, or options of the United States, the President  
13 shall—

14 “(1) ensure that the annual report required  
15 under section 1043(a)(1) of the National Defense  
16 Authorization Act for Fiscal Year 2012 (Public Law  
17 112–81; 125 Stat. 1576) is transmitted to Congress,  
18 if so required;

19 “(2) ensure that the report required under sec-  
20 tion 494(a)(2)(A) of this title is transmitted to Con-  
21 gress, if so required under such section; and

22 “(3) transmit to the congressional defense com-  
23 mittees a report providing the high-, medium-, and  
24 low- confidence assessments of the intelligence com-  
25 munity (as defined in section 3(4) of the National

1 Security Act of 1947 (50 U.S.C. 401a(4)) as to  
2 whether the United States will have significant  
3 warning of a strategic surprise or breakout caused  
4 by foreign nuclear weapons developments.”.

5 **SEC. 1033. REPORT IN THE EVENT OF INSUFFICIENT FUND-**  
6 **ING FOR MODERNIZATION OF NUCLEAR**  
7 **WEAPONS STOCKPILE.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that—

10 (1) consistent with Condition 9 of the Resolu-  
11 tion of Advice and Consent to Ratification of the  
12 New START Treaty of the Senate, agreed to on De-  
13 cember 22, 2010, the United States is committed to  
14 ensuring the safety, security, reliability, and credi-  
15 bility of its nuclear forces; and

16 (2) the United States is committed to—

17 (A) proceeding with a robust stockpile  
18 stewardship program and maintaining and mod-  
19 ernizing nuclear weapons production capabilities  
20 and capacities of the United States to ensure  
21 the safety, security, reliability, and credibility of  
22 the nuclear arsenal of the United States at the  
23 New START Treaty levels and meeting require-  
24 ments for hedging against possible international  
25 developments or technical problems;

1 (B) reinvigorating and sustaining the nu-  
2 clear security laboratories of the United States  
3 and preserving the core nuclear weapons com-  
4 petencies therein; and

5 (C) providing the resources needed to  
6 achieve these objectives, using as a starting  
7 point the levels set forth in the President's 10-  
8 year plan provided to Congress in November  
9 2010 pursuant to section 1251 of the National  
10 Defense Authorization Act for Fiscal Year 2010  
11 (Public Law 111-84; 123 Stat. 2549).

12 (b) INSUFFICIENT FUNDING REPORT.—

13 (1) IN GENERAL.—Section 1045 of the Na-  
14 tional Defense Authorization Act for Fiscal Year  
15 2012 (Public Law 112-81; 50 U.S.C. 2523b) is—

16 (A) transferred to chapter 24 of title 10,  
17 United States Code, as added by section  
18 1031(b);

19 (B) inserted after section 493 of such title,  
20 as added to such chapter 24 by such section  
21 1031(b);

22 (C) redesignated as section 494; and

23 (D) amended by amending paragraph (2)  
24 of subsection (a) to read as follows:

25 “(2) INSUFFICIENT FUNDING.—

1           “(A) REPORT.—During each year in which  
2           the New START Treaty is in force, if the  
3           President determines that an appropriations  
4           Act is enacted that fails to meet the resource  
5           levels set forth in the November 2010 update to  
6           the plan referred to in section 1251 of the Na-  
7           tional Defense Authorization Act for Fiscal  
8           Year 2010 (Public Law 111–84; 123 Stat.  
9           2549) or if at any time determines that more  
10          resources are required to carry out such plan  
11          than were estimated, the President shall trans-  
12          mit to the appropriate congressional commit-  
13          tees, within 60 days of making such a deter-  
14          mination, a report detailing—

15                 “(i) a plan to address the resource  
16                 shortfall;

17                 “(ii) if more resources are required to  
18                 carry out the plan than were estimated—

19                         “(I) the proposed level of funding  
20                         required; and

21                         “(II) an identification of the  
22                         stockpile work, campaign, facility,  
23                         site, asset, program, operation, activ-  
24                         ity, construction, or project for which  
25                         additional funds are required;

1           “(iii) any effects caused by the short-  
2           fall on the safety, security, reliability, or  
3           credibility of the nuclear forces of the  
4           United States;

5           “(iv) whether and why, in light of the  
6           shortfall, remaining a party to the New  
7           START Treaty is still in the national in-  
8           terest of the United States; and

9           “(v) a detailed explanation of why the  
10          modernization timelines established in the  
11          2010 Nuclear Posture Review are no  
12          longer applicable.

13          “(B) PRIOR NOTIFICATION.—If the Presi-  
14          dent transmits a report under subparagraph  
15          (A), the President shall notify the appropriate  
16          congressional committees of any determination  
17          by the President to reduce the number of de-  
18          ployed nuclear warheads of the United States  
19          by not later than 60 days before taking any ac-  
20          tion to carry out such reduction.

21          “(C) EXCEPTION.—The limitation in sub-  
22          paragraph (B) shall not apply to—

23                 “(i) reductions made to ensure the  
24                 safety, security, reliability, and credibility  
25                 of the nuclear weapons stockpile and stra-

1           ategic delivery systems, including activities  
2           related to surveillance, assessment, certifi-  
3           cation, testing, and maintenance of nuclear  
4           warheads and strategic delivery systems; or

5           “ (ii) nuclear warheads that are retired  
6           or awaiting dismantlement on the date of  
7           the report under subparagraph (A).

8           “(D) DEFINITIONS.—In this paragraph:

9           “ (i) The term ‘appropriate congress-  
10          sional committees’ means—

11           “ (I) the congressional defense  
12          committees; and

13           “ (II) the Committee on Foreign  
14          Relations of the Senate and the Com-  
15          mittee on Foreign Affairs of the  
16          House of Representatives.

17           “ (ii) The term ‘New START Treaty’  
18          means the Treaty between the United  
19          States of America and the Russian Federa-  
20          tion on Measures for the Further Reduc-  
21          tion and Limitation of Strategic Offensive  
22          Arms, signed on April 8, 2010, and en-  
23          tered into force on February 5, 2011.’”.

24           (2) CLERICAL AMENDMENTS.—

1 (A) TABLE OF CONTENTS.—The table of  
2 sections at the beginning of chapter 24 of title  
3 10, United States Code, as added by section  
4 1031(b), is amended by inserting after the item  
5 relating to section 493 the following new item:

“494. Nuclear force reductions.”.

6 (B) SECTION HEADING TYPEFACE AND  
7 TYPESTYLE.—Section 494 of title 10, United  
8 States Code, as added by paragraph (1), is  
9 amended—

10 (i) in the enumerator, by striking  
11 “**SEC.**” and inserting “**§**”; and

12 (ii) in the section heading—

13 (I) by striking the period at the  
14 end; and

15 (II) by conforming the typeface  
16 and typestyle, including capitalization,  
17 to the typeface and typestyle as used  
18 in the section heading of section 491  
19 of such title.

20 (4) EFFECTIVE DATE.—The amendment made  
21 by paragraph (1)(D) shall take effect on October 1,  
22 2012.

1 **SEC. 1034. PREVENTION OF ASYMMETRY OF NUCLEAR**  
2 **WEAPON STOCKPILE REDUCTIONS.**

3 Section 494 of title 10, United States Code, as added  
4 by section 1033(b)(1), is amended by adding at the end  
5 the following new subsection:

6 “(d) PREVENTION OF ASYMMETRY IN REDUC-  
7 TIONS.—

8 “(1) CERTIFICATION.—During any year in  
9 which the President recommends to reduce the num-  
10 ber of nuclear weapons in the active and inactive  
11 stockpiles of the United States by a number that is  
12 greater than a de minimis reduction, the President  
13 shall certify in writing to the congressional defense  
14 committees whether such reductions will cause the  
15 number of nuclear weapons in such stockpiles to be  
16 fewer than the high-confidence assessment of the in-  
17 telligence community (as defined in section 3(4) of  
18 the National Security Act of 1947 (50 U.S.C.  
19 401a(4))) with respect to the number of nuclear  
20 weapons in the active and inactive stockpiles of the  
21 Russian Federation.

22 “(2) NOTIFICATION.—If the President certifies  
23 under paragraph (1) that the recommended number  
24 of nuclear weapons in the active and inactive stock-  
25 piles of the United States is fewer than the high-  
26 confidence assessment of the intelligence community

1 with respect to the number of nuclear weapons in  
2 the active and inactive stockpiles of the Russian  
3 Federation, the President shall transmit to the con-  
4 gressional defense committees a report by the Com-  
5 mander of the United States Strategic Command,  
6 without change, detailing whether the recommended  
7 reduction would create a strategic imbalance or de-  
8 grade deterrence and extended deterrence between  
9 the total number of nuclear weapons of the United  
10 States and the total number of nuclear weapons of  
11 the Russian Federation. The President shall trans-  
12 mit such report by not later than 60 days before the  
13 date on which the President carries out any such  
14 recommended reductions.

15 “(3) EXCEPTION.—The notification in para-  
16 graph (2) shall not apply to—

17 “(A) reductions made to ensure the safety,  
18 security, reliability, and credibility of the nu-  
19 clear weapons stockpile and strategic delivery  
20 systems, including activities related to surveil-  
21 lance, assessment, certification, testing, and  
22 maintenance of nuclear warheads and strategic  
23 delivery systems; or

1           “(B) nuclear warheads that are retired or  
2           awaiting dismantlement on the date of the cer-  
3           tification under paragraph (1).

4           “(4) ADDITIONAL VIEWS.—On the date on  
5           which the President transmits to the congressional  
6           defense committees a report by the Commander of  
7           the United States Strategic Command under para-  
8           graph (2), the President may transmit to such com-  
9           mittees a report by the President with respect to  
10          whether the recommended reductions covered by the  
11          report of the Commander will impact the deterrence  
12          or extended deterrence capabilities of the United  
13          States.”.

14 **SEC. 1035. STRATEGIC DELIVERY SYSTEMS.**

15          (a) IN GENERAL.—Chapter 24 of title 10, United  
16          States Code, as added by section 1031(b), is amended by  
17          inserting after section 494, as added by section  
18          1033(b)(1), the following new section:

19 **“§ 495. Strategic delivery systems**

20          “(a) ANNUAL CERTIFICATION.—Beginning in fiscal  
21          year 2013, the President shall annually certify in writing  
22          to the congressional defense committees whether plans to  
23          modernize or replace strategic delivery systems are fully  
24          funded at levels equal to or more than the levels set forth  
25          in the November 2010 update to the plan referred to in

1 section 1251 of the National Defense Authorization Act  
2 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
3 2549), including plans regarding—

4 “(1) a heavy bomber and air-launched cruise  
5 missile;

6 “(2) an intercontinental ballistic missile;

7 “(3) a submarine-launched ballistic missile;

8 “(4) a ballistic missile submarine; and

9 “(5) maintaining the nuclear command and  
10 control system (as first reported under section 1043  
11 of the National Defense Authorization Act for Fiscal  
12 Year 2012 (Public Law 112–81; 125 Stat. 1576)).

13 “(b) ADDITIONAL REPORT MATTERS FOLLOWING  
14 CERTAIN CERTIFICATIONS.—If in any year before fiscal  
15 year 2020 the President certifies under subsection (a) that  
16 plans to modernize or replace strategic delivery systems  
17 are not fully funded, the President shall include in the  
18 next annual report transmitted to Congress under section  
19 1043 of the National Defense Authorization Act for Fiscal  
20 Year 2012 the following:

21 “(1) A determination of whether or not the lack  
22 of full funding will result in a loss of military capa-  
23 bility when compared with the November 2010 up-  
24 date to the plan referred to in section 1251 of the

1 National Defense Authorization Act for Fiscal Year  
2 2010.

3 “(2) If the determination under paragraph (1)  
4 is that the lack of full funding will result in a loss  
5 of military capability—

6 “(A) a plan to preserve or retain the mili-  
7 tary capability that would otherwise be lost; or

8 “(B) a report setting forth—

9 “(i) an assessment of the impact of  
10 the lack of full funding on the strategic de-  
11 livery systems specified in subsection (a);  
12 and

13 “(ii) a description of the funding re-  
14 quired to restore or maintain the capa-  
15 bility.

16 “(3) A certification by the President of whether  
17 or not the President is committed to accomplishing  
18 the modernization and replacement of strategic de-  
19 livery systems and will meet the obligations con-  
20 cerning nuclear modernization as set forth in dec-  
21 laration 12 of the Resolution of Advice and Consent  
22 to Ratification of the New START Treaty.

23 “(c) PRIOR NOTIFICATION.—Not later than 60 days  
24 before the date on which the President carries out any

1 reduction to the number of strategic delivery systems, the  
2 President shall—

3 “(1) make the certification under subsection (a)  
4 for the fiscal year for which the reductions are pro-  
5 posed to be carried out;

6 “(2) transmit the additional report matters  
7 under subsection (b) for such fiscal year, if such ad-  
8 ditional report matters are so required; and

9 “(3) certify to the congressional defense com-  
10 mittees that the Russian Federation is in compliance  
11 with its arms control obligations with the United  
12 States and is not engaged in activity in violation of,  
13 or inconsistent with, such obligations.

14 “(d) TREATMENT OF CERTAIN REDUCTIONS.—Any  
15 certification under subsection (a) shall not take into ac-  
16 count the following:

17 “(1) Reductions made to ensure the safety, se-  
18 curity, reliability, and credibility of the nuclear  
19 weapons stockpile and strategic delivery systems, in-  
20 cluding activities related to surveillance, assessment,  
21 certification, testing, and maintenance of nuclear  
22 warheads and delivery systems.

23 “(2) Strategic delivery systems that are retired  
24 or awaiting dismantlement on the date of the certifi-  
25 cation under subsection (a).

1 “(e) DEFINITIONS.—In this section:

2 “(1) The term ‘New START Treaty’ means the  
3 Treaty between the United States of America and  
4 the Russian Federation on Measures for the Further  
5 Reduction and Limitation of Strategic Offensive  
6 Arms, signed on April 8, 2010, and entered into  
7 force on February 5, 2011.

8 “(2) The term ‘strategic delivery system’ means  
9 a delivery system for nuclear weapons.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 at the beginning of chapter 24 of such title is amended  
12 by inserting after the item relating to section 494, as  
13 added by section 1033(b)(2), the following new item:

“495. Strategic delivery systems.”.

14 **SEC. 1036. CONSIDERATION OF EXPANSION OF NUCLEAR**  
15 **FORCES OF OTHER COUNTRIES.**

16 (a) IN GENERAL.—Chapter 24 of title 10, United  
17 States Code, as added by section 1031(b), is amended by  
18 inserting after section 495, as added by section 1035(a),  
19 the following new section:

20 **“§ 496. Consideration of expansion of nuclear forces**  
21 **of other countries**

22 “(a) REPORT AND CERTIFICATION.—Not later than  
23 60 days before the President recommends any reductions  
24 to the nuclear forces of the United States—

1           “(1) the President shall transmit to the appro-  
2           priate congressional committees a report detailing,  
3           for each country with nuclear weapons, the high-,  
4           medium-, and low- confidence assessment of the in-  
5           telligence community (as defined in section 3(4) of  
6           the National Security Act of 1947 (50 U.S.C.  
7           401a(4))) with respect to—

8                   “(A) the number of each type of nuclear  
9                   weapons possessed by such country;

10                   “(B) the modernization plans for such  
11                   weapons of such country;

12                   “(C) the production capacity of nuclear  
13                   warheads and strategic delivery systems (as de-  
14                   fined in section 495(e)(2) of this title) of such  
15                   country;

16                   “(D) the nuclear doctrine of such country;  
17                   and

18                   “(E) the impact of such recommended re-  
19                   ductions on the deterrence and extended deter-  
20                   rence capabilities of the United States; and

21           “(2) the Commander of the United States Stra-  
22           tegic Command shall certify to the appropriate con-  
23           gressional committees whether such recommended  
24           reductions in the nuclear forces of the United States  
25           will—

1                   “(A) impair the ability of the United  
2                   States to address—

3                   “(i) unplanned strategic or geo-  
4                   political events; or

5                   “(ii) technical challenge; or

6                   “(B) degrade the deterrence or assurance  
7                   provided by the United States to friends and al-  
8                   lies of the United States.

9                   “(b) FORM.—The reports required by subsection  
10 (a)(1) shall be submitted in unclassified form, but may  
11 include a classified annex.

12                   “(c) APPROPRIATE CONGRESSIONAL COMMITTEES  
13 DEFINED.—In this section, the term ‘appropriate congres-  
14 sional committees’ means the following:

15                   “(1) The congressional defense committees.

16                   “(2) The Committee on Foreign Affairs of the  
17                   House of Representatives and the Committee on  
18                   Foreign Relations of the Senate.”.

19                   (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of such chapter is amended by inserting  
21 after the item relating to section 495, as added by section  
22 1035(b), the following new item:

“496. Consideration of expansion of nuclear forces of other countries.”.

1 **SEC. 1037. NONSTRATEGIC NUCLEAR WEAPON REDUC-**  
2 **TIONS AND EXTENDED DETERRENCE POLICY.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that—

5 (1) the United States should pursue negotia-  
6 tions with the Russian Federation aimed at the re-  
7 duction of Russian deployed and nondeployed non-  
8 strategic nuclear forces;

9 (2) nonstrategic nuclear weapons should be con-  
10 sidered when weighing the balance of the nuclear  
11 forces of the United States and the Russian Federa-  
12 tion;

13 (3) any geographical relocation or storage of  
14 nonstrategic nuclear weapons by the Russian Fed-  
15 eration does not constitute a reduction or elimi-  
16 nation of such weapons;

17 (4) the vast advantage of the Russian Federa-  
18 tion in nonstrategic nuclear weapons constitutes a  
19 threat to the United States and its allies and a  
20 growing asymmetry in Western Europe;

21 (5) the forward-deployed nuclear forces of the  
22 United States are an important contributor to the  
23 assurance of the allies of the United States and con-  
24 stitute a check on proliferation and a tool in dealing  
25 with neighboring states hostile to the North Atlantic  
26 Treaty Organization (“NATO”);

1           (6) the United States should maintain its com-  
2           mitment to extended deterrence, specifically the nu-  
3           clear alliance of NATO, as an important component  
4           of ensuring and linking the national security inter-  
5           ests of the United States and the security of its Eu-  
6           ropean allies;

7           (7) forward-deployed nuclear forces of the  
8           United States shall remain based in Europe in sup-  
9           port of the nuclear policy and posture of NATO sub-  
10          ject to the policy and requirements of NATO;

11          (8) the presence of nuclear weapons of the  
12          United States in Europe—combined with NATO’s  
13          unique nuclear sharing arrangements under which  
14          non-nuclear members participate in nuclear planning  
15          and possess specially configured aircraft capable of  
16          delivering nuclear weapons—provides reassurance to  
17          allies and partners who feel exposed to regional  
18          threats; and

19          (9) only the President and Congress have the  
20          legal authority over the nuclear forces of the United  
21          States and no multilateral organization, not even  
22          NATO, can articulate a declaratory policy con-  
23          cerning the use of nuclear weapons that binds the  
24          United States.

25          (b) NOTIFICATION.—

1           (1) IN GENERAL.—Chapter 24 of title 10,  
2           United States Code, as added by section 1031(b), is  
3           amended by inserting after section 496, as added by  
4           section 1036(a), the following new section:

5   **“§ 497. Notification required for reduction, consolida-**  
6                   **tion, or withdrawal of nuclear forces**  
7                   **based in Europe**

8           “(a) NOTIFICATION.—Upon any decision to reduce,  
9           consolidate, or withdraw the nuclear forces of the United  
10          States that are based in Europe, the President shall trans-  
11          mit to the appropriate congressional committees a notifi-  
12          cation containing—

13                  “(1) justification for such reduction, consolida-  
14          tion, or withdrawal; and

15                  “(2) an assessment of how member states of  
16          the North Atlantic Treaty Organization, in light of  
17          such reduction, consolidation, or withdrawal, assess  
18          the credibility of the deterrence capability of the  
19          United States in support of its commitments under-  
20          taken pursuant to article 5 of the North Atlantic  
21          Treaty, signed at Washington, District of Columbia,  
22          on April 4, 1949, and entered into force on August  
23          24, 1949 (63 Stat. 2241; TIAS 1964).

24          “(b) PRIOR NOTIFICATION REQUIRED.—

1           “(1) IN GENERAL.—The President shall trans-  
2           mit the notification required by subsection (a) by  
3           not later than 60 days before the date on which the  
4           President commences a reduction, consolidation, or  
5           withdrawal of the nuclear forces of the United  
6           States that are based in Europe described in such  
7           notification.

8           “(2) EXCEPTION.—The limitation in paragraph  
9           (1) shall not apply to a reduction, consolidation, or  
10          withdrawal of nuclear weapons of the United States  
11          that are based in Europe made to ensure the safety,  
12          security, reliability, and credibility of such weapons.

13          “(c) APPROPRIATE CONGRESSIONAL COMMITTEES  
14          DEFINED.—In this section, the term ‘appropriate congres-  
15          sional committees’ means—

16                 “(1) the Committees on Armed Services of the  
17                 House of Representatives and the Senate; and

18                 “(2) the Committee on Foreign Affairs of the  
19                 House of Representatives and the Committee on  
20                 Foreign Relations of the Senate.”.

21                 (2) CLERICAL AMENDMENT.—The table of sec-  
22                 tions at the beginning of such chapter is amended  
23                 by inserting after the item relating section 496, as  
24                 added by section 1036(b), the following new item:

          “497. Notification required for reduction, consolidation, or withdrawal of nuclear  
          forces based in Europe.”.

1 **SEC. 1038. UNILATERAL CHANGE IN NUCLEAR WEAPONS**  
2 **STOCKPILE OF THE UNITED STATES.**

3 (a) IN GENERAL.—Chapter 24 of title 10, United  
4 States Code, as added by section 1031(b), is amended by  
5 inserting after section 497, as added by section  
6 1037(b)(1), the following new section:

7 **“§ 498 Unilateral change in nuclear weapons stock-**  
8 **pile of the United States**

9 “(a) IN GENERAL.—Other than pursuant to a treaty,  
10 if the President has under consideration to unilaterally  
11 change the size of the total stockpile of nuclear weapons  
12 of the United States by more than 25 percent, prior to  
13 doing so the President shall initiate a Nuclear Posture Re-  
14 view.

15 “(b) TERMS OF REFERENCE.—Prior to the initiation  
16 of a Nuclear Posture Review under this section, the Presi-  
17 dent shall determine the terms of reference for the Nu-  
18 clear Posture Review, which the President shall provide  
19 to the congressional defense committees.

20 “(c) NUCLEAR POSTURE REVIEW.—Upon completion  
21 of a Nuclear Posture Review under this section, the Presi-  
22 dent shall submit the Nuclear Posture Review to the con-  
23 gressional defense committees prior to implementing any  
24 change in the nuclear weapons stockpile by more than 25  
25 percent.

1       “(d) CONSTRUCTION.—This section shall not apply to  
2 changes to the nuclear weapons stockpile resulting from  
3 treaty obligations.

4       “(e) FORM.—A Nuclear Posture Review under this  
5 section shall be submitted in unclassified form, but may  
6 include a classified annex.”.

7       (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of such chapter is amended by inserting  
9 after the item relating section 497, as added by section  
10 1037(b)(2), the following new item:

“498. Unilateral change in nuclear weapons stockpile of the United States.”.

11 **SEC. 1039. EXPANSION OF DUTIES AND RESPONSIBILITIES**  
12 **OF THE NUCLEAR WEAPONS COUNCIL.**

13       (a) GUIDANCE ON NUCLEAR COMMAND, CONTROL,  
14 AND COMMUNICATIONS SYSTEMS.—Section 179(d) of title  
15 10, United States Code, is amended—

16           (1) in paragraph (2), by inserting “and alter-  
17 natives” before the period;

18           (2) in paragraph (3), by inserting “and approv-  
19 ing” after “Coordinating”;

20           (3) in paragraph (7)—

21               (A) by striking “broad” and inserting  
22 “specific”; and

23               (B) by inserting before the period at the  
24 end the following: “and priorities among activi-  
25 ties, including production, surveillance, re-

1 search, construction, and any other programs  
2 within the National Nuclear Security Adminis-  
3 tration”;

4 (4) by redesignating paragraph (10) as para-  
5 graph (12); and

6 (5) by inserting after paragraph (9) the fol-  
7 lowing new paragraph (10):

8 “(10) Coordinating and providing guidance and  
9 oversight on nuclear command, control, and commu-  
10 nications systems.”.

11 (b) BUDGET AND FUNDING MATTERS.—Section 179  
12 of such title is further amended—

13 (1) in subsection (d), as amended by subsection  
14 (a), by inserting after paragraph (10) the following  
15 new paragraph (11):

16 “(11) Coordinating and approving the annual  
17 budget proposals of the National Nuclear Security  
18 Administration.”;

19 (2) by redesignating subsection (f) as sub-  
20 section (g); and

21 (3) by inserting after subsection (e) the fol-  
22 lowing new subsection (f):

23 “(f) BUDGET AND FUNDING MATTERS.—(1) The  
24 Council shall submit to Congress each year, at the same  
25 time the budget of the President for the fiscal year begin-

1 ning in such year is submitted to Congress pursuant to  
2 section 1105(a) of title 31, a certification whether or not  
3 the amounts requested for the National Nuclear Security  
4 Administration in such budget, and anticipated over the  
5 four fiscal years following such budget, meets nuclear  
6 stockpile and stockpile stewardship program requirements  
7 for such fiscal year and over such four fiscal years. If a  
8 member of the Council does not concur in a certification,  
9 the certification shall include the reasons for the member's  
10 non-concurrence.

11 “(2) If a House of Congress adopts a bill authorizing  
12 or appropriating funds for the National Nuclear Security  
13 Administration for nuclear stockpile and stockpile stew-  
14 ardship program activities or other activities that, as de-  
15 termined by the Council, provides insufficient funds for  
16 such activities for the period covered by such bill, the  
17 Council shall notify the congressional defense committees  
18 of the determination.”.

19 (c) AGENDA OF MEETINGS.—Section 179(b)(3) of  
20 such title is amended by adding at the end the following:  
21 “To the extent possible, not later than seven days before  
22 a meeting, the Chairman shall disseminate to each mem-  
23 ber of the Council the agenda and documents for such  
24 meeting.”.

1 **SEC. 1040. INTERAGENCY COUNCIL ON THE STRATEGIC CA-**  
2 **PABILITY OF THE NATIONAL LABORATORIES.**

3 (a) ESTABLISHMENT.—Chapter 7 of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 188. Interagency Council on the Strategic Capa-**  
7 **bility of the National Laboratories**

8 “(a) ESTABLISHMENT.—There is an Interagency  
9 Council on the Strategic Capability of the National Lab-  
10 oratories (in this section referred to as the ‘Council’).

11 “(b) MEMBERSHIP.—The membership of the Council  
12 is comprised of the following:

13 “(1) The Secretary of Defense.

14 “(2) The Secretary of Energy.

15 “(3) The Secretary of Homeland Security.

16 “(4) The Director of National Intelligence.

17 “(5) The Administrator for Nuclear Security.

18 “(6) Such other officials as the President con-  
19 siders appropriate.

20 “(c) STRUCTURE AND PROCEDURES.—The President  
21 may determine the chair, structure, staff, and procedures  
22 of the Council.

23 “(d) RESPONSIBILITIES.—The Council shall be re-  
24 sponsible for the following matters:

25 “(1) Identifying and considering the science,  
26 technology, and engineering capabilities of the na-

1 tional laboratories that could be leveraged by each  
2 participating agency to support national security  
3 missions.

4 “(2) Reviewing and assessing the adequacy of  
5 the national security science, technology, and engi-  
6 neering capabilities of the national laboratories for  
7 supporting national security missions throughout the  
8 Federal Government.

9 “(3) Establishing and overseeing means of en-  
10 suring that—

11 “(A) capabilities identified by the Council  
12 under paragraph (1) are sustained to an appro-  
13 priate level; and

14 “(B) each participating agency provides  
15 the appropriate level of institutional support to  
16 sustain such capabilities.

17 “(4) In accordance with acquisition rules re-  
18 garding federally funded research and development  
19 centers, establishing criteria for when each partici-  
20 pating agency should seek to use the services of the  
21 national laboratories, including the identification of  
22 appropriate mission areas and capabilities.

23 “(5) Making recommendations to the President  
24 and Congress regarding regulatory or statutory  
25 changes needed to better support—

1           “(A) the strategic capabilities of the na-  
2           tional laboratories; and

3           “(B) the use of such laboratories by each  
4           participating agency.

5           “(6) Other actions the Council considers appro-  
6           priate with respect to—

7           “(A) the sustainment of the national lab-  
8           oratories; and

9           “(B) the use of the strategic capabilities of  
10          such laboratories.

11          “(e) STREAMLINED PROCESS.—With respect to the  
12          participating agency for which a member of the Council  
13          is the head of, each member of the Council shall—

14               “(1) establish processes to streamline the con-  
15               sideration and approval of procuring the services of  
16               the national laboratories on appropriate matters;  
17               and

18               “(2) ensure that such processes are used in ac-  
19               cordance with the criteria established under sub-  
20               section (d)(4).

21          “(f) DEFINITIONS.—In this section:

22               “(1) The term ‘participating agency’ means a  
23               department or agency of the Federal Government  
24               that is represented on the Council by a member  
25               under subsection (b).



1 sets” signed by the Secretary of Defense, the  
2 Secretary of Energy, the Secretary of Home-  
3 land Security, and the Director of National In-  
4 telligence in July 2010.

5 (B) The effectiveness of the Council in ac-  
6 complishing the purpose and objectives of such  
7 section and such Charter.

8 (C) Efforts to strengthen work-for-others  
9 programs at the national laboratories.

10 (D) Efforts to make work-for-others oppor-  
11 tunities at the national laboratories more cost-  
12 effective.

13 (E) Ongoing and planned measures for in-  
14 creasing cost-sharing and institutional support  
15 investments at the national laboratories from  
16 other agencies.

17 (F) Any regulatory or statutory changes  
18 recommended to improve the ability of such  
19 other agencies to leverage expertise and capa-  
20 bilities at the national laboratories.

21 (G) The strategic capabilities and core  
22 competencies of laboratories and engineering  
23 centers operated by the Department of Defense,  
24 including identification of mission areas and

1 functions that should be carried out by such  
2 laboratories and engineering centers.

3 (H) Consistent with the protection of  
4 sources and methods, the level of funding and  
5 general description of programs that were fund-  
6 ed during fiscal year 2012 by—

7 (i) the Department of Defense and  
8 carried out at the national laboratories;  
9 and

10 (ii) the Department of Energy and  
11 the national laboratories and carried out at  
12 the laboratories and engineering centers of  
13 the Department of Defense.

14 (2) FORM.—The report required by paragraph  
15 (1) shall be submitted in unclassified form, but may  
16 include a classified annex.

17 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
18 TEES DEFINED.—In this subsection, the term “ap-  
19 propriate congressional committees” means the fol-  
20 lowing:

21 (A) The congressional defense committees.

22 (B) The Committee on Energy and Com-  
23 merce of the House of Representatives and the  
24 Committee on Energy and Natural Resources of  
25 the Senate.

1 (C) The Committee on Homeland Security  
2 of the House of Representatives and the Com-  
3 mittee on Homeland Security and Govern-  
4 mental Affairs of the Senate.

5 (D) The Committee on Science, Space, and  
6 Technology of the House of Representatives  
7 and the Committee on Commerce, Science, and  
8 Transportation of the Senate.

9 (E) The Permanent Select Committee on  
10 Intelligence of the House of Representatives  
11 and the Select Committee on Intelligence of the  
12 Senate.

13 (d) CONSTRUCTION.—Nothing in section 188 of title  
14 10, United States Code, as added by subsection (a), shall  
15 be construed to limit section 309 of the Homeland Secu-  
16 rity Act of 2002 (6 U.S.C. 189).

17 **SEC. 1041. COST ESTIMATES FOR NUCLEAR WEAPONS.**

18 (a) BUDGET REQUIREMENTS.—Section 1043 of the  
19 National Defense Authorization Act for Fiscal Year 2012  
20 (Public Law 112–81; 125 Stat. 1576) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (2), by amending sub-  
23 paragraph (F) to read as follows:

24 “(F) In accordance with paragraph (3), a  
25 detailed estimate of the budget requirements as-

1           sociated with sustaining and modernizing the  
2           nuclear deterrent of the United States and the  
3           nuclear weapons stockpile of the United States,  
4           including the costs associated with the plans  
5           outlined under subparagraphs (A) through (E),  
6           over the 10-year period following the date of  
7           the report, including the applicable and appro-  
8           priate costs associated with the procurement,  
9           military construction, operation and mainte-  
10          nance, and research, development, test, and  
11          evaluation accounts of the Department of De-  
12          fense.”; and

13                   (B) by adding at the end the following new  
14          paragraph:

15                   “(3) BUDGET ESTIMATE CONTENTS AND METH-  
16          ODOLOGY.—Each budget estimate under paragraph  
17          (2)(F) shall include a detailed description of the  
18          costs included in such estimate and the methodology  
19          used to create such estimate.”; and

20                   (2) by adding at the end the following new sub-  
21          section:

22                   “(c) COMPTROLLER GENERAL REVIEW.—The Comp-  
23          troller General of the United States shall—

24                   “(1) review each report under subsection (a) for  
25          accuracy and completeness with respect to the mat-

1       ters described in paragraphs (2)(F) and (3) of such  
2       subsection; and

3               “(2) not later than 180 days after the date on  
4       which such report under subsection (a) is submitted,  
5       submit to the congressional defense committees a  
6       summary of each such review.”.

7       (b) CBO ESTIMATE OF COSTS.—Not later than one  
8       year after the date of the enactment of this Act, the Direc-  
9       tor of the Congressional Budget Office shall submit to the  
10      congressional defense committees a report setting forth  
11      the following:

12              (1) An estimate of the costs over the 10-year  
13      period beginning on the date of the report associated  
14      with fielding and maintaining the current nuclear  
15      weapons and nuclear weapon delivery systems of the  
16      United States.

17              (2) An estimate of the costs over the 10-year  
18      period beginning on the date of the report of any life  
19      extension, modernization, or replacement of any cur-  
20      rent nuclear weapons or nuclear weapon delivery sys-  
21      tems of the United States that is anticipated as of  
22      the date of the report.

1 **SEC. 1042. PRIOR NOTIFICATION WITH REGARD TO RETIRE-**  
2 **MENT OF STRATEGIC DELIVERY SYSTEMS.**

3 (a) PRIOR NOTIFICATION.—The President shall en-  
4 sure that the Secretary of Defense submits to Congress  
5 the plan required by section 1042(a) of the National De-  
6 fense Authorization Act of Fiscal Year 2012 (Public Law  
7 112–81; 125 Stat. 1575) by not later than 60 days before  
8 the date on which the President carries out any reduction,  
9 conversion, or decommissioning of any strategic delivery  
10 system pursuant to the levels set forth for such systems  
11 under the New START Treaty.

12 (b) DEFINITIONS.—In this section:

13 (1) The term “New START Treaty” means the  
14 Treaty between the United States of America and  
15 the Russian Federation on Measures for the Further  
16 Reduction and Limitation of Strategic Offensive  
17 Arms, signed on April 8, 2010, and entered into  
18 force on February 5, 2011.

19 (2) The term “strategic delivery system” means  
20 the following delivery platforms for nuclear weapons:

21 (A) Land-based intercontinental ballistic  
22 missiles.

23 (B) Submarine-launched ballistic missiles  
24 and associated ballistic missile submarines.

25 (C) Nuclear-certified strategic bombers.

26 (D) Nuclear-capable cruise missiles.

1 **SEC. 1043. REPORT ON NUCLEAR WARHEADS ON INTER-**  
2 **CONTINENTAL BALLISTIC MISSILES OF THE**  
3 **UNITED STATES.**

4 Not later than 60 days after the date of the enact-  
5 ment of this Act, the Secretary of Defense shall submit  
6 to the congressional defense committees a report on the  
7 requirements necessary to ensure that the United States  
8 retains the ability (and all of the related capabilities) to  
9 upload an intercontinental ballistic missile with multiple  
10 nuclear warheads in the event that operational require-  
11 ments, technical failures, or other decisions require such  
12 an ability.

13 **SEC. 1044. REQUIREMENTS FOR COMBINED OR INTEROPER-**  
14 **ABLE WARHEAD FOR CERTAIN MISSILE SYS-**  
15 **TEMS.**

16 (a) NAVY AND AIR FORCE STATEMENTS.—Not later  
17 than 75 days after the date of the enactment of this Act,  
18 the Secretary of the Navy and the Secretary of the Air  
19 Force shall each submit separate statements to the Nu-  
20 clear Weapons Council established by section 179 of title  
21 10, United States Code, on—

22 (1) plans related to a combined or interoperable  
23 warhead for the W78 Minuteman III missile system  
24 and the W88 Trident II D5 missile system; and

25 (2) the views of the Secretary with respect to  
26 such combined or interoperable warhead.

1 (b) REPORT BY NUCLEAR WEAPONS COUNCIL.—

2 (1) IN GENERAL.—Not later than 120 days  
3 after the date of the enactment of this Act, the Nu-  
4 clear Weapons Council shall submit to the congres-  
5 sional defense committees a report setting forth the  
6 requirements for a combined or interoperable war-  
7 head for the W78 Minuteman III missile system and  
8 the W88 Trident II D5 missile system.

9 (2) MATTERS INCLUDED.—The report under  
10 paragraph (1) shall include—

11 (A) the views of the Council with respect  
12 to the combined or interoperable warhead; and

13 (B) the unaltered statements of the Sec-  
14 retary of the Navy and the Secretary of the Air  
15 Force submitted to the Council under sub-  
16 section (a).

17 **SEC. 1045. REPORTS ON CAPABILITY OF CONVENTIONAL**  
18 **AND NUCLEAR FORCES AGAINST CERTAIN**  
19 **TUNNEL SITES AND ON NUCLEAR WEAPONS**  
20 **PROGRAM OF THE PEOPLE'S REPUBLIC OF**  
21 **CHINA.**

22 (a) REPORT ON CAPABILITY OF U.S. CONVENTIONAL  
23 AND NUCLEAR FORCES AGAINST CERTAIN TUNNEL  
24 SITES.—

1           (1) REPORT.—Not later than one year after the  
2           date of the enactment of this Act, the Commander  
3           of the United States Strategic Command shall sub-  
4           mit to the appropriate congressional committees a  
5           report on the underground tunnel network used by  
6           the People’s Republic of China with respect to the  
7           capability of the United States to use conventional  
8           and nuclear forces to neutralize such tunnels and  
9           what is stored within such tunnels.

10           (2) FORM.—The report under paragraph (1)  
11           shall be submitted in unclassified form, but may in-  
12           clude a classified annex.

13           (b) ASSESSMENT OF NUCLEAR WEAPONS PRO-  
14           GRAM.—

15           (1) IN GENERAL.—The Secretary of Defense  
16           shall enter into an agreement with a federally fund-  
17           ed research and development center to conduct an  
18           assessment of the nuclear weapons program of the  
19           People’s Republic of China.

20           (2) PANEL.—To conduct the assessment under  
21           paragraph (1), the federally funded research and de-  
22           velopment center shall convene a panel consisting of  
23           individuals who—

24                    (A) are nuclear weapons or military ex-  
25                    perts;

1 (B) have significant experience and subject  
2 matter expertise based on the service of the in-  
3 dividual in the Federal Government or the nu-  
4 clear weapons laboratories; and

5 (C) possess (or have recently possessed)  
6 the appropriate security clearance required to  
7 access relevant classified information of the in-  
8 telligence community and the Department of  
9 Energy.

10 (3) MATTERS INCLUDED.—The assessment  
11 under paragraph (1) shall include the following:

12 (A) An assessment of the nuclear deter-  
13 rence strategy of China, including a historical  
14 perspective and the assessed geopolitical drivers  
15 of such strategy.

16 (B) A detailed description of the nuclear  
17 arsenal of China, including—

18 (i) the capabilities of such arsenal;

19 (ii) the number of nuclear weapons in  
20 such arsenal capable of being delivered at  
21 intercontinental range; and

22 (iii) any associated doctrines (includ-  
23 ing targeting doctrines) relating to such  
24 arsenal.

1 (C) A comparison of the nuclear forces of  
2 the United States with the nuclear forces of  
3 China, including with respect to nuclear forces  
4 that are deployed, in reserve, or awaiting dis-  
5 mantlement.

6 (D) Projections of the possible future nu-  
7 clear arsenals of China, including the capabili-  
8 ties and associated doctrines of such arsenals.

9 (E) A description of command and control  
10 functions and gaps.

11 (F) An assessment of the fissile material  
12 stockpile of China and the civil and military  
13 production capabilities and capacities.

14 (G) An assessment of the production ca-  
15 pacities of China for nuclear weapons and nu-  
16 clear weapon delivery vehicles.

17 (H) A discussion of any significant uncer-  
18 tainties surrounding the nuclear weapons pro-  
19 gram of China, including—

20 (i) identification of the knowledge  
21 gaps regarding such nuclear weapons pro-  
22 gram; and

23 (ii) a discussion of the implications of  
24 any such gaps for the security of the

1 United States and the allies of the United  
2 States.

3 (I) Any recommendations to improve the  
4 understanding of the United States with respect  
5 to the nuclear weapons program of China.

6 (4) REPORT.—Not later than August 15, 2013,  
7 the federally funded research and development cen-  
8 ter shall submit to the appropriate congressional  
9 committees a report on the assessment conducted  
10 under paragraph (1).

11 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
12 FINED.—In this section, the term “appropriate congres-  
13 sional committees” means the following:

14 (1) The congressional defense committees.

15 (2) The Committee on Foreign Affairs of the  
16 House of Representatives and the Committee on  
17 Foreign Relations of the Senate.

18 **SEC. 1046. REPORT ON CONVENTIONAL AND NUCLEAR**  
19 **FORCES IN THE WESTERN PACIFIC REGION.**

20 Not later than 180 days after the date of the enact-  
21 ment of this Act, the Secretary of Defense, in consultation  
22 with the Secretary of State, shall submit to the congres-  
23 sional defense committees a report on the feasibility and  
24 strategic value of deploying additional conventional and  
25 nuclear forces to the Western Pacific region to ensure the

1 presence of a robust conventional and nuclear capability,  
2 including a forward-deployed nuclear capability, of the  
3 United States in response to the ballistic missile and nu-  
4 clear weapons developments of North Korea and the other  
5 belligerent actions North Korea has made against allies  
6 of the United States. The report shall include an evalua-  
7 tion of any bilateral agreements, basing arrangements,  
8 and costs that would be involved with such additional de-  
9 ployments.

10 **Subtitle F—Miscellaneous**  
11 **Authorities and Limitations**

12 **SEC. 1051. EXPANSION OF AUTHORITY OF THE SECRETARY**  
13 **OF THE ARMY TO LOAN OR DONATE EXCESS**  
14 **NON-AUTOMATIC SERVICE RIFLES FOR FU-**  
15 **NERAL AND OTHER CEREMONIAL PURPOSES.**

16 (a) IN GENERAL.—Section 4683 of title 10, United  
17 States Code, is amended—

18 (1) in subsection (a), by adding at the end the  
19 following new paragraph:

20 “(3)(A) In order to meet the needs of an eligible or-  
21 ganization with respect to performing funeral and other  
22 ceremonies, if the Secretary determines appropriate, the  
23 Secretary may—

24 “(i) loan or donate excess non-automatic service rifles  
25 to an eligible organization; or

1 “(ii) authorize an eligible organization to retain non-  
2 automatic service rifles other than M–1 rifles.

3 “(B) Nothing in this paragraph shall be construed  
4 to supersede any Federal law or regulation governing the  
5 use or ownership of firearms.”; and

6 (2) by striking the section heading and insert-  
7 ing the following:

8 **“§ 4683. Excess non-automatic service rifles: loan or**  
9 **donation for funeral and other ceremo-**  
10 **nial purposes”.**

11 (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of chapter 443 of such title is amended  
13 by striking the item relating to section 4683 and inserting  
14 the following new item:

“4683. Excess non-automatic service rifles: loan or donation for funeral and  
other ceremonial purposes.”.

15 **SEC. 1052. INTERAGENCY COLLABORATION ON UNMANNED**  
16 **AIRCRAFT SYSTEMS.**

17 (a) FINDINGS ON JOINT DEPARTMENT OF DEFENSE  
18 FEDERAL AVIATION ADMINISTRATION EXECUTIVE COM-  
19 MITTEE ON CONFLICT AND DISPUTE RESOLUTION.—Sec-  
20 tion 1036(a) of the Duncan Hunter National Defense Au-  
21 thorization Act for Fiscal Year 2009 (Public Law 110–  
22 417; 122 Stat. 4596) is amended by adding at the end  
23 the following new paragraph:

1           “(9) Collaboration of scientific and technical  
2           personnel and sharing of technical information, test  
3           results, and resources where available from the De-  
4           partment of Defense, the Federal Aviation Adminis-  
5           tration, and the National Aeronautics and Space Ad-  
6           ministration can advance an enduring relationship of  
7           research capability to advance the access of un-  
8           manned aircraft systems of the Department of De-  
9           fense, the National Aeronautics and Space Adminis-  
10          tration and other public agencies to the National  
11          Airspace System.”.

12          (b) INTERAGENCY COLLABORATION.—

13           (1) IN GENERAL.—The Secretary of Defense  
14           shall collaborate with the Administrator of the Fed-  
15           eral Aviation Administration and the Administrator  
16           of the National Aeronautics and Space Administra-  
17           tion to conduct research and seek solutions to chal-  
18           lenges associated with the safe integration of un-  
19           manned aircraft systems into the National Airspace  
20           System in accordance with subtitle B of title III of  
21           the FAA Modernization and Reform Act of 2012  
22           (Public Law 112–95; 126 Stat. 72).

23           (2) ACTIVITIES IN SUPPORT OF PLAN ON AC-  
24           CESS TO NATIONAL AIRSPACE FOR UNMANNED AIR-  
25           CRAFT SYSTEMS.—Collaboration under paragraph

1 (1) may include research and development of sci-  
2 entific and technical issues, equipment, and tech-  
3 nology in support of the plan to safely accelerate the  
4 integration of unmanned aircraft systems as re-  
5 quired by subtitle B of title III of the FAA Mod-  
6 ernization and Reform Act of 2012.

7 (3) NONDUPLICATIVE EFFORTS.—If the Sec-  
8 retary of Defense determines it is in the interest of  
9 the Department of Defense, the Secretary may use  
10 existing aerospace-related laboratories, personnel,  
11 equipment, research radars, and ground facilities of  
12 the Department of Defense to avoid duplication of  
13 efforts in carrying out collaboration under para-  
14 graph (1).

15 (4) REPORTS.—

16 (A) REQUIREMENT.—The Secretary of De-  
17 fense, on behalf of the UAS Executive Com-  
18 mittee, shall annually submit to the congres-  
19 sional defense committees, the Committee on  
20 Transportation and Infrastructure, and the  
21 Committee on Science, Space, and Technology  
22 of the House of Representatives, and the Com-  
23 mittee on Commerce, Science, and Transpor-  
24 tation of the Senate a report on the progress of

1 research activity of the Department of Defense,  
2 including—

3 (i) progress in accomplishing the goals  
4 of the unmanned aircraft systems research,  
5 development, and demonstration as related  
6 to the Department of Defense Final Re-  
7 port to Congress on Access to National  
8 Airspace for Unmanned Aircraft Systems  
9 of October 2010, and any ongoing and col-  
10 laborative research and development pro-  
11 grams with the Federal Aviation Adminis-  
12 tration and the National Aeronautics and  
13 Space Administration;

14 (ii) estimates of long-term funding  
15 needs and details of funds expended and  
16 allocated in the budget requests of the  
17 President that support integration into the  
18 National Airspace; and

19 (iii) progress in sharing with the Fed-  
20 eral Aviation Administration safety oper-  
21 ational and performance data as it relates  
22 to unmanned aircraft system operation and  
23 the impact on the National Airspace Sys-  
24 tem.

1                   (B) TERMINATION.—The requirement to  
2                   submit a report under subparagraph (A) shall  
3                   terminate on the date that is 5 years after the  
4                   date of the enactment of this Act.

5                   (c) UAS EXECUTIVE COMMITTEE DEFINED.—In this  
6                   section, the term “UAS Executive Committee” means the  
7                   National Aeronautics and Space Administration and  
8                   the Department of Defense—Federal Aviation Administra-  
9                   tion executive committee described in section 1036(b) of  
10                  the Duncan Hunter National Defense Authorization Act  
11                  for Fiscal Year 2009 and established by the Secretary of  
12                  Defense and the Administrator of the Federal Aviation  
13                  Administration.

14                  (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
15                  hereby authorized to be appropriated such sums as may  
16                  be necessary to carry out this section.

17   **SEC. 1053. AUTHORITY TO TRANSFER SURPLUS MINE-RE-**  
18                                   **SISTANT    AMBUSH-PROTECTED    VEHICLES**  
19                                   **AND SPARE PARTS.**

20                  (a) AUTHORITY.—The Secretary of Defense is au-  
21                  thorized to transfer surplus Mine-Resistant Ambush-Pro-  
22                  tected vehicles, including spare parts for such vehicles, to  
23                  non-profit United States humanitarian demining organiza-  
24                  tions for purposes of demining activities and training of  
25                  such organizations.

1 (b) TERMS AND CONDITIONS.—Any transfer of vehi-  
2 cles or spare parts under subsection (a) shall be subject  
3 to the following terms and conditions:

4 (1) The transfer shall be made on a loan basis.

5 (2) The costs of operation and maintenance of  
6 the vehicles shall be borne by the recipient organiza-  
7 tion.

8 (3) Any other terms and conditions as the Sec-  
9 retary of Defense determines to be appropriate.

10 (c) NOTIFICATION.—The Secretary of Defense shall  
11 notify the congressional defense committees in writing not  
12 less than 60 days before making any transfer of vehicles  
13 or spare parts under subsection (a). Such notification shall  
14 include the name of the organization, the number and  
15 model of the vehicle to be transferred, a listing of any  
16 spare parts to be transferred, and any other information  
17 the Secretary considers appropriate.

18 **SEC. 1054. NOTICE TO CONGRESS OF CERTAIN DEPART-**  
19 **MENT OF DEFENSE NONDISCLOSURE AGREE-**  
20 **MENTS.**

21 (a) NOTICE REQUIRED.—The Secretary of Defense  
22 shall submit to the congressional defense committees no-  
23 tice of any request or requirement for members of the  
24 Armed Forces or civilian employees of the Department of  
25 Defense to enter into nondisclosure agreements that could

1 restrict the ability of such members or employees to com-  
2 municate with Congress. Each such notice shall include  
3 the following:

4 (1) The basis in law for the agreement.

5 (2) An explanation for the restriction of the  
6 ability to communicate with Congress.

7 (3) A description of the category of individuals  
8 requested or required to enter into the agreement.

9 (4) A copy of the language contained in the  
10 agreement.

11 (b) TIMING OF NOTIFICATION.—

12 (1) REQUESTS OR REQUIREMENTS BEFORE  
13 DATE OF ENACTMENT.—In the case of nondisclosure  
14 agreements described in subsection (a) that mem-  
15 bers or employees were first requested or required to  
16 enter into on or before the date of the enactment of  
17 this Act, the notice required by subsection (a) shall  
18 be submitted not later than 60 days after the date  
19 of enactment.

20 (2) REQUESTS OR REQUIREMENTS AFTER DATE  
21 OF ENACTMENT.—In the case of nondisclosure  
22 agreements described in subsection (a) that mem-  
23 bers or employees were first requested or required to  
24 enter into after the date of the enactment of this  
25 Act, the notice required by subsection (a) shall be

1 submitted not later than 30 days after the date on  
2 which the Secretary first requests or requires that  
3 the members or employees enter into the agree-  
4 ments.

5 **SEC. 1055. EXTENSION OF AUTHORITY TO PROVIDE AS-**  
6 **SURED BUSINESS GUARANTEES TO CAR-**  
7 **RIERS PARTICIPATING IN CIVIL RESERVE AIR**  
8 **FLEET.**

9 (a) EXTENSION.—Subsection (k) of section 9515 of  
10 title 10, United States Code, is amended by striking “De-  
11 cember 31, 2015” and inserting “December 31, 2020”.

12 (b) APPLICATION TO ALL SEGMENTS OF CRAF.—  
13 Such section is further amended—

14 (1) in subsection (a)(3), by striking “pas-  
15 senger”; and

16 (2) in subsection (j), by striking “, except that  
17 it only means such transportation for which the Sec-  
18 retary of Defense has entered into a contract for the  
19 purpose of passenger travel”.

20 **SEC. 1056. AUTHORITY FOR SHORT-TERM EXTENSION OF**  
21 **LEASE FOR AIRCRAFT SUPPORTING THE**  
22 **BLUE DEVIL INTELLIGENCE, SURVEILLANCE,**  
23 **AND RECONNAISSANCE PROGRAM.**

24 (a) IN GENERAL.—Notwithstanding section 2401 of  
25 title 10, United States Code, the Secretary of the Air

1 Force may extend or renew the lease of aircraft supporting  
2 the Blue Devil intelligence, surveillance, and reconnais-  
3 sance program after the date of the expiration of the cur-  
4 rent lease of such aircraft for a term that is the shorter  
5 of—

6 (1) the period beginning on the date of the ex-  
7 piration of the current lease and ending on the date  
8 on which the Commander of the United States Cen-  
9 tral Command notifies the Secretary that a sub-  
10 stitute is available for the capabilities provided by  
11 the lease, or that the capabilities provided by such  
12 aircraft are no longer required; or

13 (2) six months.

14 (b) FUNDING.—Amounts authorized to be appro-  
15 priated for fiscal year 2013 by title XV and available for  
16 Overseas Contingency Operations for operation and main-  
17 tenance as specified in the funding tables in section 4302  
18 may be available for the extension or renewal of the lease  
19 authorized by subsection (a).

1 **SEC. 1057. RULE OF CONSTRUCTION RELATING TO PROHI-**  
2 **BITION ON INFRINGING ON THE INDIVIDUAL**  
3 **RIGHT TO LAWFULLY ACQUIRE, POSSESS,**  
4 **OWN, CARRY, AND OTHERWISE USE PRI-**  
5 **VATELY OWNED FIREARMS, AMMUNITION,**  
6 **AND OTHER WEAPONS.**

7 Section 1062(c) of the Ike Skelton National Defense  
8 Authorization Act for Fiscal Year 2011 (Public Law 111–  
9 383; 124 Stat. 4363) is amended—

10 (1) in paragraph (1)(B), by striking “; or” and  
11 inserting a semicolon;

12 (2) in paragraph (2), by striking “others.” and  
13 inserting “others; or”; and

14 (3) by adding at the end the following new  
15 paragraph:

16 “(3) authorize a health professional that is a  
17 member of the Armed Forces or a civilian employee  
18 of the Department of Defense or a commanding offi-  
19 cer to inquire if a member of the Armed Forces  
20 plans to acquire, or already possesses or owns, a pri-  
21 vately-owned firearm, ammunition, or other weapon,  
22 if such health professional or such commanding offi-  
23 cer has reasonable grounds to believe such member  
24 is at risk for suicide or causing harm to others.”.

1 **SEC. 1058. SENSE OF CONGRESS ON THE JOINT**  
2 **WARFIGHTING ANALYSIS CENTER.**

3 It is the sense of Congress that the Joint Warfighting  
4 Analysis Center (JWAC) should have adequate resources  
5 to meet the continuing requirements of the combatant  
6 commands.

7 **SEC. 1059. LIMITATIONS ON RETIREMENT OF FIXED-WING**  
8 **INTRA-THEATER AIRLIFT AIRCRAFT FOR**  
9 **GENERAL SUPPORT AND TIME SENSITIVE/**  
10 **MISSION CRITICAL DIRECT SUPPORT AIR-**  
11 **LIFT MISSIONS OF THE DEPARTMENT OF DE-**  
12 **FENSE.**

13 (a) **LIMITATION ON RETIREMENTS.**—During fiscal  
14 year 2013, the Secretary of the Air Force shall retain an  
15 additional 32 fixed-wing, intra-theater airlift aircraft be-  
16 yond the number of such aircraft proposed to be retained  
17 in the Secretary's total force structure proposal provided  
18 to the congressional defense committees on November 2,  
19 2012.

20 (b) **INCORPORATION OF CONCEPT OF EMPLOY-**  
21 **MENT.**—Not later than June 1, 2013, the Secretary of the  
22 Air Force shall ensure that the concept of employment for  
23 the Department of the Air Force direct support of Depart-  
24 ment of the Army time sensitive or mission critical intra-  
25 theater airlift mission, as agreed to by the Vice Chiefs of  
26 Staff of the Air Force and the Army by memorandum of

1 agreement dated September 13, 2009, and agreed to by  
2 the Chiefs of Staff of the Air Force and the Army and  
3 the Vice Chairman of the Joint Chiefs of Staff, by memo-  
4 randum of understanding dated January 27, 2012, is  
5 wholly incorporated into Department of the Air Force doc-  
6 trine, strategy, tactics, and modeling and the Air Force  
7 core capabilities of agile combat support and rapid global  
8 mobility operations.

## 9 **Subtitle G—Studies and Reports**

### 10 **SEC. 1061. ELECTRONIC WARFARE STRATEGY OF THE DE-** 11 **PARTMENT OF DEFENSE.**

12 (a) **GUIDANCE REQUIRED.**—Not later than January  
13 1, 2013, the Secretary of Defense shall review and update  
14 Department of Defense guidance related to electronic war-  
15 fare to ensure that oversight roles and responsibilities  
16 within the Department related to electronic warfare policy  
17 and programs are clearly defined. Such guidance shall  
18 clarify, as appropriate, the roles and responsibilities re-  
19 lated to the integration of electronic warfare matters and  
20 cyberspace operations.

21 (b) **PLAN REQUIRED.**—Not later than October 1,  
22 2013, the Commander of the United States Strategic  
23 Command shall update and issue guidance regarding the  
24 responsibilities of the Command with regard to joint elec-  
25 tronic warfare capabilities. Such guidance shall—

1           (1) define the role and objectives of the Joint  
2     Electromagnetic Spectrum Control Center or any  
3     other center established in the Command to provide  
4     governance and oversight of electronic warfare mat-  
5     ters; and

6           (2) include an implementation plan outlining  
7     tasks, metrics, and timelines to establish such a cen-  
8     ter.

9     (c) **ADDITIONAL REPORTING REQUIREMENTS.**—Sec-  
10    tion 1053(b)(1) of the National Defense Authorization Act  
11    for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
12    2459) is amended—

13           (1) in subparagraph (B), by striking “; and”  
14     and inserting a semicolon;

15           (2) in subparagraph (C), by striking the period  
16     and inserting a semicolon; and

17           (3) by adding at the end the following new sub-  
18     paragraphs:

19                   “(D) performance measures to guide the  
20     implementation of such strategy;

21                   “(E) an identification of resources and in-  
22     vestments necessary to implement such strat-  
23     egy; and

1                   “(F) an identification of the roles and re-  
2                   sponsibilities within the Department to imple-  
3                   ment such strategy.”.

4 **SEC. 1062. REPORT ON COUNTERPROLIFERATION CAPA-**  
5 **BILITIES AND LIMITATIONS.**

6           (a) **REPORT REQUIRED.**—Not later than 180 days  
7 after the date of the enactment of this Act, the Secretary  
8 of Defense shall provide to the congressional defense com-  
9 mittees a report outlining operational capabilities, limita-  
10 tions, and shortfalls within the Department of Defense  
11 with respect to counterproliferation and combating weap-  
12 ons of mass destruction involving special operations forces  
13 and key enabling forces.

14           (b) **ELEMENTS.**—The report required under sub-  
15 section (a) shall include each of the following elements:

16                   (1) An overview and assessment of current  
17 counterproliferation and combating weapons of mass  
18 destruction capabilities, capacity, and limitations of  
19 special operations forces and key enabling capabili-  
20 ties provided by other supporting elements of the  
21 Department of Defense and other Government agen-  
22 cies.

23                   (2) An assessment of the unique capabilities of  
24 special operations forces to counter a proliferant’s

1 ability to develop weapons of mass destruction, in-  
2 cluding all phases of weaponization.

3 (3) An overview and assessment of current and  
4 future training requirements and gaps, including the  
5 adequacy and availability of training facilities rel-  
6 ative to paragraphs (1) and (2).

7 (4) An assessment of technical capability gaps  
8 relative to paragraphs (1) and (2), including an  
9 identification of any gaps that are unique to special  
10 operations forces.

11 (5) An assessment of interagency coordination  
12 capabilities and gaps, including intelligence support  
13 to countering weapons of mass destruction.

14 (6) An assessment of current international bi-  
15 lateral and multilateral partnerships and the limita-  
16 tions of such partnerships, including an assessment  
17 of existing authorities to build partnership capacity  
18 in countering weapons of mass destruction unique to  
19 special operations forces.

20 (7) A description of efforts to address the limi-  
21 tations and gaps referred to in paragraphs (1)  
22 through (6), including timelines and requirements to  
23 address such limitations and such gaps.

24 (8) Any other matters the Secretary considers  
25 appropriate.

1 **SEC. 1063. REPORT ON STRATEGIC AIRLIFT AIRCRAFT.**

2 Not later than 90 days after the date of the enact-  
3 ment of this Act, the Secretary of Defense shall submit  
4 to the congressional defense committees, the Committee  
5 on Transportation and Infrastructure of the House of  
6 Representatives, and the Committee on Commerce,  
7 Science, and Transportation of the Senate a report that  
8 sets forth the following:

9 (1) An assessment of the feasibility and advis-  
10 ability of obtaining a Federal Aviation Administra-  
11 tion certification for commercial use of each of the  
12 following:

13 (A) A commercial variant of the C-17 air-  
14 craft.

15 (B) A retired C-17A aircraft.

16 (C) A retired C-5A aircraft.

17 (2) An assessment of the current limitations of  
18 the aircraft of the Civil Reserve Air Fleet.

19 (3) An assessment of the potential for using the  
20 aircraft referred to in paragraph (1) in the Civil Re-  
21 serve Air Fleet.

22 (4) An assessment of the advantages of adding  
23 the aircraft referred to in paragraph (1) to the Civil  
24 Reserve Air Fleet.

25 (5) An update on the status of any cooperation  
26 between the Federal Aviation Administration and

1 the Department of Defense on the certification of  
2 the aircraft referred to in paragraph (1).

3 (6) A description of all actions required, includ-  
4 ing any impediments to such actions, to offering re-  
5 tired C-5A aircraft or retired C-17A aircraft as ex-  
6 cess defense articles to United States allies or for  
7 sale to Civil Reserve Air Fleet carriers.

8 (7) A description of the actions required for in-  
9 terested allies or Civil Reserve Air Fleet carriers to  
10 take delivery of excess C-5A aircraft or excess C-  
11 17A aircraft, including the actions, modifications, or  
12 demilitarization necessary for such recipients to take  
13 delivery of such aircraft, and provisions for permit-  
14 ting such recipients to undertake responsibility for  
15 such actions, to the maximum extent practicable.

16 **SEC. 1064. REPEAL OF BIENNIAL REPORT ON THE GLOBAL**  
17 **POSITIONING SYSTEM.**

18 Section 2281 of title 10, United States Code, is  
19 amended—

20 (1) by striking subsection (d); and

21 (2) by redesignating subsection (e) as sub-  
22 section (d).

1 **SEC. 1065. IMPROVEMENTS TO REPORTS REQUIRED ON AC-**  
2 **QUISITION OF TECHNOLOGY RELATING TO**  
3 **WEAPONS OF MASS DESTRUCTION AND THE**  
4 **THREAT POSED BY WEAPONS OF MASS DE-**  
5 **STRUCTION, BALLISTIC MISSILES, AND**  
6 **CRUISE MISSILES.**

7 (a) IN GENERAL.—Section 234 of the National De-  
8 fense Authorization Act for Fiscal Year 1998 (50 U.S.C.  
9 2367) is amended to read as follows:

10 **“SEC. 234. REPORTS ON ACQUISITION OF TECHNOLOGY RE-**  
11 **LATING TO WEAPONS OF MASS DESTRUCTION**  
12 **AND THE THREAT POSED BY WEAPONS OF**  
13 **MASS DESTRUCTION, BALLISTIC MISSILES,**  
14 **AND CRUISE MISSILES.**

15 “(a) ANNUAL REPORT.—Not later than January 30  
16 of each year, the Secretary of Defense, in consultation  
17 with the Director of National Intelligence, shall submit to  
18 the appropriate congressional committees a report on the  
19 following:

20 “(1) The threats posed to the United States  
21 and allies of the United States—

22 “(A) by weapons of mass destruction, bal-  
23 listic missiles, and cruise missiles; and

24 “(B) by the proliferation of weapons of  
25 mass destruction, ballistic missiles, and cruise  
26 missiles.

1           “(2) The acquisition by foreign countries during  
2           the preceding 12 months of dual-use and other tech-  
3           nology useful for the development or production of  
4           weapons of mass destruction (including nuclear  
5           weapons, chemical weapons, and biological weapons)  
6           and advanced conventional munitions.

7           “(3) Any trends with respect to the acquisition  
8           described in paragraph (2).

9           “(b) MATTERS INCLUDED.—Each report submitted  
10          under subsection (a) shall include the following:

11           “(1) Identification of each foreign country and  
12           non-State organization that possesses weapons of  
13           mass destruction, ballistic missiles, or cruise mis-  
14           siles, and a description of such weapons and missiles  
15           with respect to each such foreign country and non-  
16           State organization.

17           “(2) A description of the means by which any  
18           foreign country and non-State organization that has  
19           achieved, or is making progress toward achieving,  
20           capability with respect to weapons of mass destruc-  
21           tion, ballistic missiles, or cruise missiles has  
22           achieved, or is making progress toward achieving,  
23           that capability, including a description of the inter-  
24           national network of foreign countries and private en-  
25           tities that provide assistance to foreign countries

1 and non-State organizations in achieving that capa-  
2 bility.

3 “(3) An examination of the doctrines that guide  
4 the use of weapons of mass destruction in each for-  
5 eign country that possesses such weapons.

6 “(4) An examination of the existence and imple-  
7 mentation of the control mechanisms that exist with  
8 respect to nuclear weapons in each foreign country  
9 that possesses such weapons.

10 “(5) Identification of each foreign country and  
11 non-State organization that seeks to acquire or de-  
12 velop (indigenously or with foreign assistance) weap-  
13 ons of mass destruction, ballistic missiles, or cruise  
14 missiles, and a description of such weapons and mis-  
15 siles with respect to each such foreign country and  
16 non-State organization.

17 “(6) An assessment of various possible  
18 timelines for the achievement by foreign countries  
19 and non-State organizations of capability with re-  
20 spect to weapons of mass destruction, ballistic mis-  
21 siles, and cruise missiles, taking into account the  
22 probability of whether foreign countries that are a  
23 party to the Missile Technology Control Regime will  
24 comply with and enforce the regime, the potential  
25 availability of assistance from foreign technical spe-

1        cialists, and the potential for independent sales by  
2        foreign private entities without authorization from  
3        their national governments.

4            “(7) For each foreign country or non-State or-  
5        ganization that has not achieved the capability to  
6        target the United States or its territories with weap-  
7        ons of mass destruction, ballistic missiles, or cruise  
8        missiles as of the date of the enactment of the Na-  
9        tional Defense Authorization Act for Fiscal Year  
10       2013, an estimate of how far in advance the United  
11       States is likely to be warned before such foreign  
12       country or non-State organization achieves that ca-  
13       pability.

14           “(8) For each foreign country or non-State or-  
15       ganization that has not achieved the capability to  
16       target members of the Armed Forces of the United  
17       States deployed abroad with weapons of mass de-  
18       struction, ballistic missiles, or cruise missiles as of  
19       the date of the enactment of the National Defense  
20       Authorization Act for Fiscal Year 2013, an estimate  
21       of how far in advance the United States is likely to  
22       be warned before such foreign country or non-State  
23       organization achieves that capability.



1 **SEC. 1066. REPORT ON FORCE STRUCTURE OF THE UNITED**  
2 **STATES ARMY.**

3 (a) REPORT REQUIRED.—Not later than 90 days  
4 after the date of the enactment of this Act, the Secretary  
5 of the Army shall submit to Congress a report on the force  
6 structure of the Army.

7 (b) ELEMENTS OF REPORT.—The report required  
8 under subsection (a) shall include each of the following:

9 (1) A description of the planning assumptions  
10 and scenarios used to determine the size and force  
11 structure of the United States Army, including the  
12 reserve component, for the Future Years Defense  
13 Program for fiscal years 2014 through 2018.

14 (2) An evaluation of the adequacy of the pro-  
15 posed force structure for meeting the goals of the  
16 national military strategy of the United States.

17 (3) A description of any alternative force struc-  
18 tures considered, including the assessed advantages  
19 and disadvantages of each and a brief explanation of  
20 why those not selected were rejected.

21 (4) The estimated resource requirements of  
22 each of the alternative force structures referred to in  
23 paragraph (3).

24 (5) An independent risk assessment of the pro-  
25 posed Army force structure, to be conducted by the  
26 Chief of Staff of the Army.

1           (6) Such other information as the Secretary of  
2           the Army determines is appropriate.

3           (c) CLASSIFIED ANNEX.—The report required by  
4           subsection (a) shall be in unclassified form but may in-  
5           clude a classified annex.

6   **SEC. 1067. REPORT ON PLANNED EFFICIENCY INITIATIVES**  
7                           **AT SPACE AND NAVAL WARFARE SYSTEMS**  
8                           **COMMAND.**

9           Not later than 90 days after the date of the enact-  
10          ment of this Act, the Secretary of the Navy shall submit  
11          to the congressional defense committees a report on plans  
12          to implement efficiency initiatives to reduce overhead costs  
13          at all echelons of the Space and Naval Warfare Systems  
14          Command (SPAWAR), including a detailed description of  
15          the long-term impacts on current and planned future mis-  
16          sion requirements.

17   **SEC. 1068. REPORT ON MILITARY RESOURCES NECESSARY**  
18                           **TO EXECUTE UNITED STATES FORCE POS-**  
19                           **TURE STRATEGY IN THE ASIA PACIFIC RE-**  
20                           **GION.**

21          (a) REVIEW REQUIRED.—

22           (1) IN GENERAL.—The Secretary of Defense  
23          shall, in consultation with the Chairman of the Joint  
24          Chiefs of Staff, conduct a comprehensive review of  
25          the national defense strategy, force structure, force

1 modernization plans, infrastructure, budget plan,  
2 and other elements of the defense program and poli-  
3 cies of the United States with regard to the Asia Pa-  
4 cific region to determine the resources, equipment,  
5 and transportation required to meet the strategic  
6 and operational plans of the United States.

7 (2) ELEMENTS.—The review required under  
8 paragraph (1) shall include the following elements:

9 (A) The force structure, force moderniza-  
10 tion plans, infrastructure, budget plan, and  
11 other elements of the defense program of the  
12 United States associated with the Asia Pacific  
13 region that would be required to execute suc-  
14 cessfully the full range of missions called for in  
15 the national defense strategy.

16 (B) An estimate of the timing for initial  
17 and final operational capability for each unit  
18 based in, realigned within, or identified for sup-  
19 port to the Asia Pacific region.

20 (C) An assessment of the strategic and  
21 tactical sea, ground, and air transportation re-  
22 quired for the forces assigned to the Asia Pa-  
23 cific region to meet strategic and operational  
24 plans.

1           (D) The specific capabilities, including the  
2           general number and type of specific military  
3           platforms, their permanent station, and planned  
4           forward operating locations needed to achieve  
5           the strategic and warfighting objectives identi-  
6           fied in the review.

7           (E) The forward presence, phased deploy-  
8           ments, pre-positioning, and other anticipatory  
9           deployments of manpower or military equip-  
10          ment necessary for conflict deterrence and ade-  
11          quate military response to anticipated conflicts.

12          (F) The budget plan that would be re-  
13          quired to provide sufficient resources to execute  
14          successfully the full range of missions and  
15          phased operations in the Asia Pacific region at  
16          a low-to-moderate level of risk and any addi-  
17          tional resources (beyond those programmed in  
18          the current future-years defense program) re-  
19          quired to achieve such a level of risk.

20          (G) Budgetary recommendations that are  
21          not constrained to comply with and are fully  
22          independent of the budget submitted to Con-  
23          gress by the President pursuant to section 1105  
24          of title 31, United States Code.

1 (b) CJCS REVIEW.—Upon the completion of the re-  
2 view under subsection (a), the Chairman of the Joint  
3 Chiefs of Staff shall prepare and submit to the Secretary  
4 of Defense the Chairman’s assessment of the review, in-  
5 cluding the Chairman’s assessment of risk and a descrip-  
6 tion of the capabilities needed to address such risk.

7 (c) REPORT.—

8 (1) IN GENERAL.—Not later than one year  
9 after the date of the enactment of this Act, the Sec-  
10 retary of Defense shall submit to the congressional  
11 defense committees a report on the results of the re-  
12 view required under subsection (a).

13 (2) CONTENT.—The report required under  
14 paragraph (1) shall include the following elements:

15 (A) A description of the elements set forth  
16 under subsection (a)(1).

17 (B) A description of the assumptions used  
18 in the examination, including assumptions relat-  
19 ing to—

20 (i) the status of readiness of the  
21 Armed Forces;

22 (ii) the cooperation of allies and part-  
23 ners, mission-sharing, and additional bene-  
24 fits to and burdens on the Armed Forces  
25 resulting from coalition operations;

1 (iii) warning times;

2 (iv) levels of engagement in operations  
3 other than war and smaller-scale contin-  
4 gencies and withdrawal from such oper-  
5 ations and contingencies;

6 (v) the intensity, duration, and mili-  
7 tary and political end-states of conflicts  
8 and smaller-scale contingencies; and

9 (vi) the roles and responsibilities that  
10 would be discharged by contractors.

11 (C) Any other matters the Secretary of  
12 Defense considers appropriate.

13 (D) The full and complete assessment of  
14 the Chairman of the Joint Chiefs of Staff under  
15 subsection (b), including related comments of  
16 the Secretary of Defense.

17 (3) FORM.—The report required under para-  
18 graph (1) may be submitted in classified or unclassi-  
19 fied form.

20 **SEC. 1069. RIALTO-COLTON BASIN, CALIFORNIA, WATER RE-**  
21 **SOURCES STUDY.**

22 (a) IN GENERAL.—Not later than two years after the  
23 date of the enactment of this Act, the Secretary of the  
24 Interior, acting through the Director of the United States  
25 Geological Survey, shall complete a study of water re-

1 sources in the Rialto-Colton Basin in the State of Cali-  
2 fornia (in this section referred to as the “Basin”), includ-  
3 ing—

4 (1) a survey of ground water resources in the  
5 Basin, including an analysis of—

6 (A) the delineation, either horizontally or  
7 vertically, of the aquifers in the Basin, includ-  
8 ing the quantity of water in the aquifers;

9 (B) the availability of ground water re-  
10 sources for human use;

11 (C) the salinity of ground water resources;

12 (D) the identification of a recent surge in  
13 perchlorate concentrations in ground water,  
14 whether significant sources are being flushed  
15 through the vadose zone, or if perchlorate is  
16 being remobilized;

17 (E) the identification of impacts and  
18 extents of all source areas that contribute to  
19 the regional plume to be fully characterized;

20 (F) the potential of the ground water re-  
21 sources to recharge;

22 (G) the interaction between ground water  
23 and surface water;

24 (H) the susceptibility of the aquifers to  
25 contamination, including identifying the extent

1 of commingling of plume emanating within sur-  
2 rounding areas in San Bernardino County,  
3 California; and

4 (I) any other relevant criteria; and

5 (2) a characterization of surface and bedrock  
6 geology of the Basin, including the effect of the geol-  
7 ogy on ground water yield and quality.

8 (b) COORDINATION.—The Secretary shall carry out  
9 the study in coordination with the State of California and  
10 any other entities that the Secretary determines to be ap-  
11 propriate, including other Federal agencies and institu-  
12 tions of higher education.

13 (c) REPORT.—Upon completion of the study, the Sec-  
14 retary shall submit to the Committee on Energy and Nat-  
15 ural Resources of the Senate and the Committee on Nat-  
16 ural Resources of the House of Representatives a report  
17 that describes the results of the study.

18 **SEC. 1070. REPORTS ON THE POTENTIAL SECURITY**  
19 **THREAT POSED BY BOKO HARAM.**

20 (a) DIRECTOR OF NATIONAL INTELLIGENCE RE-  
21 PORT.—Not later than 180 days after the date of the en-  
22 actment of this Act, the Director of National Intelligence  
23 shall submit to Congress a classified intelligence assess-  
24 ment of the Nigerian organization known as Boko Haram.  
25 Such assessment shall address the following:

1           (1) The organizational structure, operational  
2 goals, and funding sources of Boko Haram.

3           (2) The extent to which Boko Haram threatens  
4 the stability of Nigeria and surrounding countries.

5           (3) The extent to which Boko Haram threatens  
6 the security of citizens of the United States or the  
7 national security or interests of the United States.

8           (4) Any interaction between Boko Haram and  
9 al-Qaeda in the Islamic Maghreb or other al-Qaeda  
10 affiliates with respect to operational planning and  
11 execution, training, and funding.

12           (5) The capacity of Nigerian security forces to  
13 counter the threat posed by Boko Haram and an as-  
14 sessment of the effectiveness of the strategy of the  
15 Nigerian government to date.

16           (6) Any intelligence gaps with respect to the  
17 leadership, operational goals, and capabilities of  
18 Boko Haram.

19           (b) SECRETARY OF STATE AND SECRETARY OF DE-  
20 FENSE JOINT REPORT.—Not later than 90 days after the  
21 date on which the report required by subsection (a) is sub-  
22 mitted to Congress, the Secretary of State and the Sec-  
23 retary of Defense shall jointly submit to Congress a classi-  
24 fied report describing the strategy of the United States  
25 to counter the threat posed by Boko Haram.

1 **SEC. 1071. STUDY ON THE ABILITY OF NATIONAL TEST AND**  
2 **EVALUATION CAPABILITIES TO SUPPORT**  
3 **THE MATURATION OF HYPERSONIC TECH-**  
4 **NOLOGIES FOR FUTURE DEFENSE SYSTEMS**  
5 **DEVELOPMENT.**

6 (a) **STUDY REQUIRED.**—The Director of the Office  
7 of Science and Technology Policy, working with the Sec-  
8 retary of Defense and the Administrator of the National  
9 Aeronautics and Space Administration (NASA), shall con-  
10 duct a study on the ability of the national test and evalua-  
11 tion infrastructure, including ground test facilities and  
12 open air ranges of the Department of Defense, and  
13 leveraging NASA and private facilities, when appropriate,  
14 to effectively and efficiently mature hypersonic tech-  
15 nologies for defense systems development in the short and  
16 long term.

17 (b) **REPORT AND PLAN.**—

18 (1) **IN GENERAL.**—Not later than one year  
19 after the date of the enactment of this Act, the Sec-  
20 retary of Defense shall submit to the appropriate  
21 congressional committees a report containing the re-  
22 sults of the study required under subsection (a) to-  
23 gether with a plan for requirements and proposed  
24 investments to meet Department of Defense needs  
25 through 2030.

1           (2) CONTENT.—The report required under  
2 paragraph (1) shall include the following elements:

3           (A) An assessment of the current condition  
4 and adequacy of the hypersonics test and eval-  
5 uation infrastructure within the Department of  
6 Defense, NASA, and the private sector to sup-  
7 port hypersonic research and development with-  
8 in the Department of Defense.

9           (B) An identification of test and evaluation  
10 infrastructure outside the Department of De-  
11 fense that could be used to support Department  
12 of Defense hypersonic research and develop-  
13 ment and assess means to ensure the avail-  
14 ability of such capabilities to the Department in  
15 the present and future.

16           (C) A time-phased plan to acquire required  
17 hypersonics research, development, test and  
18 evaluation capabilities, including identification  
19 of the resources necessary to acquire any need-  
20 ed capabilities that are currently not available.

21           (D) Other matters the Secretary deter-  
22 mines are appropriate.

23           (3) APPROPRIATE CONGRESSIONAL COMMIT-  
24 TEES DEFINED.—In this subsection, the term “ap-  
25 propriate congressional committees” means—

1 (A) the Committee on Armed Services and  
2 the Committee on Commerce, Science, and  
3 Transportation of the Senate; and

4 (B) the Committee on Armed Services and  
5 the Committee on Science, Space, and Tech-  
6 nology of the House of Representatives.

## 7 **Subtitle H—Other Matters**

### 8 **SEC. 1076. TECHNICAL AND CLERICAL AMENDMENTS.**

9 (a) AMENDMENTS TO NATIONAL DEFENSE AUTHOR-  
10 IZATION ACT FOR FISCAL YEAR 2012.—Effective as of  
11 December 31, 2011, and as if included therein as enacted,  
12 the National Defense Authorization Act for Fiscal Year  
13 2012 (Public Law 112–81) is amended as follows:

14 (1) Section 243(d) (125 Stat. 1344) is amended  
15 by striking “paragraph” and inserting “subsection”.

16 (2) Section 323(b) (125 Stat. 1362) is amended  
17 by striking “Section 328(b)(A)” and inserting “Sec-  
18 tion 328(b)(2)(A)”.

19 (3) Section 541(b) (125 Stat. 1407) is amended  
20 by striking “, as amended by subsection (a),”.

21 (4) Section 589(b) (125 Stat. 1438) is amended  
22 by striking “section 717” and inserting “section  
23 2564”.

1           (5) Section 602(a)(2) (125 Stat. 1447) is  
2 amended by striking “repairs,” and inserting “re-  
3 pairs”.

4           (6) Section 631(e)(28)(A) (125 Stat. 1464) is  
5 amended by striking “before ‘In addition’” and in-  
6 serting “before ‘Under regulations’”.

7           (7) Section 631(f)(2) (125 Stat. 1464) is  
8 amended by striking “table of chapter” and insert-  
9 ing “table of chapters”.

10           (8) Section 631(f)(3)(B) (125 Stat. 1465) is  
11 amended by striking “chapter 9” and inserting  
12 “chapter 10”.

13           (9) Section 631(f)(4) (125 Stat. 1465) is  
14 amended by striking “subsection (c)” both places it  
15 appears and inserting “subsection (d)”.

16           (10) Section 801 (125 Stat. 1482) is amend-  
17 ed—

18                   (A) in subsection (a)(1)(B), by striking  
19 “paragraphs (6) and (7)” and inserting “para-  
20 graphs (5) and (6)”;

21                   (B) in subsection (a)(2), in the matter pro-  
22 posed to be inserted as a new paragraph, by  
23 striking the double closing quotation marks  
24 after “capabilities” and inserting a single clos-  
25 ing quotation mark; and

1 (C) in subsection (e)(1)(A), by striking  
2 “**Point**” in the matter proposed to be struck  
3 and inserting “**Point A**”.

4 (11) Section 806(d) (125 Stat. 1487) is amend-  
5 ed by striking “paragraph (2)” and inserting “sub-  
6 section (c)(2)”.

7 (12) Section 832(b)(1) (125 Stat. 1504) is  
8 amended by striking “Defenese” and inserting “De-  
9 fense”.

10 (13) Section 855 (125 Stat. 1521) is amended  
11 by striking “Section 139e(b)(12)” and inserting  
12 “Section 139c(b)(12)”.

13 (14) Section 864(a)(2) (125 Stat. 1522) is  
14 amended by striking “for Acquisition Workforce  
15 Programs” in the matter proposed to be struck.

16 (15) Section 864(d)(2) (125 Stat. 1525) is  
17 amended to read as follows:

18 “(2) in paragraph (6), by striking ‘ensure that  
19 amounts collected’ and all that follows through the  
20 end of the paragraph (as amended by section 526 of  
21 division C of Public Law 112–74 (125 Stat. 914))  
22 and inserting ‘ensure that amounts collected under  
23 this section are not used for a purpose other than  
24 the activities set forth in section 1201(a) of this  
25 title.’”.

1           (16) Section 866(a) (125 Stat. 1526) is amend-  
2           ed by striking “September 30” in the matter pro-  
3           posed to be struck and inserting “December 31”.

4           (17) Section 867 (125 Stat. 1526) is amend-  
5           ed—

6                   (A) in paragraph (1), by striking “2010”  
7                   in the matter proposed to be struck and insert-  
8                   ing “2011”; and

9                   (B) in paragraph (2), by striking “2013”  
10                  in the matter proposed to be struck and insert-  
11                  ing “2014”.

12           (18) Section 933(c) (125 Stat. 1544; 10 U.S.C.  
13           2330 note) is amended by striking “of this title” in  
14           the matter proposed to be inserted and inserting “of  
15           title 10, United States Code”.

16           (19) Section 1045(c)(1) (125 Stat. 1577) is  
17           amended by striking “described in subsection (b)”  
18           and inserting “described in paragraph (2)”.

19           (20) Section 1067 (125 Stat. 1589) is amend-  
20           ed—

21                   (A) by striking subsection (a); and

22                   (B) by striking the subsection designation  
23                   and the subsection heading of subsection (b).

24           (21) Section 2702 (125 Stat. 1681) is amend-  
25           ed—

1 (A) in the section heading, by striking  
2 **“AUTHORIZED”** and inserting **“AUTHORIZA-**  
3 **TION OF APPROPRIATIONS FOR”**; and

4 (B) by striking “Using amounts” and all  
5 that follows through “may carry out” and in-  
6 serting “Funds are hereby authorized to be ap-  
7 propriated for fiscal years beginning after Sep-  
8 tember 30, 2011, for”.

9 (22) Section 2815(c) (125 Stat. 1689) is  
10 amended by inserting “subchapter III of” before  
11 “chapter 169”.

12 (b) AMENDMENTS TO IKE SKELTON NATIONAL DE-  
13 FENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—  
14 Effective as of January 7, 2011, and as if included therein  
15 as enacted, the Ike Skelton National Defense Authoriza-  
16 tion Act for Fiscal Year 2011 (Public Law 111–383) is  
17 amended as follows:

18 (1) Section 358(c)(3) (124 Stat. 4199) is  
19 amended by striking “fulfil” and inserting “fulfill”.

20 (2) Section 533(b) (124 Stat. 4216) is amended  
21 by inserting “Section” before “1559(a)”.

22 (3) Section 896(a) (124 Stat. 4314) is amended  
23 by striking “Chapter 7” and inserting “Chapter 4”.

1           (4) Section 1075(b)(50)(C) (124 Stat. 4371) is  
2           amended by striking “subsection (j)(1)” and insert-  
3           ing “subsection (j)”.

4           (5) Section 1203(a) (124 Stat. 4386) is amend-  
5           ed in the matter preceding paragraph (1) by striking  
6           “Fiscal Year 2009” and inserting “Fiscal Year  
7           2008”.

8           (c) AMENDMENTS TO REFLECT REDESIGNATION OF  
9           CERTAIN POSITIONS IN OFFICE OF SECRETARY OF DE-  
10          FENSE.—

11           (1) ASSISTANT SECRETARY OF DEFENSE FOR  
12          NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE  
13          PROGRAMS.—Section 1605(a)(5) of the National De-  
14          fense Authorization Act for Fiscal Year 1994 (Pub-  
15          lic Law 103–160; 22 U.S.C. 2751 note) is amended  
16          by striking “The Assistant to the Secretary of De-  
17          fense for Nuclear and Chemical and Biological De-  
18          fense Programs” and inserting “The Assistant Sec-  
19          retary of Defense for Nuclear, Chemical, and Bio-  
20          logical Defense Programs”.

21           (2) ASSISTANT SECRETARY OF DEFENSE FOR  
22          RESEARCH AND ENGINEERING.—

23           (A) The following provisions are amended  
24           by striking “Director of Defense Research and  
25           Engineering” and inserting “Assistant Sec-

1           retary of Defense for Research and Engineer-  
2           ing”:

3                   (i)     Sections     2362(a)(1)     and  
4                   2521(e)(5) of title 10, United States Code.

5                   (ii) Section 241(c) of the National De-  
6                   fense Authorization Act for Fiscal Year  
7                   2006 (Public Law 109–163; 10 U.S.C.  
8                   2521 note).

9                   (iii) Section 212(b) of the Ronald W.  
10                  Reagan National Defense Authorization  
11                  Act for Fiscal Year 2005 (Public Law  
12                  108–375; 10 U.S.C. 2358 note).

13                  (iv) Section 246(d)(1) of the Bob  
14                  Stump National Defense Authorization Act  
15                  for Fiscal Year 2003 (Public Law 107–  
16                  314; 10 U.S.C. 2358 note).

17                  (v) Section 257(a) of the National De-  
18                  fense Authorization Act for Fiscal Year  
19                  1995 (Public Law 103–337; 10 U.S.C.  
20                  2358 note).

21                  (vi) Section 1101(b)(1)(D) of the  
22                  Strom Thurmond National Defense Au-  
23                  thorization Act for Fiscal Year 1999 (Pub-  
24                  lic Law 105–261; 5 U.S.C. 3104 note).

1 (vii) Section 802(g)(1)(B)(ii) of the  
2 Higher Education Opportunity Act (20  
3 U.S.C. 9631(g)(1)(B)(ii)).

4 (B) Section 2365 of title 10, United States  
5 Code, is amended—

6 (i) in subsection (a), by inserting “of  
7 Defense for Research and Engineering”  
8 after “Assistant Secretary”; and

9 (ii) in subsection (d)(3)(A), by strik-  
10 ing “Director” and inserting “Assistant  
11 Secretary”.

12 (C) Section 256 of the National Defense  
13 Authorization Act for Fiscal Year 2006 (Public  
14 Law 109–163; 10 U.S.C. 1071 note) is amend-  
15 ed in subsections (b)(4) and (d) by striking  
16 “Director, Defense” and inserting “Assistant  
17 Secretary of Defense for”.

18 (D) Section 1504 of the Duncan Hunter  
19 National Defense Authorization Act for Fiscal  
20 Year 2009 (Public Law 110–417; 10 U.S.C.  
21 2358 note) is amended—

22 (i) in subsection (a), by striking “Di-  
23 rector of Defense” and inserting “Assist-  
24 ant Secretary of Defense for”; and

1 (ii) in subsection (b)(9), by striking  
2 “the Director of the” and all that follows  
3 through “Engineering” and inserting “the  
4 Director and the Assistant Secretary”.

5 (E) Section 802 of the National Defense  
6 Authorization Act for Fiscal Year 1994 (Public  
7 Law 103–160; 10 U.S.C. 2358 note) is amend-  
8 ed—

9 (i) in subsection (a), by striking “Di-  
10 rector of Defense” and inserting “Assist-  
11 ant Secretary of Defense for”;

12 (ii) in subsections (b), (d), and (e), by  
13 striking “Director” and inserting “Assist-  
14 ant Secretary”; and

15 (iii) in subsection (f), by striking “Not  
16 later than” and all that follows through  
17 “the Director” and inserting “The Assist-  
18 ant Secretary”.

19 (F) Section 214 of the National Defense  
20 Authorization Act for Fiscal Year 2008 (Public  
21 Law 110–181; 10 U.S.C. 2521 note) is amend-  
22 ed by striking “unless the” and all that follows  
23 through “ensures” and inserting “unless the  
24 Assistant Secretary of Defense for Research  
25 and Engineering ensures”.

1           (3) ASSISTANT SECRETARY OF DEFENSE FOR  
2           OPERATIONAL ENERGY PLANS AND PROGRAMS.—  
3           Section 2925(b) of title 10, United States Code, is  
4           amended—

5                   (A) in paragraph (1), by striking “Director  
6                   of” and inserting “Assistant Secretary of De-  
7                   fense for”; and

8                   (B) in paragraph (2)(G), by striking “Di-  
9                   rector” both places it appears and inserting  
10                  “Assistant Secretary”.

11          (d) CROSS-REFERENCE AMENDMENTS IN TITLE  
12          10.—Title 10, United States Code, is amended as follows:

13                  (1) Section 1722b(c) is amended—

14                          (A) in paragraph (3), by striking “sub-  
15                          sections (b)(2)(A) and (b)(2)(B)” and inserting  
16                          “subsections (b)(1)(A) and (b)(1)(B)”; and

17                          (B) in paragraph (4), by striking  
18                          “1734(d), or 1736(c)” and inserting “or  
19                          1734(d)”.

20                  (2) Section 1787(b) is amended—

21                          (A) by striking “section 3(1)” and insert-  
22                          ing “section 3”; and

23                          (B) by striking “42 U.S.C. 5102” and in-  
24                          serting “Public Law 93–247; 42 U.S.C. 5101  
25                          note”.

1           (3) Section 2382(b)(1) is amended by inserting  
2           “of the Small Business Act (15 U.S.C. 657q(c)(4))”  
3           after “section 44(c)(4)”.

4           (4) Section 2474(d) is amended by striking  
5           “section 2667(d)” and inserting “section 2667(e)”.

6           (5) Section 2548(e)(2) is amended by striking  
7           “section 103(f) of the Weapon Systems Acquisition  
8           Reform Act of 2009 (10 U.S.C. 2430 note),” and in-  
9           serting “section 2438(f) of this title”.

10          (6) Section 2925 is amended—

11                 (A) in subsection (a)(1), by striking “sec-  
12                 tion 533” and inserting “section 553”; and

13                 (B) in subsection (b)(1), by striking “sec-  
14                 tion 139b” and inserting “section 138c”.

15          (e) DATE OF ENACTMENT REFERENCES.—Title 10,  
16 United States Code, is amended as follows:

17                 (1) Section 1564(a)(2)(B) is amended by strik-  
18                 ing “the date of the enactment of the Ike Skelton  
19                 National Defense Authorization Act for Fiscal Year  
20                 2011” in clauses (ii) and (iii) and inserting “Janu-  
21                 ary 7, 2011”.

22                 (2) Section 2216a(e) is amended by striking  
23                 “on the last day of” and all that follows and insert-  
24                 ing “on September 30, 2015.”.

1           (3) Section 2359b(k)(5) is amended by striking  
2           “the date that is five years after the date of the en-  
3           actment of this Act” and inserting “January 7,  
4           2016”.

5           (4) Section 2649(c) is amended by striking  
6           “During the 5-year period beginning on the date of  
7           the enactment of the Ike Skelton National Defense  
8           Authorization Act for Fiscal Year 2011” and insert-  
9           ing “Until January 6, 2016”.

10           (5) Section 2790(g)(1) is amended by striking  
11           “on or after the date of the enactment of the Ike  
12           Skelton National Defense Authorization Act for Fis-  
13           cal Year 2011” and inserting “after January 6,  
14           2011,”.

15           (6) Sections 3911(b)(2), 6323(a)(2)(B), and  
16           8911(b)(2) are amended by striking “the date of the  
17           enactment of the Ike Skelton National Defense Au-  
18           thorization Act for Fiscal Year 2011” and inserting  
19           “January 7, 2011,”.

20           (7) Section 10217(d)(3) is amended by striking  
21           “after the end of the 2-year period beginning on the  
22           date of the enactment of this subsection” and insert-  
23           ing “after January 6, 2013”.

24           (f) OTHER MISCELLANEOUS AMENDMENTS TO TITLE  
25 10.—Title 10, United States Code, is amended as follows:

1           (1) Section 113(e)(2) is amended by striking  
2           “on” after “Board on”.

3           (2) The table of sections at the beginning of  
4           chapter 4 is amended by striking the item relating  
5           to section 133b.

6           (3) Paragraph (3) of section 138(c), as added  
7           by section 314(a) of the National Defense Author-  
8           ization Act for Fiscal Year 2012 (Public Law 112–  
9           81; 125 Stat. 1357), is transferred to appear at the  
10          end of section 138c(c).

11          (4) Section 139a(d)(4) is amended by adding a  
12          period at the end.

13          (5) Section 139b(a)(6) is amended by striking  
14          “propriety” and inserting “proprietary”.

15          (6) The item relating to section 225 at the end  
16          of the table of sections at the beginning of chapter  
17          9 is transferred to appear after the item relating to  
18          section 224.

19          (7) Section 401(d) is amended by striking  
20          “Committee on International Relations” and insert-  
21          ing “Committee on Foreign Affairs”.

22          (8) Section 843(b)(2)(B)(v) (article 43 of the  
23          Uniform Code of Military Justice) is amended by  
24          striking “Kidnaping,,” and inserting “Kidnaping,”.

1           (9) Section 920(g)(7) (article 120 of the Uni-  
2 form Code of Military Justice) is amended by strik-  
3 ing the second period at the end.

4           (10) Section 983(b)(1) is amended by striking  
5 “or Secretary” and inserting “or the Secretary”.

6           (11) Section 1086(b)(1) is amended by striking  
7 “clause (2)” and inserting “paragraph (2)”.

8           (12) Section 1142(b)(10) is amended by strik-  
9 ing “training,,” and inserting “training,”.

10           (13) Section 1143(a) is amended by inserting  
11 after “Coast Guard” the following: “when it is not  
12 operating as a service in the Navy”.

13           (14) Section 1143a(h) is amended by inserting  
14 after “Coast Guard” the second place it appears the  
15 following: “when it is not operating as a service in  
16 the Navy”.

17           (15) Section 1145(e) is amended by inserting  
18 before the period at the end the following: “when the  
19 Coast Guard is not operating as a service in the  
20 Navy”.

21           (16) Section 1146(b) is amended by inserting  
22 before the period at the end the following: “when the  
23 Coast Guard is not operating as a service in the  
24 Navy”.

1           (17) Section 1149 is amended by inserting after  
2           “Coast Guard” the following: “when it is not oper-  
3           ating as a service in the Navy”.

4           (18) Section 1150(c) is amended by inserting  
5           after “Coast Guard” the second place it appears the  
6           following: “when it is not operating as a service in  
7           the Navy”.

8           (19) Section 1401(a) is amended by striking  
9           “columns 1, 2, 3, and 4,” in the matter preceding  
10          the table and inserting “columns 1, 2, and 3,”.

11          (20) Section 1599a(a) is amended by striking  
12          “National Security Act” and inserting “National Se-  
13          curity Agency Act”.

14          (21) Section 1781(a) is amended—

15                (A) in the first sentence, by striking “Di-  
16                rector” and inserting “Office”;

17                (B) in the first sentence, by striking “here-  
18                inafter”; and

19                (C) in the second sentence, by striking “of-  
20                fice” both places it appears and inserting “Of-  
21                fice”.

22          (22) Section 1790, as added by section 8070 of  
23          division A of Public 112–74 (125 Stat. 822), is  
24          amended—

1 (A) by striking the section heading and in-  
2 serting the following:

3 **“§ 1790. Military personnel citizenship processing”;**

4 (B) by striking “AUTHORIZATION OF PAY-  
5 MENTS.—”;

6 (C) by striking “title 10, United States  
7 Code” and inserting “this title”;

8 (D) by striking “8 U.S.C. §§ 1439” and  
9 inserting “8 U.S.C. 1439”; and

10 (E) by striking “sections 286(m) and (n)  
11 of such Act (8 U.S.C. § 1356(m))” and insert-  
12 ing “subsections (m) and (n) of section 286 of  
13 such Act (8 U.S.C. 1356)”.

14 (23) Section 2006(b)(2) is amended by redesign-  
15 ating the second subparagraph (E) (as added by  
16 section 109(b)(2)(B) of Public Law 111–377 (124  
17 Stat. 4120), effective August 1, 2011) as subpara-  
18 graph (F).

19 (24) Section 2318(a)(2) is amended by striking  
20 “section 1705(b) and (c)” and inserting “sub-  
21 sections (b) and (c) of section 1705”.

22 (25) Section 2350m(e) is amended by striking  
23 “Not later than October 31, 2009, and annually  
24 thereafter” and inserting “Not later than October  
25 31 each year”.

1           (26) Section 2401 is amended by striking “the  
2           Committee on Armed Services and the Committee on  
3           Appropriations of the Senate and the Committee on  
4           Armed Services and the Committee on Appropria-  
5           tions of the House of Representatives” in sub-  
6           sections (b)(1)(B) and (h)(1) and inserting “the con-  
7           gressional defense committees”.

8           (27) Section 2438(a)(3) is amended by insert-  
9           ing “the senior” before “official’s”.

10          (28) Section 2461(d)(2) is amended by striking  
11          “that Act” and inserting “such section”.

12          (29) Section 2533a(k) is amended by striking  
13          “FedBizOps.gov” and inserting “FedBizOpps.gov”.

14          (30) Section 2548 is amended—

15           (A) in subsection (a)—

16               (i) by striking “Not later than” and  
17               all that follows through “the Secretary”  
18               and inserting “The Secretary”; and

19               (ii) by adding a period at the end of  
20               paragraph (3);

21           (B) in subsection (d)—

22               (i) in the subsection heading, by in-  
23               serting “AND” after “PERFORMANCE” the  
24               second place it appears; and

1 (ii) by striking “Beginning with fiscal  
2 year 2012, the” and inserting “The”; and  
3 (C) in subsection (e)(1), by striking “,  
4 United States Code,”.

5 (31) Section 2561(f)(2) is amended by striking  
6 “Committee on International Relations” and insert-  
7 ing “Committee on Foreign Affairs”.

8 (32) Section 2601a(a)(1) is amended by insert-  
9 ing after “Coast Guard” the first place it appears  
10 the following: “when it is not operating as a service  
11 in the Navy”.

12 (33) Section 2687(f) is amended by striking “at  
13 a result” and inserting “as a result”.

14 (34) Section 2687a is amended—

15 (A) in subsection (a), by striking “Foreign  
16 relations” and inserting “Foreign Relations”;  
17 and

18 (B) in subsection (b)(1)—

19 (i) by striking the comma after “in-  
20 cluding”; and

21 (ii) by striking “The Treaty” and in-  
22 serting “the Treaty”.

23 (35) Section 2835 is amended—

1 (A) in subsection (a), by inserting after  
2 “Coast Guard” the following: “when it is not  
3 operating as a service in the Navy”; and

4 (B) in subsection (g)(1), by inserting after  
5 “Coast Guard” the following: “when it is not  
6 operating as a service in the Navy”.

7 (36) Section 2836 is amended—

8 (A) in subsection (a), by inserting after  
9 “Coast Guard” the following: “when it is not  
10 operating as a service in the Navy”; and

11 (B) in paragraphs (4)(B) and (11) of sub-  
12 section (c), by inserting after “Coast Guard”  
13 the following: “when it is not operating as a  
14 service in the Navy”.

15 (37) Section 3201(a) is amended by striking  
16 “(beginning with fiscal year 1999)”.

17 (38) Section 4342 is amended—

18 (A) in subsection (b)—

19 (i) in paragraph (1), by striking  
20 “clause” both places it appears and insert-  
21 ing “paragraph”; and

22 (ii) in paragraph (5), by striking  
23 “clauses” and inserting “paragraphs”;

24 (B) in subsection (d), by striking “clauses”  
25 and inserting “paragraphs”; and

1 (C) in subsection (f), by striking “clauses”  
2 and inserting “paragraphs”.

3 (39) Section 4343 is amended by striking  
4 “clauses” and inserting “paragraphs”.

5 (40) Section 6954 is amended—

6 (A) in subsection (b)—

7 (i) in paragraph (1), by striking  
8 “clause” both places it appears and insert-  
9 ing “paragraph”; and

10 (ii) in paragraph (5), by striking  
11 “clauses” and inserting “paragraphs”; and

12 (B) in subsection (d), by striking “clauses”  
13 and inserting “paragraphs”.

14 (41) Section 6956(b) is amended by striking  
15 “clauses” and inserting “paragraphs”.

16 (42) Section 9342 is amended—

17 (A) in subsection (b)—

18 (i) in paragraph (1), by striking  
19 “clause” both places it appears and insert-  
20 ing “paragraph”; and

21 (ii) in paragraph (5), by striking  
22 “clauses” and inserting “paragraphs”;

23 (B) in subsection (d), by striking “clauses”  
24 and inserting “paragraphs”; and

1 (C) in subsection (f), by striking “clauses”  
2 and inserting “paragraphs”.

3 (43) Section 9343 is amended by striking  
4 “clauses” and inserting “paragraphs”.

5 (44) Section 9515(b) is amended by striking  
6 “required by” and all the follows through “2008”  
7 and inserting “required by section 356 of the Na-  
8 tional Defense Authorization Act for Fiscal Year  
9 2008”.

10 (45) Section 10217(c)(3) is amended by strik-  
11 ing “consider” and inserting “considered”.

12 (g) REPEAL OF EXPIRED PROVISIONS.—Title 10,  
13 United States Code, is amended as follows:

14 (1) Section 1108 is amended—

15 (A) by striking subsections (j) and (k); and

16 (B) by redesignating subsection (l) as sub-  
17 section (j).

18 (2) Section 2325 is amended by striking sub-  
19 section (b) and redesignating subsection (c) as sub-  
20 section (b).

21 (3) Section 2349a is repealed, and the table of  
22 sections at the beginning of subchapter I of chapter  
23 138 is amended by striking the item relating to that  
24 section.

1           (4) Section 2374b is repealed, and the table of  
2           sections at the beginning of chapter 139 is amended  
3           by striking the item relating to that section.

4           (h) AMENDMENTS TO TITLE 37.—Title 37, United  
5 States Code, is amended as follows:

6           (1) Section 310(c)(1) is amended by striking  
7           “section for for” and inserting “section for”.

8           (2) Section 431, as transferred to chapter 8 of  
9           such title by section 631(d)(2) of the National De-  
10          fense Authorization Act for Fiscal Year 2012 (Pub-  
11          lic Law 112–81; 125 Stat. 1460), is redesignated as  
12          section 491.

13          (3) Section 501(a)(5) is amended by striking “a  
14          reserve a component” and inserting “a reserve com-  
15          ponent”.

16          (i) AMENDMENT TO TITLE 46.—Section 51301(a) of  
17          title 46, United States Code, is amended in the heading  
18          by striking “IN GENERAL” and inserting “IN GENERAL”.

19          (j) DUPLICATIVE PROVISION IN ARMED FORCES RE-  
20          TIREMENT HOME ACT OF 1991.—Section 1511(d) of the  
21          Armed Forces Retirement Home Act of 1991 (24 U.S.C.  
22          411(d)) is amended by striking the first paragraph (3),  
23          leaving the second paragraph (3) added by section 561  
24          of Public Law 112–81 (125 Stat. 1420).

1 (k) CROSS REFERENCES AND DATE OF ENACTMENT  
2 REFERENCES IN REINSTATEMENT OF TEMPORARY EARLY  
3 RETIREMENT AUTHORITY.—Section 4403 of the National  
4 Defense Authorization Act for Fiscal Year 1993 (Public  
5 Law 102–484; 10 U.S.C. 1293 note), as amended by sec-  
6 tion 504(b) of the National Defense Authorization Act for  
7 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1391),  
8 is amended—

9 (1) in subsection (c)(2)—

10 (A) in subparagraph (A), by striking  
11 “1995 (” and inserting “1995 (Public Law  
12 103–337;” and

13 (B) in subparagraph (B), by striking  
14 “1995” and inserting “1996”;

15 (2) in subsection (h), by striking “the date of  
16 the enactment of the National Defense Authoriza-  
17 tion Act for Fiscal Year 2012” and inserting “De-  
18 cember 31, 2011,”; and

19 (3) in subsection (i)(2), by striking “the date of  
20 the enactment of the National Defense Authoriza-  
21 tion Act for Fiscal Year 2012” and inserting “De-  
22 cember 31, 2011,”.

23 (l) CORRECTION OF ERRONEOUS AMENDMENT IN-  
24 STRUCTIONS.—Effective as of August 10, 2012, and as  
25 if included therein as enacted, section 2(c)(3) of Public

1 Law 112–166 (126 Stat. 1284) is amended by striking  
2 “Selective Service Act of 1948” and inserting “Military  
3 Selective Service Act”.

4 (m) COORDINATION WITH OTHER AMENDMENTS  
5 MADE BY THIS ACT.—For purposes of applying amend-  
6 ments made by provisions of this Act other than this sec-  
7 tion, the amendments made by this section shall be treated  
8 as having been enacted immediately before any amend-  
9 ment made by other provisions of this Act.

10 **SEC. 1077. SENSE OF CONGRESS ON RECOGNIZING AIR MO-**  
11 **BILITY COMMAND ON ITS 20TH ANNIVER-**  
12 **SARY.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) On June 1, 1992, Air Mobility Command  
15 was established as the Air Force’s functional com-  
16 mand for cargo and passenger delivery, air refueling,  
17 and aeromedical evacuation.

18 (2) As the lead Major Command for all Mobility  
19 Air Forces, Air Mobility Command ensures that the  
20 Air Force’s core functions of global vigilance, power,  
21 and reach are fulfilled.

22 (3) The ability of the United States to rapidly  
23 respond to humanitarian disasters and the outbreak  
24 of hostilities anywhere in the world truly defines the  
25 United States as a global power.

1           (4) Mobility Air Forces Airmen are unified by  
2 one single purpose: to answer the call of others so  
3 they may prevail.

4           (5) The United States' hand of friendship to  
5 the world many times takes the form of Mobility Air  
6 Forces aircraft delivering humanitarian relief. Since  
7 its inception, Air Mobility Command has provided  
8 forces for 43 humanitarian relief efforts at home  
9 and abroad, from New Orleans, Louisiana, to Bam,  
10 Iran.

11           (6) A Mobility Air Forces aircraft departs every  
12 2 minutes, 365 days a year. Since September 11,  
13 2001, Mobility Air Forces aircraft have flown 18.9  
14 million passengers, 6.8 million tons of cargo, and  
15 offloaded 2.2 billion pounds of fuel. Many of these  
16 flights have assisted combat aircraft protection  
17 United States forces from overhead.

18           (7) The United States keeps its solemn promise  
19 to its men and women in uniform with Air Mobility  
20 Command, accomplishing 186,940 patient move-  
21 ments since the beginning of Operation Iraqi Free-  
22 dom.

23           (8) Mobility Air Forces Airmen reflect the best  
24 values of the Nation: delivering hope, saving lives,  
25 and fueling the fight.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that, on the occasion of the 20th anniversary of the  
3 establishment of Air Mobility Command, the people of the  
4 United States should—

5 (1) recognize the critical role that Mobility Air  
6 Forces play in the Nation’s defense; and

7 (2) express appreciation for the leadership of  
8 Air Mobility Command and the more than 134,000  
9 active-duty, Air National Guard, Air Force Reserve,  
10 and Department of Defense civilians that make up  
11 the command.

12 **SEC. 1078. DISSEMINATION ABROAD OF INFORMATION**  
13 **ABOUT THE UNITED STATES.**

14 (a) UNITED STATES INFORMATION AND EDU-  
15 CATIONAL EXCHANGE ACT OF 1948.—Section 501 of the  
16 United States Information and Educational Exchange Act  
17 of 1948 (22 U.S.C. 1461) is amended to read as follows:

18 “GENERAL AUTHORIZATION

19 “SEC. 501. (a) The Secretary and the Broadcasting  
20 Board of Governors are authorized to use funds appro-  
21 priated or otherwise made available for public diplomacy  
22 information programs to provide for the preparation, dis-  
23 semination, and use of information intended for foreign  
24 audiences abroad about the United States, its people, and  
25 its policies, through press, publications, radio, motion pic-  
26 tures, the Internet, and other information media, includ-

1 ing social media, and through information centers, in-  
2 structors, and other direct or indirect means of commu-  
3 nication.

4 “(b)(1) Except as provided in paragraph (2), the Sec-  
5 retary and the Broadcasting Board of Governors may,  
6 upon request and reimbursement of the reasonable costs  
7 incurred in fulfilling such a request, make available, in the  
8 United States, motion pictures, films, video, audio, and  
9 other materials disseminated abroad pursuant to this Act,  
10 the United States International Broadcasting Act of 1994  
11 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba  
12 Act (22 U.S.C. 1465 et seq.), or the Television Broad-  
13 casting to Cuba Act (22 U.S.C. 1465aa et seq.). Any reim-  
14 bursement pursuant to this paragraph shall be credited  
15 to the applicable appropriation account of the Department  
16 of State or the Broadcasting Board of Governors, as ap-  
17 propriate. The Secretary and the Broadcasting Board of  
18 Governors shall issue necessary regulations—

19 “(A) to establish procedures to maintain such  
20 material;

21 “(B) for reimbursement of the reasonable costs  
22 incurred in fulfilling requests for such material; and

23 “(C) to ensure that the persons seeking release  
24 of such material have secured and paid for necessary  
25 United States rights and licenses.

1           “(2) With respect to material disseminated abroad  
2 before the effective date of section 1078 of the National  
3 Defense Authorization Act for Fiscal Year 2013—

4           “(A) the Secretary and the Broadcasting Board  
5 of Governors shall make available to the Archivist of  
6 the United States, for domestic distribution, motion  
7 pictures, films, videotapes, and other material 12  
8 years after the initial dissemination of the material  
9 abroad; and

10           “(B) the Archivist shall be the official custodian  
11 of the material and shall issue necessary regulations  
12 to ensure that persons seeking its release in the  
13 United States have secured and paid for necessary  
14 United States rights and licenses and that all costs  
15 associated with the provision of the material by the  
16 Archivist shall be paid by the persons seeking its re-  
17 lease, in accordance with paragraph (4).

18           “(3) The Archivist may undertake the functions de-  
19 scribed in paragraph (1) on behalf of and at the request  
20 of the Secretary or the Broadcasting Board of Governors.

21           “(4) The Archivist may charge fees to recover the  
22 costs described in paragraphs (1) and (2), in accordance  
23 with section 2116(c) of title 44, United States Code. Such  
24 fees shall be paid into, administered, and expended as part  
25 of the National Archives Trust Fund.



1 1948 (22 U.S.C. 1431 et seq.), the United States Inter-  
2 national Broadcasting Act of 1994 (22 U.S.C. 6201 et  
3 seq.), the Radio Broadcasting to Cuba Act (22 U.S.C.  
4 1465 et seq.), and the Television Broadcasting to Cuba  
5 Act (22 U.S.C. 1465aa et seq.). This section shall not pro-  
6 hibit or delay the Department of State or the Broad-  
7 casting Board of Governors from providing information  
8 about its operations, policies, programs, or program mate-  
9 rial, or making such available, to the media, public, or  
10 Congress, in accordance with other applicable law.

11       “(b) RULE OF CONSTRUCTION.—Nothing in this sec-  
12 tion shall be construed to prohibit the Department of  
13 State or the Broadcasting Board of Governors from en-  
14 gaging in any medium or form of communication, either  
15 directly or indirectly, because a United States domestic  
16 audience is or may be thereby exposed to program mate-  
17 rial, or based on a presumption of such exposure. Such  
18 material may be made available within the United States  
19 and disseminated, when appropriate, pursuant to sections  
20 502 and 1005 of the United States Information and Edu-  
21 cational Exchange Act of 1948 (22 U.S.C. 1462 and  
22 1437), except that nothing in this section may be con-  
23 strued to authorize the Department of State or the Broad-  
24 casting Board of Governors to disseminate within the  
25 United States any program material prepared for dissemi-

1 nation abroad on or before the effective date of section  
2 1078 of the National Defense Authorization Act for Fiscal  
3 Year 2013.

4 “(c) APPLICATION.—The provisions of this section  
5 shall apply only to the Department of State and the  
6 Broadcasting Board of Governors and to no other depart-  
7 ment or agency of the Federal Government.”.

8 (d) CONFORMING AMENDMENTS.—The United  
9 States Information and Educational Exchange Act of  
10 1948 is amended—

11 (1) in section 502 (22 U.S.C. 1462)—

12 (A) by inserting “and the Broadcasting  
13 Board of Governors” after “Secretary”; and

14 (B) by inserting “or the Broadcasting  
15 Board of Governors” after “Department”; and

16 (2) in section 1005 (22 U.S.C. 1437), by insert-  
17 ing “and the Broadcasting Board of Governors”  
18 after “Secretary” each place it appears.

19 (e) EFFECTIVE DATE.—This section shall take effect  
20 and apply on the date that is 180 days after the date of  
21 the enactment of this section.

22 **SEC. 1079. COORDINATION FOR COMPUTER NETWORK OP-**  
23 **ERATIONS.**

24 (a) BRIEFING.—Not later than 90 days after the date  
25 of the enactment of this Act, the Secretary of Defense

1 shall provide to the Committees on Armed Services of the  
2 Senate and House of Representatives a briefing on the  
3 interagency process for coordinating and de-conflicting  
4 full-spectrum military cyber operations for the Federal  
5 Government.

6 (b) ELEMENTS.— The briefing required under sub-  
7 section (a) shall include a description of each of the fol-  
8 lowing:

9 (1) The business processes and rules governing  
10 the interagency process for coordinating and de-con-  
11 flicting full-spectrum military cyber operations.

12 (2) The membership and responsibilities of such  
13 interagency process.

14 (3) The current status of interagency guidance  
15 clarifying roles and responsibilities for full-spectrum  
16 military cyber operations.

17 (4) Plans for implementing the planning and  
18 guidance from such interagency process.

19 (c) BUDGET JUSTIFICATION DOCUMENTS.—The Sec-  
20 retary of Defense shall submit to the congressional defense  
21 committees dedicated budget documentation materials to  
22 accompany the budget submissions for fiscal year 2015  
23 and each subsequent fiscal year, including a single Depart-  
24 ment of Defense-wide budget estimate and detailed budget  
25 planning data for full-spectrum military cyberspace oper-

1 ations. Such materials shall be submitted in unclassified  
2 form but may include a classified annex.

3 **SEC. 1080. SENSE OF CONGRESS REGARDING UNAUTHOR-**  
4 **IZED DISCLOSURES OF CLASSIFIED INFOR-**  
5 **MATION.**

6 It is the sense of Congress that—

7 (1) unauthorized disclosures of classified infor-  
8 mation can threaten the national security and for-  
9 eign relations of the United States;

10 (2) the Department of Defense has taken posi-  
11 tive steps toward improving its policies, procedures,  
12 and enforcement mechanisms regarding unauthor-  
13 ized disclosures of classified information and should  
14 continue to improve upon such policies, procedures,  
15 and enforcement mechanisms;

16 (3) other departments and agencies of the Fed-  
17 eral Government should undertake similar efforts, if  
18 such departments and agencies have not already  
19 done so; and

20 (4) the Department of Justice should inves-  
21 tigate possible violations of Federal law related to  
22 unauthorized disclosures of classified information,  
23 including disclosures related to military, intelligence,  
24 and operational capabilities of the United States and  
25 allies of the United States and, in appropriate cases,

1 individuals responsible for such unauthorized disclo-  
2 sures should be prosecuted to the full extent of the  
3 law.

4 **SEC. 1081. TECHNICAL AMENDMENTS TO REPEAL STATU-**  
5 **TORY REFERENCES TO UNITED STATES**  
6 **JOINT FORCES COMMAND.**

7 Title 10, United States Code, is amended as follows:

8 (1)(A) Section 232 is repealed.

9 (B) The table of sections at the beginning of  
10 chapter 9 is amended by striking the item relating  
11 to section 232.

12 (2) Section 2859(d) is amended—

13 (A) by striking paragraph (2); and

14 (B) by redesignating paragraph (3) as  
15 paragraph (2).

16 (3) Section 10503(13)(B) is amended—

17 (A) by striking clause (iii); and

18 (B) redesignating clause (iv) as clause (iii).

19 **SEC. 1082. SENSE OF CONGRESS ON NON-UNITED STATES**  
20 **CITIZENS WHO ARE GRADUATES OF UNITED**  
21 **STATES EDUCATIONAL INSTITUTIONS WITH**  
22 **ADVANCED DEGREES IN SCIENCE, TECH-**  
23 **NOLOGY, ENGINEERING, AND MATHEMATICS.**

24 It is the sense of Congress—

1           (1) that the Department of Defense should  
2           make every reasonable and practical effort to in-  
3           crease the number of United States citizens who  
4           pursue advanced degrees in science, technology, en-  
5           gineering, and mathematics; and

6           (2) to strongly urge the Department of Defense  
7           to investigate innovative mechanisms (subject to all  
8           appropriate security requirements) to access the pool  
9           of talent of non-United States citizens with advanced  
10          scientific and technical degrees from United States  
11          institutions of higher education, especially in those  
12          scientific and technical areas that are most vital to  
13          the national defense (such as those identified by the  
14          Assistant Secretary of Defense for Research and En-  
15          gineering and the Armed Forces).

16 **SEC. 1083. SCIENTIFIC FRAMEWORK FOR RECALCITRANT**  
17 **CANCERS.**

18          Subpart 1 of part C of title IV of the Public Health  
19          Service Act (42 U.S.C. 285 et seq.) is amended by adding  
20          at the end the following:

21 **“SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT**  
22 **CANCERS.**

23          “(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

24                  “(1) IN GENERAL.—For each recalcitrant can-  
25          cer identified under subsection (b), the Director of

1 the Institute shall develop (in accordance with sub-  
2 section (c)) a scientific framework for the conduct or  
3 support of research on such cancer.

4 “(2) CONTENTS.—The scientific framework  
5 with respect to a recalcitrant cancer shall include the  
6 following:

7 “(A) CURRENT STATUS.—

8 “(i) REVIEW OF LITERATURE.—A  
9 summary of findings from the current lit-  
10 erature in the areas of—

11 “(I) the prevention, diagnosis,  
12 and treatment of such cancer;

13 “(II) the fundamental biologic  
14 processes that regulate such cancer  
15 (including similarities and differences  
16 of such processes from the biological  
17 processes that regulate other cancers);  
18 and

19 “(III) the epidemiology of such  
20 cancer.

21 “(ii) SCIENTIFIC ADVANCES.—The  
22 identification of relevant emerging sci-  
23 entific areas and promising scientific ad-  
24 vances in basic, translational, and clinical

1 science relating to the areas described in  
2 subclauses (I) and (II) of clause (i).

3 “(iii) RESEARCHERS.—A description  
4 of the availability of qualified individuals  
5 to conduct scientific research in the areas  
6 described in clause (i).

7 “(iv) COORDINATED RESEARCH INI-  
8 TIATIVES.—The identification of the types  
9 of initiatives and partnerships for the co-  
10 ordination of intramural and extramural  
11 research of the Institute in the areas de-  
12 scribed in clause (i) with research of the  
13 relevant national research institutes, Fed-  
14 eral agencies, and non-Federal public and  
15 private entities in such areas.

16 “(v) RESEARCH RESOURCES.—The  
17 identification of public and private re-  
18 sources, such as patient registries and tis-  
19 sue banks, that are available to facilitate  
20 research relating to each of the areas de-  
21 scribed in clause (i).

22 “(B) IDENTIFICATION OF RESEARCH  
23 QUESTIONS.—The identification of research  
24 questions relating to basic, translational, and  
25 clinical science in the areas described in sub-

1 clauses (I) and (II) of subparagraph (A)(i) that  
2 have not been adequately addressed with re-  
3 spect to such recalcitrant cancer.

4 “(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be  
5 taken to advance research in the areas de-  
6 scribed in subparagraph (A)(i) and to address  
7 the research questions identified in subpara-  
8 graph (B), as well as for appropriate bench-  
9 marks to measure progress on achieving such  
10 actions, including the following:

12 “(i) RESEARCHERS.—Ensuring ade-  
13 quate availability of qualified individuals  
14 described in subparagraph (A)(iii).

15 “(ii) COORDINATED RESEARCH INI-  
16 TIATIVES.—Promoting and developing ini-  
17 tiatives and partnerships described in sub-  
18 paragraph (A)(iv).

19 “(iii) RESEARCH RESOURCES.—Devel-  
20 oping additional public and private re-  
21 sources described in subparagraph (A)(v)  
22 and strengthening existing resources.

23 “(3) TIMING.—

24 “(A) INITIAL DEVELOPMENT AND SUBSE-  
25 QUENT UPDATE.—For each recalcitrant cancer

1 identified under subsection (b)(1), the Director  
2 of the Institute shall—

3 “(i) develop a scientific framework  
4 under this subsection not later than 18  
5 months after the date of the enactment of  
6 this section; and

7 “(ii) review and update the scientific  
8 framework not later than 5 years after its  
9 initial development.

10 “(B) OTHER UPDATES.—The Director of  
11 the Institute may review and update each sci-  
12 entific framework developed under this sub-  
13 section as necessary.

14 “(4) PUBLIC NOTICE.—With respect to each  
15 scientific framework developed under subsection (a),  
16 not later than 30 days after the date of completion  
17 of the framework, the Director of the Institute  
18 shall—

19 “(A) submit such framework to the Com-  
20 mittee on Energy and Commerce and Com-  
21 mittee on Appropriations of the House of Rep-  
22 resentatives, and the Committee on Health,  
23 Education, Labor, and Pensions and Committee  
24 on Appropriations of the Senate; and

1           “(B) make such framework publically  
2           available on the Internet website of the Depart-  
3           ment of Health and Human Services.

4           “(b) IDENTIFICATION OF RECALCITRANT CANCER.—

5           “(1) IN GENERAL.—Not later than 6 months  
6           after the date of the enactment of this section, the  
7           Director of the Institute shall identify two or more  
8           recalcitrant cancers that each—

9           “(A) have a 5-year relative survival rate of  
10          less than 20 percent; and

11          “(B) are estimated to cause the death of at  
12          least 30,000 individuals in the United States  
13          per year.

14          “(2) ADDITIONAL CANCERS.—The Director of  
15          the Institute may, at any time, identify other recal-  
16          citrant cancers for purposes of this section. In iden-  
17          tifying a recalcitrant cancer pursuant to the previous  
18          sentence, the Director may consider additional  
19          metrics of progress (such as incidence and mortality  
20          rates) against such type of cancer.

21          “(c) WORKING GROUPS.—For each recalcitrant can-  
22          cer identified under subsection (b), the Director of the In-  
23          stitute shall convene a working group comprised of rep-  
24          resentatives of appropriate Federal agencies and other  
25          non-Federal entities to provide expertise on, and assist in

1 developing, a scientific framework under subsection (a).  
2 The Director of the Institute (or the Director's designee)  
3 shall participate in the meetings of each such working  
4 group.

5 “(d) REPORTING.—

6 “(1) BIENNIAL REPORTS.—The Director of  
7 NIH shall ensure that each biennial report under  
8 section 403 includes information on actions under-  
9 taken to carry out each scientific framework devel-  
10 oped under subsection (a) with respect to a recal-  
11 citrant cancer, including the following:

12 “(A) Information on research grants  
13 awarded by the National Institutes of Health  
14 for research relating to such cancer.

15 “(B) An assessment of the progress made  
16 in improving outcomes (including relative sur-  
17 vival rates) for individuals diagnosed with such  
18 cancer.

19 “(C) An update on activities pertaining to  
20 such cancer under the authority of section  
21 413(b)(7).

22 “(2) ADDITIONAL ONE-TIME REPORT FOR CER-  
23 TAIN FRAMEWORKS.—For each recalcitrant cancer  
24 identified under subsection (b)(1), the Director of  
25 the Institute shall, not later than 6 years after the

1 initial development of a scientific framework under  
2 subsection (a), submit a report to the Congress on  
3 the effectiveness of the framework (including the up-  
4 date required by subsection (a)(3)(A)(ii)) in improv-  
5 ing the prevention, detection, diagnosis, and treat-  
6 ment of such cancer.

7 “(e) RECOMMENDATIONS FOR EXCEPTION FUND-  
8 ING.—The Director of the Institute shall consider each  
9 relevant scientific framework developed under subsection  
10 (a) when making recommendations for exception funding  
11 for grant applications.

12 “(f) DEFINITION.—In this section, the term ‘recal-  
13 citrant cancer’ means a cancer for which the five-year rel-  
14 ative survival rate is below 50 percent.”.

15 **SEC. 1084. PROTECTION OF VETERANS’ MEMORIALS.**

16 (a) TRANSPORTATION OF STOLEN MATERIALS.—  
17 Section 2314 of title 18, United States Code, is amend-  
18 ed—

19 (1) by striking “or any part thereof—” and in-  
20 serting the following: “or any part thereof; or”;

21 (2) by inserting before “Shall be fined under  
22 this title” the following:

23 “Whoever transports, transmits, or transfers in inter-  
24 state or foreign commerce any veterans’ memorial object,

1 knowing the same to have been stolen, converted or taken  
2 by fraud—”;

3           (3) by inserting after “under this section is  
4 greater.” the following: “If the offense involves the  
5 transportation, transmission, or transfer in inter-  
6 state or foreign commerce of veterans’ memorial ob-  
7 jects with a value, in the aggregate, of less than  
8 \$1,000, the defendant shall be fined under this title  
9 or imprisoned not more than one year, or both.”;  
10 and

11           (4) by adding at the end the following:

12           “For purposes of this section the term ‘veterans’ me-  
13 morial object’ means a grave marker, headstone, monu-  
14 ment, or other object, intended to permanently honor a  
15 veteran or mark a veteran’s grave, or any monument that  
16 signifies an event of national military historical signifi-  
17 cance.”.

18           (b) SALE OR RECEIPT OF STOLEN MEMORIALS.—  
19 Section 2315 of title 18, United States Code, is amend-  
20 ed—

21           (1) by striking “or any part thereof—” and in-  
22 serting the following: “or any part thereof; or”;

23           (2) by inserting before “Shall be fined under  
24 this title” the following:

1       “Whoever receives, possesses, conceals, stores, bar-  
2 ters, sells, or disposes of any veterans’ memorial object  
3 which has crossed a State or United States boundary after  
4 being stolen, unlawfully converted, or taken, knowing the  
5 same to have been stolen, unlawfully converted, or taken—  
6 ’”;

7           (3) by inserting after “under this section is  
8 greater.” the following: “If the offense involves the  
9 receipt, possession, concealment, storage, barter,  
10 sale, or disposal of veterans’ memorial objects with  
11 a value, in the aggregate, of less than \$1,000, the  
12 defendant shall be fined under this title or impris-  
13 oned not more than one year, or both.”; and

14           (4) by adding at the end the following: “For  
15 purposes of this section the term ‘veterans’ memorial  
16 object’ means a grave marker, headstone, monu-  
17 ment, or other object, intended to permanently  
18 honor a veteran or mark a veteran’s grave, or any  
19 monument that signifies an event of national mili-  
20 tary historical significance.”.

21 **SEC. 1085. SENSE OF CONGRESS REGARDING SPECTRUM.**

22 It is the sense of Congress that—

23           (1) the United States mobile communications  
24 industry is a significant economic engine;

1           (2) while wireless carriers are continually imple-  
2           menting new and more efficient technologies and  
3           techniques to maximize their existing spectrum ca-  
4           pacity, there is a pressing need for additional spec-  
5           trum for mobile broadband services;

6           (3) as the United States faces the growing de-  
7           mand for spectrum, consideration should be given to  
8           both the supply of spectrum for licensed networks  
9           and for unlicensed devices;

10          (4) while such growing demand can be met in  
11          part by reallocating spectrum from existing non-gov-  
12          ernmental uses, the long-term solution must include  
13          reallocation and sharing of Federal Government  
14          spectrum for private sector use;

15          (5) recognizing the important uses of spectrum  
16          by the Federal Government, including for national  
17          security, law enforcement, and other critical Federal  
18          uses, existing law ensures that Federal operations  
19          are not harmed as a result of a reallocation of spec-  
20          trum for commercial use, including through the es-  
21          tablishment of the Spectrum Relocation Fund to re-  
22          imburse Federal users for the costs of planning and  
23          implementing relocation and sharing arrangements  
24          and, with respect to spectrum vacated by the De-  
25          partment of Defense, certification under section

1 1062(b) of the National Defense Authorization Act  
2 for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
3 768) by the Secretary of Defense, the Secretary of  
4 Commerce, and the Chairman of the Joint Chiefs of  
5 Staff that replacement spectrum provides com-  
6 parable technical characteristics to restore essential  
7 military capability; and

8 (6) given the need to determine equitable out-  
9 comes for the United States in relation to spectrum  
10 use that balance the demand of the private sector  
11 for spectrum with national security and other critical  
12 Federal missions, all interested parties should be en-  
13 couraged to continue the collaborative efforts be-  
14 tween industry and government stakeholders that  
15 have been launched by the National Telecommuni-  
16 cations and Information Administration to assess  
17 and recommend practical frameworks for the devel-  
18 opment of relocation, transition, and sharing ar-  
19 rangement and plans for 110 megahertz of Federal  
20 spectrum in the 1695–1710 MHz and the 1755–  
21 1850 MHz bands.

22 **SEC. 1086. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM.**

23 (a) SHORT TITLE.—This section may be cited as the  
24 “Dale Long Public Safety Officers’ Benefits Improve-  
25 ments Act of 2012”.

1 (b) BENEFITS FOR CERTAIN NONPROFIT EMER-  
2 GENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS  
3 AMENDMENTS.—

4 (1) IN GENERAL.—Title I of the Omnibus  
5 Crime Control and Safe Streets Act of 1968 (42  
6 U.S.C. 3711 et seq.) is amended—

7 (A) in section 901(a) (42 U.S.C.  
8 3791(a))—

9 (i) in paragraph (26), by striking  
10 “and” at the end;

11 (ii) in paragraph (27), by striking the  
12 period at the end and inserting “; and”;  
13 and

14 (iii) by adding at the end the fol-  
15 lowing:

16 “(28) the term ‘hearing examiner’ includes any  
17 medical or claims examiner.”;

18 (B) in section 1201 (42 U.S.C. 3796)—

19 (i) in subsection (a), by striking “fol-  
20 lows:” and all that follows and inserting  
21 the following: “follows (if the payee indi-  
22 cated is living on the date on which the de-  
23 termination is made)—

1           “(1) if there is no child who survived the public  
2 safety officer, to the surviving spouse of the public  
3 safety officer;

4           “(2) if there is at least 1 child who survived the  
5 public safety officer and a surviving spouse of the  
6 public safety officer, 50 percent to the surviving  
7 child (or children, in equal shares) and 50 percent  
8 to the surviving spouse;

9           “(3) if there is no surviving spouse of the public  
10 safety officer, to the surviving child (or children, in  
11 equal shares);

12           “(4) if there is no surviving spouse of the public  
13 safety officer and no surviving child—

14           “(A) to the surviving individual (or individ-  
15 uals, in shares per the designation, or, other-  
16 wise, in equal shares) designated by the public  
17 safety officer to receive benefits under this sub-  
18 section in the most recently executed designa-  
19 tion of beneficiary of the public safety officer on  
20 file at the time of death with the public safety  
21 agency, organization, or unit; or

22           “(B) if there is no individual qualifying  
23 under subparagraph (A), to the surviving indi-  
24 vidual (or individuals, in equal shares) des-  
25 igned by the public safety officer to receive

1           benefits under the most recently executed life  
2           insurance policy of the public safety officer on  
3           file at the time of death with the public safety  
4           agency, organization, or unit;

5           “(5) if there is no individual qualifying under  
6           paragraph (1), (2), (3), or (4), to the surviving par-  
7           ent (or parents, in equal shares) of the public safety  
8           officer; or

9           “(6) if there is no individual qualifying under  
10          paragraph (1), (2), (3), (4), or (5), to the surviving  
11          individual (or individuals, in equal shares) who  
12          would qualify under the definition of the term ‘child’  
13          under section 1204 but for age.”;

14                           (ii) in subsection (b)—

15                                   (I) by striking “direct result of a  
16                                   catastrophic” and inserting “direct  
17                                   and proximate result of a personal”;

18                                   (II) by striking “pay,” and all  
19                                   that follows through “the same” and  
20                                   inserting “pay the same”;

21                                   (III) by striking “in any year”  
22                                   and inserting “to the public safety of-  
23                                   ficer (if living on the date on which  
24                                   the determination is made)”;

1 (IV) by striking “in such year,  
2 adjusted” and inserting “with respect  
3 to the date on which the catastrophic  
4 injury occurred, as adjusted”;

5 (V) by striking “, to such offi-  
6 cer”;

7 (VI) by striking “the total” and  
8 all that follows through “For” and in-  
9 sserting “for”; and

10 (VII) by striking “That these”  
11 and all that follows through the pe-  
12 riod, and inserting “That the amount  
13 payable under this subsection shall be  
14 the amount payable as of the date of  
15 catastrophic injury of such public  
16 safety officer.”;

17 (iii) in subsection (f)—

18 (I) in paragraph (1), by striking  
19 “, as amended (D.C. Code, sec. 4-  
20 622); or” and inserting a semicolon;

21 (II) in paragraph (2)—

22 (aa) by striking “. Such  
23 beneficiaries shall only receive  
24 benefits under such section 8191  
25 that” and inserting “, such that

1 beneficiaries shall receive only  
2 such benefits under such section  
3 8191 as”; and

4 (bb) by striking the period  
5 at the end and inserting “; or”;  
6 and

7 (III) by adding at the end the  
8 following:

9 “(3) payments under the September 11th Vic-  
10 tim Compensation Fund of 2001 (49 U.S.C. 40101  
11 note; Public Law 107–42).”;

12 (iv) by amending subsection (k) to  
13 read as follows:

14 “(k) As determined by the Bureau, a heart attack,  
15 stroke, or vascular rupture suffered by a public safety offi-  
16 cer shall be presumed to constitute a personal injury with-  
17 in the meaning of subsection (a), sustained in the line of  
18 duty by the officer and directly and proximately resulting  
19 in death, if—

20 “(1) the public safety officer, while on duty—

21 “(A) engages in a situation involving non-  
22 routine stressful or strenuous physical law en-  
23 forcement, fire suppression, rescue, hazardous  
24 material response, emergency medical services,



1           “(n) The public safety agency, organization, or unit  
2 responsible for maintaining on file an executed designation  
3 of beneficiary or executed life insurance policy for pur-  
4 poses of subsection (a)(4) shall maintain the confiden-  
5 tiality of the designation or policy in the same manner  
6 as the agency, organization, or unit maintains personnel  
7 or other similar records of the public safety officer.”;

8           (C) in section 1202 (42 U.S.C. 3796a)—

9                   (i) by striking “death”, each place it  
10 appears except the second place it appears,  
11 and inserting “fatal”; and

12                   (ii) in paragraph (1), by striking “or  
13 catastrophic injury” the second place it ap-  
14 pears and inserting “, disability, or in-  
15 jury”;

16           (D) in section 1203 (42 U.S.C. 3796a-  
17 1)—

18                   (i) in the section heading, by striking  
19 “WHO HAVE DIED IN THE LINE OF DUTY”  
20 and inserting “WHO HAVE SUSTAINED  
21 FATAL OR CATASTROPHIC INJURY IN THE  
22 LINE OF DUTY”; and

23                   (ii) by striking “who have died in the  
24 line of duty” and inserting “who have sus-

1                   tained fatal or catastrophic injury in the  
2                   line of duty”;

3                   (E) in section 1204 (42 U.S.C. 3796b)—

4                   (i) in paragraph (1), by striking “con-  
5                   sequences of an injury that” and inserting  
6                   “an injury, the direct and proximate con-  
7                   sequences of which”;

8                   (ii) in paragraph (3)—

9                   (I) in the matter preceding clause

10                  (i)—

11                   (aa) by inserting “or perma-  
12                   nently and totally disabled” after  
13                   “deceased”; and

14                   (bb) by striking “death” and  
15                   inserting “fatal or catastrophic  
16                   injury”; and

17                   (II) by redesignating clauses (i),  
18                   (ii), and (iii) as subparagraphs (A),  
19                   (B), and (C), respectively;

20                  (iii) in paragraph (5)—

21                   (I) by striking “post-mortem”  
22                   each place it appears and inserting  
23                   “post-injury”;

1 (II) by redesignating clauses (i)  
2 and (ii) as subparagraphs (A) and  
3 (B), respectively; and

4 (III) in subparagraph (B), as so  
5 redesignated, by striking “death” and  
6 inserting “fatal or catastrophic in-  
7 jury”;

8 (iv) in paragraph (7), by striking  
9 “public employee member of a rescue  
10 squad or ambulance crew;” and inserting  
11 “employee or volunteer member of a rescue  
12 squad or ambulance crew (including a  
13 ground or air ambulance service) that—

14 “(A) is a public agency; or

15 “(B) is (or is a part of) a nonprofit entity  
16 serving the public that—

17 “(i) is officially authorized or licensed  
18 to engage in rescue activity or to provide  
19 emergency medical services; and

20 “(ii) engages in rescue activities or  
21 provides emergency medical services as  
22 part of an official emergency response sys-  
23 tem;”; and

24 (v) in paragraph (9)—

1 (I) in subparagraph (A), by strik-  
2 ing “as a chaplain, or as a member of  
3 a rescue squad or ambulance crew;”  
4 and inserting “or as a chaplain;”;

5 (II) in subparagraph (B)(ii), by  
6 striking “or” after the semicolon;

7 (III) in subparagraph (C)(ii), by  
8 striking the period and inserting “;  
9 or”; and

10 (IV) by adding at the end the fol-  
11 lowing:

12 “(D) a member of a rescue squad or am-  
13 bulance crew who, as authorized or licensed by  
14 law and by the applicable agency or entity, is  
15 engaging in rescue activity or in the provision  
16 of emergency medical services.”;

17 (F) in section 1205 (42 U.S.C. 3796e), by  
18 adding at the end the following:

19 “(d) Unless expressly provided otherwise, any ref-  
20 erence in this part to any provision of law not in this part  
21 shall be understood to constitute a general reference under  
22 the doctrine of incorporation by reference, and thus to in-  
23 clude any subsequent amendments to the provision.”;

24 (G) in each of subsections (a) and (b) of  
25 section 1212 (42 U.S.C. 3796d–1), sections

1           1213 and 1214 (42 U.S.C. 3796d-2 and  
2           3796d-3), and subsections (b) and (c) of sec-  
3           tion 1216 (42 U.S.C. 3796d-5), by striking  
4           “dependent” each place it appears and inserting  
5           “person”;

6           (H) in section 1212 (42 U.S.C. 3796d-  
7           1)—

8           (i) in subsection (a)—

9           (I) in paragraph (1), in the mat-  
10          ter preceding subparagraph (A), by  
11          striking “Subject” and all that follows  
12          through “, the” and inserting “The”;  
13          and

14          (II) in paragraph (3), by striking  
15          “reduced by” and all that follows  
16          through “(B) the amount” and insert-  
17          ing “reduced by the amount”;

18          (ii) in subsection (c)—

19          (I) in the subsection heading, by  
20          striking “DEPENDENT”; and

21          (II) by striking “dependent”;

22          (I) in paragraphs (2) and (3) of section  
23          1213(b) (42 U.S.C. 3796d-2(b)), by striking  
24          “dependent’s” each place it appears and insert-  
25          ing “person’s”;

1 (J) in section 1216 (42 U.S.C. 3796d–  
2 5)—

3 (i) in subsection (a), by striking “each  
4 dependent” each place it appears and in-  
5 serting “a spouse or child”; and

6 (ii) by striking “dependents” each  
7 place it appears and inserting “a person”;  
8 and

9 (K) in section 1217(3)(A) (42 U.S.C.  
10 3796d–6(3)(A)), by striking “described in” and  
11 all that follows and inserting “an institution of  
12 higher education, as defined in section 102 of  
13 the Higher Education Act of 1965 (20 U.S.C.  
14 1002); and”.

15 (2) AMENDMENT RELATED TO EXPEDITED PAY-  
16 MENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN  
17 THE PREVENTION, INVESTIGATION, RESCUE, OR RE-  
18 COVERY EFFORTS RELATED TO A TERRORIST AT-  
19 TACK.—Section 611(a) of the Uniting and Strength-  
20 ening America by Providing Appropriate Tools Re-  
21 quired to Intercept and Obstruct Terrorism Act of  
22 2001 (42 U.S.C. 3796c–1(a)) is amended by insert-  
23 ing “or an entity described in section 1204(7)(B) of  
24 the Omnibus Crime Control and Safe Streets Act of

1       1968 (42 U.S.C. 3796b(7)(B))” after “employed by  
2       such agency”.

3           (3) CONFORMING AMENDMENTS.—The Internal  
4       Revenue Code of 1986 is amended—

5           (A) in section 402(l)(4)(C), by inserting  
6       before the period at the end the following: “, as  
7       in effect immediately before the enactment of  
8       the National Defense Authorization Act for Fis-  
9       cal Year 2013”; and

10          (B) in section 101(h)(1), by inserting after  
11       “1968” the following: “, as in effect imme-  
12       diately before the enactment of the National  
13       Defense Authorization Act for Fiscal Year  
14       2013”.

15          (c) AUTHORIZATION OF APPROPRIATIONS; DETER-  
16       MINATIONS; APPEALS.—The matter under the heading  
17       “PUBLIC SAFETY OFFICERS BENEFITS” under the heading  
18       “OFFICE OF JUSTICE PROGRAMS” under title II of divi-  
19       sion B of the Consolidated Appropriations Act, 2008  
20       (Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–  
21       2) is amended—

22          (1) by striking “decisions” and inserting “de-  
23       terminations”;

24          (2) by striking “(including those, and any re-  
25       lated matters, pending)”; and

1           (3) by striking the period at the end and insert-  
2           ing the following: “: *Provided further*, That, on and  
3           after the date of enactment of the Dale Long Public  
4           Safety Officers’ Benefits Improvements Act of 2012,  
5           as to each such statute—

6           “(1) the provisions of section 1001(a)(4) of  
7           such title I (42 U.S.C. 3793(a)(4)) shall apply;

8           “(2) payment (consistent with section 611 of  
9           the Uniting and Strengthening America By Pro-  
10          viding Appropriate Tools Required to Intercept and  
11          Obstruct Terrorism Act of 2001 (42 U.S.C. 3796e-  
12          1)) shall be made only upon a determination by the  
13          Bureau that the facts legally warrant the payment;  
14          and

15          “(3) any reference to section 1202 of such title  
16          I shall be deemed to be a reference to paragraphs  
17          (2) and (3) of such section 1202:

18 *Provided further*, That, on and after the date of enactment  
19 of the Dale Long Public Safety Officers’ Benefits Im-  
20 provements Act of 2012, no appeal shall bring any final  
21 determination of the Bureau before any court for review  
22 unless notice of appeal is filed (within the time specified  
23 herein and in the manner prescribed for appeal to United  
24 States courts of appeals from United States district  
25 courts) not later than 90 days after the date on which

1 the Bureau serves notice of the final determination: *Pro-*  
2 *vided further*, That any regulations promulgated by the  
3 Bureau under such part (or any such statute) before, on,  
4 or after the date of enactment of the Dale Long Public  
5 Safety Officers' Benefits Improvements Act of 2012 shall  
6 apply to any matter pending on, or filed or accruing after,  
7 the effective date specified in the regulations.”.

8 (d) EFFECTIVE DATE.—

9 (1) IN GENERAL.—Except as provided in para-  
10 graph (1), the amendments made by this section  
11 shall—

12 (A) take effect on the date of enactment of  
13 this Act; and

14 (B) apply to any matter pending, before  
15 the Bureau of Justice Assistance or otherwise,  
16 on the date of enactment of this Act, or filed  
17 or accruing after that date.

18 (2) EXCEPTIONS.—

19 (A) RESCUE SQUADS AND AMBULANCE  
20 CREWS.—For a member of a rescue squad or  
21 ambulance crew (as defined in section 1204(7)  
22 of title I of the Omnibus Crime Control and  
23 Safe Streets Act of 1968, as amended by this  
24 section), the amendments made by this Act

1 shall apply to injuries sustained on or after  
2 June 1, 2009.

3 (B) HEART ATTACKS, STROKES, AND VAS-  
4 CULAR RUPTURES.—Section 1201(k) of title I  
5 of the Omnibus Crime Control and Safe Streets  
6 Act of 1968, as amended by this section, shall  
7 apply to heart attacks, strokes, and vascular  
8 ruptures sustained on or after December 15,  
9 2003.

10 **SEC. 1087. REMOVAL OF ACTION.**

11 Section 1442 of title 28, United States Code, is  
12 amended by striking subsection (c) and inserting the fol-  
13 lowing:

14 “(c) Solely for purposes of determining the propriety  
15 of removal under subsection (a), a law enforcement officer,  
16 who is the defendant in a criminal prosecution, shall be  
17 deemed to have been acting under the color of his office  
18 if the officer—

19 “(1) protected an individual in the presence of  
20 the officer from a crime of violence;

21 “(2) provided immediate assistance to an indi-  
22 vidual who suffered, or who was threatened with,  
23 bodily harm; or

24 “(3) prevented the escape of any individual who  
25 the officer reasonably believed to have committed, or

1 was about to commit, in the presence of the officer,  
2 a crime of violence that resulted in, or was likely to  
3 result in, death or serious bodily injury.

4 “(d) In this section, the following definitions apply:

5 “(1) The terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in  
6 such proceeding a judicial order, including a subpoena for testimony or documents, is sought or  
7 issued. If removal is sought for a proceeding described in the previous sentence, and there is no  
8 other basis for removal, only that proceeding may be  
9 removed to the district court.  
10  
11  
12  
13

14 “(2) The term ‘crime of violence’ has the meaning given that term in section 16 of title 18.

16 “(3) The term ‘law enforcement officer’ means  
17 any employee described in subparagraph (A), (B), or  
18 (C) of section 8401(17) of title 5 and any special  
19 agent in the Diplomatic Security Service of the Department of State.  
20

21 “(4) The term ‘serious bodily injury’ has the  
22 meaning given that term in section 1365 of title 18.

23 “(5) The term ‘State’ includes the District of  
24 Columbia, United States territories and insular pos-

1 sessions, and Indian country (as defined in section  
2 1151 of title 18).

3 “(6) The term ‘State court’ includes the Supe-  
4 rior Court of the District of Columbia, a court of a  
5 United States territory or insular possession, and a  
6 tribal court.”.

7 **SEC. 1088. TRANSPORT FOR FEMALE GENITAL MUTILA-**  
8 **TION.**

9 Section 116 of title 18, United States Code, is  
10 amended by adding at the end the following:

11 “(d) Whoever knowingly transports from the United  
12 States and its territories a person in foreign commerce for  
13 the purpose of conduct with regard to that person that  
14 would be a violation of subsection (a) if the conduct oc-  
15 curred within the United States, or attempts to do so,  
16 shall be fined under this title or imprisoned not more than  
17 5 years, or both.”.

18 **SEC. 1089. AMENDMENTS TO LAW ENFORCEMENT OFFICER**  
19 **SAFETY PROVISIONS OF TITLE 18.**

20 Chapter 44 of title 18, United States Code, is amend-  
21 ed—

22 (1) in section 926B—

23 (A) in subsection (c)(1), by inserting “or  
24 apprehension under section 807(b) of title 10,

1 United States Code (article 7(b) of the Uniform  
2 Code of Military Justice)” after “arrest”;

3 (B) in subsection (d), by striking “as a law  
4 enforcement officer” and inserting “that identi-  
5 fies the employee as a police officer or law en-  
6 forcement officer of the agency”; and

7 (C) in subsection (f), by inserting “or ap-  
8 prehension under section 807(b) of title 10,  
9 United States Code (article 7(b) of the Uniform  
10 Code of Military Justice)” after “arrest”; and  
11 (2) in section 926C—

12 (A) in subsection (c)(2), by inserting “or  
13 apprehension under section 807(b) of title 10,  
14 United States Code (article 7(b) of the Uniform  
15 Code of Military Justice)” after “arrest”; and

16 (B) in subsection (d)—

17 (i) in paragraph (1), by striking “that  
18 indicates” and inserting “that identifies  
19 the person as having been employed as a  
20 police officer or law enforcement officer  
21 and indicates”; and

22 (ii) in paragraph (2)(A), by inserting  
23 “that identifies the person as having been  
24 employed as a police officer or law enforce-  
25 ment officer” after “officer”.

1 **SEC. 1090. REAUTHORIZATION OF SALE OF AIRCRAFT AND**  
2 **PARTS FOR WILDFIRE SUPPRESSION PUR-**  
3 **POSES.**

4 Section 2 of the Wildfire Suppression Aircraft Trans-  
5 fer Act of 1996 (10 U.S.C. 2576 note) is amended—

6 (1) in subsection (a), by striking “during the  
7 period beginning on October 1, 1996, and ending on  
8 September 30, 2005” and inserting “during a period  
9 specified in subsection (g)”;

10 (2) by redesignating subsection (g) as sub-  
11 section (h); and

12 (3) by inserting after subsection (f) the fol-  
13 lowing new subsection (g):

14 “(g) PERIODS FOR EXERCISE OF AUTHORITY.—The  
15 periods specified in this subsection are the following:

16 “(1) The period beginning on October 1, 1996,  
17 and ending on September 30, 2005.

18 “(2) The period beginning on October 1, 2012,  
19 and ending on September 30, 2017.”.

20 **SEC. 1091. TRANSFER OF EXCESS AIRCRAFT TO OTHER DE-**  
21 **PARTMENTS OF THE FEDERAL GOVERN-**  
22 **MENT.**

23 (a) TRANSFER.—The Secretary of Defense may  
24 transfer excess aircraft specified in subsection (b) to the  
25 Secretary of Agriculture and the Secretary of Homeland  
26 Security for use by the Forest Service and the United

1 States Coast Guard. The transfer of any excess aircraft  
2 under this subsection shall be without reimbursement.

3 (b) AIRCRAFT.—The aircraft transferred under sub-  
4 section (a) are aircraft of the Department of Defense that  
5 are—

6 (1) identified by the Forest Service or the  
7 United States Coast Guard as a suitable platform to  
8 carry out their respective missions;

9 (2) excess to the needs of the Department of  
10 Defense, as determined by the Secretary of Defense;

11 (3) in the case of aircraft to be transferred to  
12 the Secretary of Agriculture, acceptable for use by  
13 the Forest Service, as determined by the Secretary  
14 of Agriculture; and

15 (4) in the case of aircraft to be transferred to  
16 the Secretary of Homeland Security, acceptable for  
17 use by the United States Coast Guard, as deter-  
18 mined by the Secretary of Homeland Security.

19 (c) LIMITATION ON NUMBER.—

20 (1) LIMITATION.—Except as provided in para-  
21 graph (2), the number of aircraft that may be trans-  
22 ferred under subsection (a) to each of the Secretary  
23 of Agriculture and the Secretary of Homeland Secu-  
24 rity may not exceed seven aircraft for each agency.

1           (2) TERMINATION OF LIMITATION AFTER OFFI-  
2           CIAL NOTICE OF INTENT TO ACCEPT OR DECLINE  
3           SEVEN AIRCRAFT.—The limitation in paragraph (1)  
4           on the number of aircraft transferrable under sub-  
5           section (a) shall cease upon official notice to the  
6           Secretary of Defense, from the Secretary of Agri-  
7           culture, and the Secretary of Homeland Security  
8           that the Secretary's respective department will de-  
9           cline or accept seven aircraft.

10          (d) ORDER OF TRANSFERS.—

11           (1) RIGHTS OF REFUSAL.—In implementing the  
12           transfers authorized by subsection (a), the Secretary  
13           of Defense shall afford the Secretary of Agriculture  
14           the right of first refusal and the Secretary of Home-  
15           land Security the second right of refusal in the  
16           transfer to each department by the Secretary of De-  
17           fense of up to seven excess aircraft specified in sub-  
18           section (b) before the transfer of such excess aircraft  
19           is offered to any other department or agency of the  
20           Federal Government.

21           (2) EXPIRATION OF RIGHT OF FIRST RE-  
22           FUSAL.—The right of first refusal afforded the Sec-  
23           retary of Agriculture by paragraph (1) shall expire  
24           upon official notice of the Secretary to the Secretary  
25           of Defense under subsection (c)(2).

1 (e) CONDITIONS OF CERTAIN TRANSFERS.—Excess  
2 aircraft transferred to the Secretary of Agriculture under  
3 subsection (a)—

4 (1) may be used only for wildfire suppression  
5 purposes; and

6 (2) may not be flown or otherwise removed  
7 from the United States unless dispatched by the Na-  
8 tional Interagency Fire Center in support of an  
9 international agreement to assist in wildfire suppres-  
10 sion efforts or for other purposes approved by the  
11 Secretary of Agriculture in writing in advance.

12 (f) ADDITIONAL LIMITATION.—Excess aircraft trans-  
13 ferred under subsection (a) may not be sold by the Sec-  
14 retary of Agriculture or the Secretary of Homeland Secu-  
15 rity after transfer.

16 (g) COSTS AFTER TRANSFER.—Any costs of oper-  
17 ation, maintenance, sustainment, and disposal of excess  
18 aircraft transferred under subsection (a) after the date of  
19 transfer shall be borne by the Secretary of Agriculture and  
20 the Secretary of Homeland Security, as applicable.

## 21 **TITLE XI—CIVILIAN PERSONNEL**

### 22 **MATTERS**

Sec. 1101. One-year extension of authority to waive annual limitation on pre-  
mium pay and aggregate limitation on pay for Federal civilian  
employees working overseas.

Sec. 1102. Expansion of experimental personnel program for scientific and  
technical personnel at the Defense Advanced Research Projects  
Agency.

- Sec. 1103. Extension of authority to fill shortage category positions for certain Federal acquisition positions for civilian agencies.
- Sec. 1104. One-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.
- Sec. 1105. Policy on senior mentors.
- Sec. 1106. Authority to pay for the transport of family household pets for Federal employees during certain evacuation operations.
- Sec. Interagency personnel rotations.

1 **SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
2 **ANNUAL LIMITATION ON PREMIUM PAY AND**  
3 **AGGREGATE LIMITATION ON PAY FOR FED-**  
4 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**  
5 **SEAS.**

6 Effective January 1, 2013, section 1101(a) of the  
7 Duncan Hunter National Defense Authorization Act for  
8 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615),  
9 as most recently amended by section 1104 of the National  
10 Defense Authorization Act for Fiscal Year 2012 (Public  
11 Law 112–81; 125 Stat. 1612), is further amended by  
12 striking “through 2012” and inserting “through 2013”.

13 **SEC. 1102. EXPANSION OF EXPERIMENTAL PERSONNEL**  
14 **PROGRAM FOR SCIENTIFIC AND TECHNICAL**  
15 **PERSONNEL AT THE DEFENSE ADVANCED**  
16 **RESEARCH PROJECTS AGENCY.**

17 (a) EXPANSION.—Section 1101(b)(1)(A) of the  
18 Strom Thurmond National Defense Authorization Act for  
19 Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by  
20 striking “40” and inserting “60”.

1 (b) CONSTRUCTION.—The amendment made by sub-  
2 section (a) shall not be construed as affecting any applica-  
3 ble authorization or delimitation of the numbers of per-  
4 sonnel that may be employed at the Defense Advanced Re-  
5 search Projects Agency.

6 **SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE**  
7 **CATEGORY POSITIONS FOR CERTAIN FED-**  
8 **ERAL ACQUISITION POSITIONS FOR CIVILIAN**  
9 **AGENCIES.**

10 Section 1703(j)(2) of title 41, United States Code,  
11 is amended by striking “September 30, 2012” and insert-  
12 ing “September 30, 2017”.

13 **SEC. 1104. ONE-YEAR EXTENSION OF DISCRETIONARY AU-**  
14 **THORITY TO GRANT ALLOWANCES, BENE-**  
15 **FITS, AND GRATUITIES TO PERSONNEL ON**  
16 **OFFICIAL DUTY IN A COMBAT ZONE.**

17 Paragraph (2) of section 1603(a) of the Emergency  
18 Supplemental Appropriations Act for Defense, the Global  
19 War on Terror, and Hurricane Recovery, 2006 (Public  
20 Law 109–234; 120 Stat. 443), as added by section 1102  
21 of the Duncan Hunter National Defense Authorization  
22 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.  
23 4616) and amended by section 1112 of the National De-  
24 fense Authorization Act for Fiscal Year 2012 (Public Law

1 112–81; 125 Stat. 1616), is further amended by striking  
2 “2013” and inserting “2014”.

3 **SEC. 1105. POLICY ON SENIOR MENTORS.**

4 (a) **IN GENERAL.**—The Secretary of Defense shall  
5 provide written notice to the congressional defense com-  
6 mittees at least 60 days before implementing any change  
7 in the policy regarding senior mentors issued on or about  
8 April 1, 2010.

9 (b) **APPLICABILITY.**—Changes implemented before  
10 the date of the enactment of this Act shall not be affected  
11 by this section.

12 **SEC. 1106. AUTHORITY TO PAY FOR THE TRANSPORT OF**  
13 **FAMILY HOUSEHOLD PETS FOR FEDERAL EM-**  
14 **PLOYEES DURING CERTAIN EVACUATION OP-**  
15 **ERATIONS.**

16 Section 5725 of title 5, United States Code, is  
17 amended—

18 (1) in subsection (a), in the matter following  
19 paragraph (2), by striking “and personal effects,”  
20 and inserting “, personal effects, and family house-  
21 hold pets,”; and

22 (2) by adding at the end the following:

23 “(c)(1) The expenses authorized under subsection (a)  
24 shall, with respect to the transport of family household

1 pets, include the expenses for the shipment of and the pay-  
2 ment of any quarantine costs for such pets.

3 “(2) Any payment or reimbursement under this sec-  
4 tion in connection with the transport of family household  
5 pets shall be subject to terms and conditions which—

6 “(A) the head of the agency shall by regulation  
7 prescribe; and

8 “(B) shall, to the extent practicable, be the  
9 same as would apply under regulations prescribed  
10 under section 476(b)(1)(H)(iii) of title 37 in connec-  
11 tion with the transport of family household pets of  
12 members of the uniformed services, including regula-  
13 tions relating to the types, size, and number of pets  
14 for which such payment or reimbursement may be  
15 provided.”.

16 **SEC. 1107. INTERAGENCY PERSONNEL ROTATIONS.**

17 (a) FINDING AND PURPOSE.—

18 (1) FINDING.—Congress finds that the national  
19 security and homeland security challenges of the  
20 21st century require that executive branch personnel  
21 use a whole-of-Government approach in order for the  
22 United States Government to operate in the most ef-  
23 fective and efficient manner.

24 (2) PURPOSE.—The purpose of this section is  
25 to increase the efficiency and effectiveness of the

1 Government by fostering greater interagency experi-  
2 ence among executive branch personnel on national  
3 security and homeland security matters involving  
4 more than 1 agency.

5 (b) COMMITTEE ON NATIONAL SECURITY PER-  
6 SONNEL.—

7 (1) ESTABLISHMENT.—There is established a  
8 Committee on National Security Personnel within  
9 the Executive Office of the President.

10 (2) MEMBERSHIP.—The members of the Com-  
11 mittee shall include—

12 (A) designees of the Director of the Office  
13 of Management and Budget, the Director of the  
14 Office of Personnel Management, the Assistant  
15 to the President for National Security Affairs,  
16 the Secretary of Defense, the Secretary of  
17 State, and the Secretary of Homeland Security  
18 (1 member to be designated by each); and

19 (B) such other members as the President  
20 shall designate.

21 (c) PROGRAM ESTABLISHED.—

22 (1) Not later than 270 days after the date of  
23 the enactment of this Act, the Committee on Na-  
24 tional Security Personnel, in consultation with rep-  
25 resentatives of such other agencies as the Committee

1 determines to be appropriate, shall develop and issue  
2 a National Security Human Capital Strategy pro-  
3 viding policies, processes, and procedures for a pro-  
4 gram for the interagency rotation of personnel  
5 among positions within National Security Inter-  
6 agency Communities of Interest.

7 (2) The strategy required by paragraph (1)  
8 shall, at a minimum—

9 (A) identify specific Interagency Commu-  
10 nities of Interest for the purpose of carrying  
11 out the program;

12 (B) designate agencies to be included or  
13 excluded from the program;

14 (C) define categories of positions to be cov-  
15 ered by the program;

16 (D) establish processes by which the heads  
17 of relevant agencies may identify—

18 (i) positions in Interagency Commu-  
19 nities of Interest that are available for ro-  
20 tation under the program; and

21 (ii) individual employees who are  
22 available to participate in rotational as-  
23 signments under the program; and

24 (E) promulgate procedures for the pro-  
25 gram, including—

1 (i) any minimum or maximum periods  
2 of service for participation in the program;

3 (ii) any training and education re-  
4 quirements associated with participation in  
5 the program;

6 (iii) any prerequisites or requirements  
7 for participation in the program; and

8 (iv) appropriate performance meas-  
9 ures, reporting requirements, and other ac-  
10 countability devices for the evaluation of  
11 the program.

12 (d) PROGRAM REQUIREMENTS.—The policies, proc-  
13 esses, and procedures established pursuant to subsection  
14 (c) shall, at a minimum, provide that—

15 (1) during each of the first 4 fiscal years after  
16 the fiscal year in which this Act is enacted—

17 (A) the interagency rotation program shall  
18 be carried out in at least 2 Interagency Com-  
19 munities of Interest, of which 1 shall be an  
20 Interagency Community of Interest for emer-  
21 gency management and 1 shall be an Inter-  
22 agency Community of Interest for stabilization  
23 and reconstruction; and

24 (B) not fewer than 20 employees in the ex-  
25 ecutive branch of the Government shall be as-

1 signed to participate in the interagency per-  
2 sonnel rotation program;

3 (2) an employee's participation in the inter-  
4 agency rotation program shall require the consent of  
5 the head of the agency and shall be voluntary on the  
6 part of the employee;

7 (3) employees selected to perform interagency  
8 rotational service are selected in a fully open and  
9 competitive manner that is consistent with the merit  
10 system principles set forth in paragraphs (1) and (2)  
11 of section 2301(b) of title 5, United States Code,  
12 unless the Interagency Community of Interest posi-  
13 tion is otherwise exempt under another provision of  
14 law;

15 (4) an employee performing service in a position  
16 in another agency pursuant to the program estab-  
17 lished under this section shall be entitled to return,  
18 within a reasonable period of time after the end of  
19 the period of service, to the position held by the em-  
20 ployee, or a corresponding or higher position, in his  
21 or her employing agency;

22 (5) an employee performing interagency rota-  
23 tional service shall have all the rights that would be  
24 available to the employee if the employee were de-  
25 tailed or assigned under a provision of law other

1 than this section from the agency employing the em-  
2 ployee to the agency in which the position in which  
3 the employee is serving is located; and

4 (6) an employee participating in the program  
5 shall receive performance evaluations from officials  
6 in his or her employing agency that are based on  
7 input from the supervisors of the employee during  
8 his or her service in the program that are based pri-  
9 marily on the contribution of the employee to the  
10 work of the agency in which the employee performed  
11 such service, and these performance evaluations shall  
12 be provided the same weight in the receipt of pro-  
13 motions and other rewards by the employee from the  
14 employing agency as performance evaluations for  
15 service in the employing agency.

16 (e) SELECTION OF INDIVIDUALS TO FILL SENIOR  
17 POSITIONS.—The head of each agency participating in the  
18 program established pursuant to subsection (c) shall en-  
19 sure that, in selecting individuals to fill senior positions  
20 within an Interagency Community of Interest, the agency  
21 gives a strong preference to individuals who have per-  
22 formed interagency rotational service within the Inter-  
23 agency Community of Interest pursuant to such program.

24 (f) INTERAGENCY COMMUNITY OF INTEREST DE-  
25 FINED.—As used in this section, the term “National Secu-

1 rity Interagency Community of Interest” or “Interagency  
2 Community of Interest” means the positions in the execu-  
3 tive branch of the Government that, as determined by the  
4 Committee on National Security Personnel—

5 (1) as a group are positions within multiple  
6 agencies of the executive branch of the Government;  
7 and

8 (2) have significant responsibility for the same  
9 substantive, functional, or regional subject area re-  
10 lated to national security or homeland security that  
11 requires integration of the positions and activities in  
12 that area across multiple agencies to ensure that the  
13 executive branch of the Government operates as a  
14 single, cohesive enterprise to maximize mission suc-  
15 cess and minimize cost.

16 (g) REPORT ON PERFORMANCE MEASURES.—Not  
17 later than the end of the 2nd fiscal year after the fiscal  
18 year in which this Act is enacted, the Committee on Na-  
19 tional Security Personnel shall assess the performance  
20 measures described in subsection (c)(2)(E)(iv) and issue  
21 a report to Congress on the assessment of those perform-  
22 ance measures.

23 (h) GAO REVIEW.—Not later than the end of the 2nd  
24 fiscal year after the fiscal year in which this Act is en-  
25 acted, the Comptroller General of the United States shall

1 submit to Congress a report assessing the implementation  
2 and effectiveness of the interagency rotation program es-  
3 tablished pursuant to this section. The report required by  
4 this section shall address, at a minimum—

5 (1) the extent to which the requirements of this  
6 section have been implemented by the Committee on  
7 National Security Personnel and by national security  
8 agencies;

9 (2) the extent to which national security agen-  
10 cies have participated in the program established  
11 pursuant to this section, including whether the  
12 heads of such agencies have—

13 (A) identified positions within the agencies  
14 that are National Security Interagency Commu-  
15 nities of Interest and had employees from other  
16 agencies serve in rotational assignments in such  
17 positions; and

18 (B) identified employees who are eligible  
19 for rotational assignments in National Security  
20 Interagency Communities of Interest and had  
21 such employees serve in rotational assignments  
22 in other agencies;

23 (3) the extent to which employees serving in ro-  
24 tational assignments under the program established

1       pursuant to this section have benefitted from such  
2       assignments, including an assessment of—

3               (A) the period of service;

4               (B) the duties performed by the employees  
5       during such service;

6               (C) the value of the training and experi-  
7       ence gained by participating employees through  
8       such service; and

9               (D) the positions (including grade level)  
10       held by employees before and after completing  
11       interagency rotational service under this sec-  
12       tion; and

13       (4) the extent to which interagency rotational  
14       service under this section has improved or is ex-  
15       pected to improve interagency integration and co-  
16       ordination within National Security Interagency  
17       Communities of Interest.

18       (i) EXCLUSION.—This section shall not apply to any  
19       element of the intelligence community, as defined in sec-  
20       tion 3(4) of the National Security Act of 1947 (50 U.S.C.  
21       401a(4)).

## 22       **TITLE XII—MATTERS RELATING** 23       **TO FOREIGN NATIONS**

### Subtitle A—Assistance and Training

Sec. 1201. Modification and extension of authorities relating to program to  
build the capacity of foreign military forces.

- Sec. 1202. Extension of authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.
- Sec. 1203. Authority to build the capacity of certain counterterrorism forces in Yemen and East Africa.
- Sec. 1204. Limitation on activities under State Partnership Program pending compliance with certain program-related requirements.

#### Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

- Sec. 1211. Authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1212. Report on insider attacks in Afghanistan and their effect on the United States transition strategy for Afghanistan.
- Sec. 1213. United States military support in Afghanistan.
- Sec. 1214. Modification of report on progress toward security and stability in Afghanistan.
- Sec. 1215. Independent assessment of the Afghan National Security Forces.
- Sec. 1216. Extension and modification of logistical support for coalition forces supporting certain United States military operations.
- Sec. 1217. Report on Afghanistan Peace and Reintegration Program.
- Sec. 1218. One-year extension of authority to use funds for reintegration activities in Afghanistan.
- Sec. 1219. One-year extension and modification of authority for program to develop and carry out infrastructure projects in Afghanistan.
- Sec. 1220. Report on updates and modifications to campaign plan for Afghanistan.
- Sec. 1221. Commanders' Emergency Response Program in Afghanistan.
- Sec. 1222. Authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
- Sec. 1223. Report on efforts to promote the security of Afghan women and girls during the security transition process.
- Sec. 1224. Sense of Congress commending the Enduring Strategic Partnership Agreement between the United States and Afghanistan.
- Sec. 1225. Consultations with Congress on a bilateral security agreement with Afghanistan.
- Sec. 1226. Completion of transition of United States combat and military and security operations to the Government of Afghanistan.
- Sec. 1227. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1228. Extension and modification of Pakistan Counterinsurgency Fund.

#### Subtitle C—Matters Relating to Iran

- Sec. 1231. Report on United States capabilities in relation to China, North Korea, and Iran.
- Sec. 1232. Report on military capabilities of Gulf Cooperation Council members.
- Sec. 1233. Sense of Congress with respect to Iran.
- Sec. 1234. Rule of construction.

#### Subtitle D—Iran Sanctions

- Sec. 1241. Short title.
- Sec. 1242. Definitions.
- Sec. 1243. Sense of Congress relating to violations of human rights by Iran.

- Sec. 1244. Imposition of sanctions with respect to the energy, shipping, and shipbuilding sectors of Iran.
- Sec. 1245. Imposition of sanctions with respect to the sale, supply, or transfer of certain materials to or from Iran.
- Sec. 1246. Imposition of sanctions with respect to the provision of underwriting services or insurance or reinsurance for activities or persons with respect to which sanctions have been imposed.
- Sec. 1247. Imposition of sanctions with respect to foreign financial institutions that facilitate financial transactions on behalf of specially designated nationals.
- Sec. 1248. Impositions of sanctions with respect to the Islamic Republic of Iran Broadcasting.
- Sec. 1249. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.
- Sec. 1250. Waiver requirement related to exceptional circumstances preventing significant reductions in crude oil purchases.
- Sec. 1251. Statute of limitations for civil actions regarding terrorist acts.
- Sec. 1252. Report on use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers.
- Sec. 1253. Implementation; penalties.
- Sec. 1254. Applicability to certain natural gas projects.
- Sec. 1255. Rule of construction.

#### Subtitle E—Satellites and Related Items

- Sec. 1261. Removal of satellites and related items from the United States Munitions List.
- Sec. 1262. Report on licenses and other authorizations to export certain satellites and related items.
- Sec. 1263. Report on country exemptions for licensing of exports of certain satellites and related items.
- Sec. 1264. End-use monitoring of certain satellites and related items.
- Sec. 1265. Interagency review of modifications to Category XV of the United States Munitions List.
- Sec. 1266. Rules of construction.
- Sec. 1267. Definitions.

#### Subtitle F—Other Matters

- Sec. 1271. Additional elements in annual report on military and security developments involving the People's Republic of China.
- Sec. 1272. NATO Special Operations Headquarters.
- Sec. 1273. Sustainability requirements for certain capital projects in connection with overseas contingency operations.
- Sec. 1274. Administration of the American, British, Canadian, and Australian Armies' Program.
- Sec. 1275. United States participation in Headquarters Eurocorps.
- Sec. 1276. Department of Defense participation in European program on multilateral exchange of air transportation and air refueling services.
- Sec. 1277. Prohibition on use of funds to enter into contracts or agreements with Rosoboronexport.
- Sec. 1278. Sense of Congress on Iron Dome short-range rocket defense system.
- Sec. 1279. Bilateral defense trade relationship with India.
- Sec. 1280. United States Advisory Commission on Public Diplomacy.
- Sec. 1281. Sense of Congress on sale of aircraft to Taiwan.

- Sec. 1282. Briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense systems, and long-range conventional strike systems.
- Sec. 1283. Sense of Congress on efforts to remove or apprehend Joseph Kony from the battlefield and end the atrocities of the Lord's Resistance Army.
- Sec. 1284. Imposition of sanctions with respect to support for the rebel group known as M23.
- Sec. 1285. Pilot program on repair, overhaul, and refurbishment of defense articles for sale or transfer to eligible foreign countries and entities.
- Sec. 1286. Sense of Congress on the situation in the Senkaku Islands.

Subtitle G—Reports

- Sec. 1291. Review and reports on Department of Defense efforts to build the capacity of and partner with foreign security forces.
- Sec. 1292. Additional report on military and security developments involving the Democratic People's Republic of Korea.
- Sec. 1293. Report on host nation support for overseas United States military installations and United States Armed Forces deployed in country.
- Sec. 1294. Report on military activities to deny or significantly degrade the use of air power against civilian and opposition groups in Syria.
- Sec. 1295. Report on military assistance provided by Russia to Syria.

1                   **Subtitle A—Assistance and**  
 2                   **Training**

3   **SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORI-**  
 4                   **TIES RELATING TO PROGRAM TO BUILD THE**  
 5                   **CAPACITY OF FOREIGN MILITARY FORCES.**

6           (a) INCLUSION OF SMALL-SCALE MILITARY CON-  
 7 STRUCTION ACTIVITIES AMONG AUTHORIZED ELE-  
 8 MENTS.—

9           (1) IN GENERAL.—Subsection (b)(1) of section  
 10       1206 of the National Defense Authorization Act for  
 11       Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
 12       3457), as amended by section 1206(a) of the John  
 13       Warner National Defense Authorization Act for Fis-  
 14       cal Year 2007 (Public Law 109–364; 120 Stat.

1       2418), is further amended by striking “equipment,  
2       supplies, and training” and inserting “equipment,  
3       supplies, training, and small-scale military construc-  
4       tion activities”.

5           (2) LIMITATION ON AVAILABILITY OF FUNDS.—  
6       Subsection (c) of section 1206 of the National De-  
7       fense Authorization Act for Fiscal Year 2006, as  
8       most recently amended by section 1204(a) of the  
9       National Defense Authorization Act for Fiscal Year  
10      2012 (Public Law 112–81; 125 Stat. 1621), is fur-  
11      ther amended by adding at the end the following  
12      new paragraph:

13           “(6) LIMITATION ON AVAILABILITY OF FUNDS  
14      FOR SMALL-SCALE MILITARY CONSTRUCTION ACTIVI-  
15      TIES.—Of amounts available under this subsection  
16      for the authority in subsection (a) for a fiscal year—

17           “(A) not more than \$750,000 may be obli-  
18      gated or expended for small-scale military con-  
19      struction activities under a program authorized  
20      under subsection (a); and

21           “(B) not more than \$25,000,000 may be  
22      obligated or expended for small-scale military  
23      construction activities under all programs au-  
24      thorized under subsection (a).”.

1 (b) MODIFICATION OF NOTICE.—Subsection (e)(2) of  
2 section 1206 of the National Defense Authorization Act  
3 for Fiscal Year 2006, as amended by section 1206(a) of  
4 the John Warner National Defense Authorization Act for  
5 Fiscal Year 2007, is further amended by adding at the  
6 end the following new subparagraph:

7 “(D) Detailed information (including the  
8 amount and purpose) on the assistance pro-  
9 vided the country during the three preceding  
10 fiscal years under each of the following pro-  
11 grams, accounts, or activities:

12 “(i) A program under this section.

13 “(ii) The Foreign Military Financing  
14 program under the Arms Export Control  
15 Act.

16 “(iii) Peacekeeping Operations.

17 “(iv) The International Narcotics  
18 Control and Law Enforcement (INCLE)  
19 program under section 481 of the Foreign  
20 Assistance Act of 1961 (22 U.S.C. 2291).

21 “(v) Nonproliferation, Anti-Terrorism,  
22 Demining, and Related Programs  
23 (NADR).

24 “(vi) Counterdrug activities author-  
25 ized by section 1004 of the National De-

1                   fense Authorization Act for Fiscal Year  
2                   1991 (10 U.S.C. 374 note) and section  
3                   1033 of the National Defense Authoriza-  
4                   tion Act for Fiscal Year 1998.”.

5           (c) EXTENSION.—

6                   (1) IN GENERAL.—Subsection (g) of section  
7                   1206 of the National Defense Authorization Act for  
8                   Fiscal Year 2006, as most recently amended by sec-  
9                   tion 1204(c) of the National Defense Authorization  
10                  Act for Fiscal Year 2012 (125 Stat. 1622), is fur-  
11                  ther amended—

12                           (A) by striking “September 30, 2013” and  
13                           inserting “September 30, 2014”; and

14                           (B) by striking “fiscal years 2006 through  
15                           2013” and inserting “fiscal years 2006 through  
16                           2014”.

17                   (2) TEMPORARY LIMITATION ON AMOUNT FOR  
18                   CAPACITY FOR PARTICIPATION IN OR SUPPORT OF  
19                   MILITARY AND STABILITY OPERATIONS.—Subsection  
20                   (c)(5) of section 1206 of the National Defense Au-  
21                   thorization Act for Fiscal Year 2006, as most re-  
22                   cently amended by section 1204(a) of the National  
23                   Defense Authorization Act for Fiscal Year 2012, is  
24                   further amended by striking “fiscal years 2102 and

1       2013” and inserting “fiscal years 2012, 2013, and  
2       2014”.

3       (d) **EFFECTIVE DATE.**—The amendments made by  
4 this section shall take effect on the date of the enactment  
5 of this Act, and shall apply with respect to any country  
6 in which activities are initiated under section 1206 of the  
7 National Defense Authorization Act for Fiscal Year 2006  
8 on or after that date.

9       **SEC. 1202. EXTENSION OF AUTHORITY FOR NON-RECIP-**  
10                   **ROCAL EXCHANGES OF DEFENSE PER-**  
11                   **SONNEL BETWEEN THE UNITED STATES AND**  
12                   **FOREIGN COUNTRIES.**

13       Section 1207(f) of the National Defense Authoriza-  
14 tion Act for Fiscal Year 2010 (Public Law 111–84; 123  
15 Stat. 2514; 10 U.S.C. 168 note) is amended by striking  
16 “September 30, 2012” and inserting “September 30,  
17 2016”.

18       **SEC. 1203. AUTHORITY TO BUILD THE CAPACITY OF CER-**  
19                   **TAIN COUNTERTERRORISM FORCES IN**  
20                   **YEMEN AND EAST AFRICA.**

21       (a) **AUTHORITY.**—The Secretary of Defense may,  
22 with the concurrence of the Secretary of State, provide  
23 assistance as follows:

24               (1) To enhance the ability of the Yemen Min-  
25       istry of Interior Counter Terrorism Forces to con-

1       duct counterterrorism operations against al Qaeda in  
2       the Arabian Peninsula and its affiliates.

3           (2) To enhance the capacity of the national  
4       military forces, security agencies serving a similar  
5       defense function, other counterterrorism forces, and  
6       border security forces of Djibouti, Ethiopia, and  
7       Kenya to conduct counterterrorism operations  
8       against al Qaeda, al Qaeda affiliates, and al  
9       Shabaab.

10          (3) To enhance the capacity of national military  
11       forces participating in the African Union Mission in  
12       Somalia to conduct counterterrorism operations  
13       against al Qaeda, al Qaeda affiliates, and al  
14       Shabaab.

15       (b) TYPES OF ASSISTANCE.—

16           (1) AUTHORIZED ELEMENTS.—Assistance  
17       under subsection (a) may include the provision of  
18       equipment, supplies, training, and minor military  
19       construction.

20           (2) REQUIRED ELEMENTS.—Assistance under  
21       subsection (a) shall be provided in a manner that  
22       promotes—

23           (A) observance of and respect for human  
24       rights and fundamental freedoms; and

1 (B) respect for legitimate civilian authority  
2 in the country receiving such assistance.

3 (3) ASSISTANCE OTHERWISE PROHIBITED BY  
4 LAW.—The Secretary of Defense may not use the  
5 authority in subsection (a) to provide any type of as-  
6 sistance described in this subsection that is other-  
7 wise prohibited by any other provision of law.

8 (4) LIMITATIONS ON MINOR MILITARY CON-  
9 STRUCTION.—The total amount that may be obli-  
10 gated and expended on minor military construction  
11 under subsection (a) in any fiscal year may not ex-  
12 ceed amounts as follows:

13 (A) In the case of minor military construc-  
14 tion under paragraph (1) of subsection (a),  
15 \$10,000,000.

16 (B) In the case of minor military construc-  
17 tion under paragraphs (2) and (3) of subsection  
18 (a), \$10,000,000.

19 (c) FUNDING.—

20 (1) IN GENERAL.—Of the amount authorized to  
21 be appropriated for a fiscal year for the Department  
22 of Defense for operation and maintenance—

23 (A) not more than \$75,000,000 may be  
24 used to provide assistance under paragraph (1)  
25 of subsection (a); and

1 (B) not more than \$75,000,000 may used  
2 to provide assistance under paragraphs (2) and  
3 (3) of subsection (a).

4 (2) AVAILABILITY OF FUNDS FOR ASSISTANCE  
5 ACROSS FISCAL YEARS.—Amounts available under  
6 this subsection for the authority in subsection (a)  
7 for a fiscal year may be used for assistance under  
8 that authority that begins in such fiscal year but  
9 ends in the next fiscal year.

10 (d) NOTICE TO CONGRESS.—

11 (1) IN GENERAL.—Not later than 30 days be-  
12 fore providing assistance under subsection (a), the  
13 Secretary of Defense shall submit to the committees  
14 of Congress specified in paragraph (2) a notice set-  
15 ting forth the assistance to be provided, including  
16 the types of such assistance, the budget for such as-  
17 sistance, and the completion date for the provision  
18 of such assistance.

19 (2) COMMITTEES OF CONGRESS.—The commit-  
20 tees of Congress specified in this paragraph are—

21 (A) the Committee on Armed Services, the  
22 Committee on Foreign Relations, and the Com-  
23 mittee on Appropriations of the Senate; and

24 (B) the Committee on Armed Services, the  
25 Committee on Foreign Affairs, and the Com-



1           (2) A requirement for the Secretary of Defense  
2           to certify to the appropriate congressional commit-  
3           tees that appropriate modifications have been made,  
4           and appropriate controls have been instituted, to en-  
5           sure the compliance of the Program with section  
6           1341 of title 31, United States Code (commonly re-  
7           ferred to as the “Anti-Deficiency Act”), in the fu-  
8           ture.

9           (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
10          FINED.—In this section, the term “appropriate congres-  
11          sional committees” has the meaning given that term in  
12          subsection (d) of section 1210 of the National Defense Au-  
13          thorization Act for Fiscal Year 2010.

14           **Subtitle B—Matters Relating to**  
15           **Iraq, Afghanistan, and Pakistan**

16          **SEC. 1211. AUTHORITY TO SUPPORT OPERATIONS AND AC-**  
17                           **TIVITIES OF THE OFFICE OF SECURITY CO-**  
18                           **OPERATION IN IRAQ.**

19          (a) LIMITATION ON AMOUNT.—Subsection (c) of sec-  
20          tion 1215 of the National Defense Authorization Act for  
21          Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631)  
22          is amended by inserting at the end before the period the  
23          following: “and in fiscal year 2013 may not exceed  
24          \$508,000,000”.

1 (b) SOURCE OF FUNDS.—Subsection (d) of such sec-  
2 tion is amended—

3 (1) by inserting “or fiscal year 2013” after  
4 “fiscal year 2012”; and

5 (2) by striking “that fiscal year” and inserting  
6 “fiscal year 2012 or 2013, as the case may be,”.

7 (c) ADDITIONAL AUTHORITY FOR THE ACTIVITIES  
8 OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.—  
9 Such section is further amended—

10 (1) by redesignating subsection (f) as sub-  
11 section (g); and

12 (2) by inserting after subsection (e) the fol-  
13 lowing new subsection (f):

14 “(f) ADDITIONAL AUTHORITY FOR ACTIVITIES OF  
15 OSCI.—During fiscal year 2013, the Secretary of De-  
16 fense, with the concurrence of the Secretary of State, may  
17 authorize the Office of Security Cooperation in Iraq to  
18 conduct non-operational training activities in support of  
19 Iraqi Ministry of Defense and Counter Terrorism Service  
20 personnel in an institutional environment to address capa-  
21 bility gaps, integrate processes relating to intelligence, air  
22 sovereignty, combined arms, logistics and maintenance,  
23 and to manage and integrate defense-related institu-  
24 tions.”.

25 (d) REPORT.—

1           (1) IN GENERAL.—Not later than 120 days  
2 after the date of the enactment of this Act, the Sec-  
3 retary of Defense, in consultation with the Secretary  
4 of State, shall submit to the appropriate congress-  
5 sional committees a report on the activities of the  
6 Office of Security Cooperation in Iraq.

7           (2) MATTERS TO BE INCLUDED.—The report  
8 shall include the following:

9           (A) A description, in unclassified form (but  
10 with a classified annex if appropriate), of any  
11 capability gaps in the security forces of Iraq,  
12 including capability gaps relating to intelligence  
13 matters, protection of Iraq airspace, and logis-  
14 tics and maintenance.

15           (B) A description of the extent, if any, to  
16 which the programs of the Office of Security  
17 Cooperation in Iraq, in conjunction with other  
18 United States programs such as the Foreign  
19 Military Financing program, the Foreign Mili-  
20 tary Sales program, and joint training exer-  
21 cises, will address the capability gaps described  
22 in subparagraph (A) if the Government of Iraq  
23 requests assistance in addressing such capa-  
24 bility gaps.

1 (C) A detailed discussion of the current  
2 manpower, budget, and authorities of the Office  
3 of Security Cooperation in Iraq.

4 (D) A detailed plan for the transition of  
5 the costs of the activities of the Office of Secu-  
6 rity Cooperation in Iraq to Foreign Military  
7 Sales case funding by September 30, 2014, and  
8 a detailed description of the planned manpower,  
9 budget, and authorities of the Office to imple-  
10 ment such a plan.

11 (E) A description of existing authorities  
12 available to be used to cover the costs of train-  
13 ing the Iraqi Security Forces, including a list of  
14 specific training activities and number of associ-  
15 ated personnel that the Secretary of Defense  
16 determines cannot be conducted under any ex-  
17 isting authority not provided by this section.

18 (F) A description of those measures of ef-  
19 fectiveness that will be used to evaluate the ac-  
20 tivities of the Office of Security Cooperation in  
21 Iraq and a discussion of the process that will  
22 use those measures of effectiveness to make de-  
23 terminations if specific activities of the Office  
24 should be expanded, altered, or terminated.

1           (3) UPDATE REQUIRED.—Not later than Sep-  
2           tember 30, 2013, the Secretary of Defense, in con-  
3           sultation with the Secretary of State, shall submit to  
4           the appropriate congressional committees an update  
5           of the report required by paragraph (1), including a  
6           description of any changes to any specific element or  
7           process described in subparagraphs (A) through (F)  
8           of paragraph (2).

9           (4) DEFINITION.—In this subsection, the term  
10          “appropriate congressional committees” means—

11                 (A) the congressional defense committees;

12                 and

13                 (B) the Committee on Foreign Relations of  
14                 the Senate and the Committee on Foreign Af-  
15                 fairs of the House of Representatives.

16   **SEC. 1212. REPORT ON INSIDER ATTACKS IN AFGHANISTAN**  
17                         **AND THEIR EFFECT ON THE UNITED STATES**  
18                         **TRANSITION STRATEGY FOR AFGHANISTAN.**

19          (a) SENSE OF CONGRESS.—It is the sense of Con-  
20          gress that—

21                 (1) to the maximum extent possible and con-  
22                 sistent with the commander’s professional judgment  
23                 and the requirements of the mission, the United  
24                 States military should conduct local force protection

1 for its troops on bases where such troops are garrisoned or housed in Afghanistan;

2  
3 (2) the increase in attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel raises concerns about the force protection for United States troops in Afghanistan and the procedures for screening, vetting, and monitoring Afghanistan National Security Forces personnel and Afghan Public Protection Force personnel;

14 (3) the Department of Defense and the Government of Afghanistan are making efforts to address the threat of such attacks and associated threats, but continued leadership will be required; and

18 (4) the North Atlantic Treaty Organization/International Security Assistance Force and the Government of Afghanistan should establish a program to continue to enhance vetting of Afghanistan National Security Forces and Afghan Public Protection Force recruits, to monitor the Afghanistan National Security Forces and the Afghan Public Protection Force personnel, and to re-assess Afghani-

1 stan National Security Forces and Afghan Public  
2 Protection Force personnel as required.

3 (b) REPORT.—Not later than 90 days after the date  
4 of the enactment of this Act, the Secretary of Defense  
5 shall, in consultation with the Secretary of State and the  
6 Commander of North Atlantic Treaty Organization/Inter-  
7 national Security Assistance Force forces in Afghanistan,  
8 submit to Congress a report on the attacks and associated  
9 threats by Afghanistan National Security Forces per-  
10 sonnel, Afghanistan National Security Forces imperson-  
11 ators, Afghan Public Protection Force personnel, Afghan  
12 Public Protection Force impersonators, and private secu-  
13 rity contractors against United States, Afghanistan, and  
14 coalition military and civilian personnel (“insider at-  
15 tacks”) in Afghanistan, and the effect of these attacks on  
16 the overall transition strategy in Afghanistan.

17 (c) ELEMENTS.—The report required by subsection  
18 (b) shall include the following:

19 (1) A description of the nature and proximate  
20 causes of the attacks described in subsection (b), in-  
21 cluding the following:

22 (A) An estimate of the number of such at-  
23 tacks on United States, Afghanistan, and coali-  
24 tion military personnel since January 1, 2007.

1 (B) An estimate of the number of United  
2 States, Afghanistan, and coalition personnel  
3 killed or wounded in such attacks.

4 (C) The circumstances or conditions that  
5 may have influenced such attacks.

6 (D) An assessment of the threat posed by  
7 infiltration, and a best assessment of the extent  
8 of infiltration by insurgents into the Afghani-  
9 stan National Security Forces and the Afghan  
10 Public Protection Force.

11 (E) A description of trends in the preva-  
12 lence of such attacks, including where such at-  
13 tacks occur, the political and ethnic affiliation  
14 of attackers, and the targets of attackers.

15 (2) A description of the restrictions and other  
16 actions taken by the United States and North Atlan-  
17 tic Treaty Organization/International Security As-  
18 sistance Force forces to protect military and civilian  
19 personnel from future insider attacks, including  
20 measures in predeployment training.

21 (3) A description of the actions taken by the  
22 Government of Afghanistan to prevent and respond  
23 to insider attacks, including improved vetting prac-  
24 tices.

1           (4) A description of the insider threat-related  
2 factors that will influence the size and scope of the  
3 post-2014 training mission for the Afghanistan Na-  
4 tional Security Forces.

5           (5) An assessment of the impact of the insider  
6 attacks in Afghanistan in 2012 on the overall transi-  
7 tion strategy in Afghanistan and its prospects for  
8 success, including an assessment how such insider  
9 attacks impact—

10           (A) partner operations between North At-  
11 lantic Treaty Organization/International Secu-  
12 rity Assistance Force forces and Afghanistan  
13 National Security Forces;

14           (B) training programs for the Afghanistan  
15 National Security Forces, including proposed  
16 training plans to be executed during the post-  
17 2014 training mission for the Afghanistan Na-  
18 tional Security Forces;

19           (C) United States Special Forces training  
20 of the Afghan Local Police and its integration  
21 into the Afghanistan National Security Forces;  
22 and

23           (D) the willingness of North Atlantic Trea-  
24 ty Organization/International Security Assist-  
25 ance Force allies to maintain forces in Afghani-

1           stan or commit to the post-2014 training mis-  
2           sion for the Afghanistan National Security  
3           Forces.

4           (6) An assessment of the impact that a reduc-  
5           tion in training and partnering would have on the  
6           independent capabilities of the Afghanistan National  
7           Security Forces, and whether the training of the Af-  
8           ghanistan National Security Forces should remain a  
9           key component of the United States and North At-  
10          lantic Treaty Organization strategy in Afghanistan.

11          (d) **ADDITIONAL REPORTS.**—The Secretary of De-  
12          fense shall submit to the congressional defense committees  
13          a semi-annual update to the report required under sub-  
14          section (b) through December 31, 2014. The additional  
15          reports required by this subsection may be submitted in  
16          the report required by section 1230 of the National De-  
17          fense Authorization Act for Fiscal Year 2008 (Public Law  
18          110–181; 122 Stat. 385), as most recently amended by  
19          section 1218(a) of the National Defense Authorization Act  
20          for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
21          1632).

22          (e) **UNCLASSIFIED EXECUTIVE SUMMARY.**—The re-  
23          port submitted under subsection (b) and the semi-annual  
24          update to the report submitted under subsection (d) shall

1 include an executive summary of the contents of the report  
2 in unclassified form.

3 **SEC. 1213. UNITED STATES MILITARY SUPPORT IN AFGHAN-**  
4 **ISTAN.**

5 (a) NOTIFICATION.—The Secretary of Defense shall  
6 notify the congressional defense committees of any deci-  
7 sion of the President to change force levels of United  
8 States Armed Forces deployed in Afghanistan.

9 (b) SUBMITTAL REQUIRED.—Not later than 30 days  
10 after a decision by the President to change the force levels  
11 of United States Armed Forces deployed in Afghanistan,  
12 the Chairman of the Joint Chiefs of Staff shall, through  
13 the Secretary of Defense, submit to the congressional de-  
14 fense committees a detailed assessment of the risk to the  
15 United States mission and interests in Afghanistan as the  
16 change in levels is implemented.

17 (c) ELEMENTS.—The risk assessment under sub-  
18 section (b) on a change in force levels of United States  
19 Armed Forces in Afghanistan shall include the following:

20 (1) A description of the current security situa-  
21 tion in Afghanistan.

22 (2) A description of any anticipated changes to  
23 United States military operations and objectives in  
24 Afghanistan associated with such change in force  
25 levels.

1           (3) An identification and assessment of any  
2 changes in United States military capabilities, in-  
3 cluding manpower, logistics, intelligence, and mobil-  
4 ity support, in Afghanistan associated with such  
5 change in force levels.

6           (4) An identification and assessment of the risk  
7 associated with any changes in United States mis-  
8 sion, military capabilities, operations, and objectives  
9 in Afghanistan associated with such change in force  
10 levels.

11           (5) An identification and assessment of any ca-  
12 pability gaps within the Afghanistan security forces  
13 that will impact their ability to conduct operations  
14 following such change in force levels.

15           (6) An identification and assessment of the risk  
16 associated with the transition of combat responsibil-  
17 ities to the Afghanistan security forces following  
18 such change in force levels.

19           (7) An assessment of the impact of such change  
20 in force levels on coalition military contributions to  
21 the mission in Afghanistan.

22           (8) A description of the assumptions to be in  
23 force regarding the security situation in Afghanistan  
24 following such change in force levels.

1           (9) Such other matters regarding such change  
2           in force levels as the Chairman considers appro-  
3           priate.

4           (d) **TERMINATION.**—The requirement to notify the  
5           congressional defense committees under subsection (a)  
6           shall terminate on December 31, 2014.

7           **SEC. 1214. MODIFICATION OF REPORT ON PROGRESS TO-**  
8                               **WARD SECURITY AND STABILITY IN AFGHAN-**  
9                               **ISTAN.**

10          (a) **IN GENERAL.**—Section 1230 of the National De-  
11          fense Authorization Act for Fiscal Year 2008 (Public Law  
12          110–181; 122 Stat. 385), as most recently amended by  
13          section 1218(a) of the National Defense Authorization Act  
14          for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
15          1632), is further amended—

16               (1) by redesignating subsections (e), (f), and  
17               (g) as subsections (f), (g), and (h), respectively; and

18               (2) by inserting after subsection (d) the fol-  
19               lowing:

20               “(e) **ADDITIONAL MATTERS TO BE INCLUDED ON**  
21               **AFGHANISTAN NATIONAL SECURITY FORCES.**—In report-  
22               ing on performance indicators and measures of progress  
23               required under subsection (d)(2)(D), the report required  
24               under subsection (a) shall assess the following:

1           “(1) For overall Afghanistan National Security  
2 Forces (ANSF):

3           “(A) A description of the  
4 professionalization of the Afghan National  
5 Army (ANA) and Afghan National Police  
6 (ANP), including literacy, training benchmarks,  
7 and vetting outcomes.

8           “(B) An assessment of the ANA and the  
9 ANP interaction with the Afghan civilian popu-  
10 lation and respect for human rights.

11           “(C) An outline of United States contribu-  
12 tions for the current fiscal year and one-year  
13 projected fiscal year and pledges for contribu-  
14 tions by other countries.

15           “(D) The percentage of officer corps and  
16 noncommissioned officer corps personnel as  
17 compared to end-strength requirements.

18           “(2) For logistics:

19           “(A) An assessment of the ANA and ANP  
20 logistics system, including a discussion of crit-  
21 ical supply shortfalls and challenges associated  
22 with filling supply requests.

23           “(B) A description of the logistical capac-  
24 ity of the ANA and ANP and how operations  
25 are sustained in the areas in which the ANA

1 and ANP are transitioned and in areas in which  
2 the ANA and the ANP are in pre-transition  
3 stages.

4 “(3) For transition:

5 “(A) An assessment, by province, of the se-  
6 curity situation and capability of ANSF in  
7 those areas that have been transitioned to an  
8 Afghan security lead, to include a description of  
9 the transition stages for each such province and  
10 readiness ratings for the ANSF in each such  
11 province.

12 “(B) An assessment, by province, of the  
13 security situation and capability of ANSF in  
14 pre-transition areas, to include readiness rat-  
15 ings.

16 “(C) A description of how security force  
17 assistance teams and security force assistance  
18 brigades will be integrated into ANSF units.

19 “(4) For preparation for the 2014 elections:

20 The steps taken by the United States, ISAF, and  
21 the Government of Afghanistan to carry out the fol-  
22 lowing:

23 “(A) Identify and train a sufficient num-  
24 ber of the ANSF, to include female members of  
25 the ANSF.

1           “(B) Provide for the security of the elec-  
2           tions, including security of polling places, elec-  
3           tion workers, election materials, and such other  
4           locations and personnel as may be necessary to  
5           safely carry out the elections, including partici-  
6           pation of women.

7           “(C) Assist with ensuring that election  
8           workers and materials can be safely and se-  
9           curely transported in Afghanistan as may be re-  
10          quired.

11          “(5) For partnership and assistance activities:

12           “(A) A discussion of ongoing partnership  
13           activities in Afghanistan, including partnership  
14           activities as part of major operations and ef-  
15           forts, and including metrics used to measure  
16           the quantity of ongoing partnership activities  
17           and changes to how partnership activities are  
18           conducted that affect significant numbers of  
19           United States Armed Forces, ISAF, or Afghan  
20           units and the reasons for any such change.

21           “(B) A discussion of any transition from  
22           partnership activities conducted by United  
23           States Armed Forces or other international  
24           units with Afghan forces to the use of security  
25           force assistance teams or security force assist-



1 viding security for their own country so as to prevent Af-  
2 ghanistan from ever again becoming a safe haven for ter-  
3 rorists that threaten Afghanistan, the region, and the  
4 world.

5 (b) CONDUCT OF ASSESSMENT.—The assessment re-  
6 quired by subsection (a) may, at the election of the Sec-  
7 retary, be conducted by—

8 (1) a Federally-funded research and develop-  
9 ment center (FFRDC); or

10 (2) an independent, non-governmental institute  
11 described in section 501(c)(3) of the Internal Rev-  
12 enue Code of 1986 and exempt from tax under sec-  
13 tion 501(a) of such Code that has recognized creden-  
14 tials and expertise in national security and military  
15 affairs appropriate for the assessment.

16 (c) ELEMENTS.—The assessment required by sub-  
17 section (a) shall include, but not be limited to, the fol-  
18 lowing:

19 (1) An assessment of the likely internal and re-  
20 gional security environment for Afghanistan over the  
21 next decade, including challenges and threats to the  
22 security and sovereignty of Afghanistan from state  
23 and non-state actors.

24 (2) An assessment of the strength, force struc-  
25 ture, force posture, and capabilities required to

1 make the Afghan National Security Forces capable  
2 of providing security for their own country so as to  
3 prevent Afghanistan from ever again becoming a  
4 safe haven for terrorists that threaten Afghanistan,  
5 the region, and the world.

6 (3) An assessment of any capability gaps in the  
7 Afghan National Security Forces that are likely to  
8 persist after 2014 and that will require continued  
9 support from the United States and its allies.

10 (4) An assessment whether current proposals  
11 for the resourcing of the Afghan National Security  
12 Forces after 2014 are adequate to establish and  
13 maintain long-term security for the Afghanistan peo-  
14 ple, and implications of the under-resourcing of the  
15 Afghan National Security Forces for United States  
16 national security interests.

17 (d) REPORT.—Not later than one year after the date  
18 of the enactment of this Act, the entity selected for the  
19 conduct of the assessment required by subsection (a) shall  
20 provide to the Secretary and the congressional defense  
21 committees a report containing its findings as a result of  
22 the assessment. The report shall be submitted in unclassi-  
23 fied form, but may include a classified annex.

24 (e) FUNDING.—Of the amounts authorized to be ap-  
25 propriated for fiscal year 2013 by section 301 and avail-

1 able for operation and maintenance for Defense-wide ac-  
2 tivities as specified in the funding table in section 4301,  
3 up to \$1,000,000 shall be made available for the assess-  
4 ment required by subsection (a).

5 (f) AFGHAN NATIONAL SECURITY FORCES.—For  
6 purposes of this section, the Afghan National Security  
7 Forces shall include all forces under the authority of the  
8 Afghan Ministry of Defense and Afghan Ministry of Inte-  
9 rior, including the Afghan National Army, the Afghan Na-  
10 tional Police, the Afghan Border Police, the Afghan Na-  
11 tional Civil Order Police, and the Afghan Local Police.

12 **SEC. 1216. EXTENSION AND MODIFICATION OF LOGISTICAL**  
13 **SUPPORT FOR COALITION FORCES SUP-**  
14 **PORTING CERTAIN UNITED STATES MILITARY**  
15 **OPERATIONS.**

16 (a) EXTENSION.—Section 1234 of the National De-  
17 fense Authorization Act for Fiscal Year 2008 (Public Law  
18 110–181; 122 Stat. 394), as most recently amended by  
19 section 1211 of the National Defense Authorization Act  
20 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
21 1629)), is further amended by striking “fiscal year 2012”  
22 each place it appears and inserting “fiscal year 2013”.

23 (b) REPEAL OF AUTHORITY FOR USE OF FUNDS IN  
24 CONNECTION WITH IRAQ.—

1           (1) IN GENERAL.—Subsection (a) of such sec-  
2           tion 1234, as so amended, is further amended by  
3           striking “Iraq and”.

4           (2) CONFORMING AMENDMENT.—The heading  
5           of such section 1234 is amended by striking “**IRAQ**  
6           **AND**”.

7   **SEC. 1217. REPORT ON AFGHANISTAN PEACE AND RE-**  
8                                   **INTEGRATION PROGRAM.**

9           (a) REPORT REQUIRED.—Not later than 120 days  
10          after the date of the enactment of this Act, the Secretary  
11          of Defense shall, in consultation with the Secretary of  
12          State, submit to the appropriate committees of Congress  
13          a report on the Afghanistan Peace and Reintegration Pro-  
14          gram (APRP).

15          (b) ELEMENTS.—The report required by subsection  
16          (a) shall include the following:

17                 (1) A description of the goals and objectives of  
18                 the Afghanistan Peace and Reintegration Program.

19                 (2) A description of the structure of the Pro-  
20                 gram at the national and sub-national levels in Af-  
21                 ghanistan, including the number and types of voca-  
22                 tional training and other education programs.

23                 (3) A description of the activities of the Pro-  
24                 gram as of the date of the report.

1           (4) A description and assessment of the proce-  
2           dures for vetting individuals seeking to participate in  
3           the Program, including an assessment of the extent  
4           to which biometric identification systems are used  
5           and the role of provincial peace councils in such pro-  
6           cedures.

7           (5) The amount of funding provided by the  
8           United States, and by the international community,  
9           to support the Program, and the amount of funds so  
10          provided that have been distributed as of the date of  
11          the report.

12          (6) An assessment of the individuals who have  
13          been reintegrated into the Program, set forth in  
14          terms as follows:

15                 (A) By geographic distribution by province.

16                 (B) By number of each of low-level insur-  
17                 gent fighters, mid-level commanders, and senior  
18                 commanders.

19                 (C) By number confirmed to have been  
20                 part of the insurgency.

21                 (D) By number who are currently mem-  
22                 bers of the Afghan Local Police.

23                 (E) By number who are participating in or  
24                 have completed vocational training or other  
25                 educational programs as part of the Program.

1           (7) A description and assessment of the proce-  
2           dures for monitoring the individuals participating in  
3           the Program.

4           (8) A description and assessment of the role of  
5           women and minority populations in the implementa-  
6           tion of the Program.

7           (9) An assessment of the effectiveness of the  
8           activities of the Program described under paragraph  
9           (3) in achieving the goals and objectives of the Pro-  
10          gram.

11          (10) Such recommendations as the Secretary of  
12          Defense considers appropriate for improving the im-  
13          plementation, oversight, and effectiveness of the Pro-  
14          gram.

15          (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
16          FINED.—In this section, the term “appropriate commit-  
17          tees of Congress” means—

18               (1) the Committee on Armed Services, the  
19               Committee on Foreign Relations, and the Committee  
20               on Appropriations of the Senate; and

21               (2) the Committee on Armed Services, the  
22               Committee on Foreign Affairs, and the Committee  
23               on Appropriations of the House of Representatives.

1 **SEC. 1218. ONE-YEAR EXTENSION OF AUTHORITY TO USE**  
2 **FUNDS FOR REINTEGRATION ACTIVITIES IN**  
3 **AFGHANISTAN.**

4 Section 1216 of the Ike Skelton National Defense  
5 Authorization Act for Fiscal Year 2011 (Public Law 111–  
6 383; 124 Stat. 4392), as amended by section 1216 of the  
7 National Defense Authorization Act for Fiscal Year 2012  
8 (Public Law 112–81; 125 Stat. 1632), is further amend-  
9 ed—

10 (1) in subsection (a)—

11 (A) by striking “\$50,000,000” and insert-  
12 ing “\$35,000,000”; and

13 (B) by striking “in each of fiscal years  
14 2011 and 2012” and inserting “for fiscal year  
15 2013”; and

16 (2) in subsection (e)—

17 (A) by striking “utilize funds” and insert-  
18 ing “obligate funds”; and

19 (B) by striking “December 31, 2012” and  
20 inserting “December 31, 2013”.

21 **SEC. 1219. ONE-YEAR EXTENSION AND MODIFICATION OF**  
22 **AUTHORITY FOR PROGRAM TO DEVELOP AND**  
23 **CARRY OUT INFRASTRUCTURE PROJECTS IN**  
24 **AFGHANISTAN.**

25 Section 1217(f) of the Ike Skelton National Defense  
26 Authorization Act for Fiscal Year 2011 (Public Law 111–

1 383; 124 Stat. 4393), as amended by section 1217(a) of  
2 the National Defense Authorization Act for Fiscal Year  
3 2012 (Public Law 112–81; 125 Stat. 1632), is further  
4 amended—

5 (1) by striking paragraph (1) and inserting the  
6 following new paragraph (1):

7 “(1) IN GENERAL.—Subject to paragraph (2),  
8 to carry out the program authorized under sub-  
9 section (a), the Secretary of Defense may use  
10 amounts as follows:

11 “(A) Up to \$400,000,000 made available  
12 to the Department of Defense for operation and  
13 maintenance for fiscal year 2012.

14 “(B) Up to \$350,000,000 made available  
15 to the Department of Defense for operation and  
16 maintenance for fiscal year 2013.”;

17 (2) in paragraph (2)—

18 (A) by striking “85 percent” and inserting  
19 “50 percent”;

20 (B) by inserting “for a fiscal year after fis-  
21 cal year 2011” after “in paragraph (1)”; and

22 (C) by striking “fiscal year 2012.” and in-  
23 serting “such fiscal year, including for each  
24 project to be initiated during such fiscal year  
25 the following:

1           “(A) An estimate of the financial and  
2 other requirements necessary to sustain such  
3 project on an annual basis after the completion  
4 of such project.

5           “(B) An assessment whether the Govern-  
6 ment of Afghanistan is committed to and has  
7 the capacity to maintain and use such project  
8 after its completion.

9           “(C) A description of any arrangements  
10 for the sustainment of such project following its  
11 completion if the Government of Afghanistan  
12 lacks the capacity (in either financial or human  
13 resources) to maintain such project.”; and

14           (3) in paragraph (3), by adding at the end the  
15 following new subparagraph:

16           “(C) In the case of funds for fiscal year  
17 2013, until September 30, 2014.”.

18 **SEC. 1220. REPORT ON UPDATES AND MODIFICATIONS TO**  
19 **CAMPAIGN PLAN FOR AFGHANISTAN.**

20           (a) **REPORT REQUIRED.**—Not later than 180 days  
21 after the date on which any substantial update or modi-  
22 fication is made to the campaign plan for Afghanistan (in-  
23 cluding the supporting and implementing documents for  
24 such plan), the Comptroller General of the United States  
25 shall submit to the congressional defense committees a re-

1 port on the updated or modified plan, including an assess-  
2 ment of the updated or modified plan.

3 (b) EXCEPTION.—The requirement to submit a re-  
4 port under subsection (a) on any substantial update or  
5 modification to the campaign plan for Afghanistan shall  
6 not apply if the Comptroller General—

7 (1) determines that a report submitted to Con-  
8 gress by the Comptroller General before the date of  
9 the enactment of this Act substantially meets the re-  
10 quirement to submit the report under subsection (a);  
11 and

12 (2) notifies the congressional defense commit-  
13 tees in writing of the determination under paragraph  
14 (1).

15 (c) TERMINATION.—The requirement to submit a re-  
16 port under subsection (a) on any substantial update or  
17 modification to the campaign plan for Afghanistan shall  
18 terminate on September 30, 2014.

19 (d) REPEAL OF SUPERSEDED REQUIREMENTS.—Sec-  
20 tion 1226 of the National Defense Authorization Act for  
21 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525)  
22 is repealed.

23 **SEC. 1221. COMMANDERS' EMERGENCY RESPONSE PRO-**  
24 **GRAM IN AFGHANISTAN.**

25 (a) ONE-YEAR EXTENSION.—



1 forces to restore and maintain peace and security in that  
2 country.

3 (b) LIMITATIONS.—

4 (1) VALUE.—The aggregate replacement value  
5 of all defense articles transferred and defense serv-  
6 ices provided in connection with such defense articles  
7 under subsection (a) in any fiscal year may not ex-  
8 ceed \$250,000,000.

9 (2) SOURCE OF TRANSFERRED ARTICLES.—The  
10 authority under subsection (a) may only be used for  
11 defense articles that—

12 (A) were present in Afghanistan as of the  
13 date of the enactment of this Act;

14 (B) immediately before transfer were in  
15 use to support operations in Afghanistan; and

16 (C) are no longer required by United  
17 States forces in Afghanistan.

18 (c) APPLICABLE LAW.—Any defense articles trans-  
19 ferred or defense services provided under the authority of  
20 subsection (a) shall be subject to the authorities and limi-  
21 tations applicable to excess defense articles under section  
22 516 of the Foreign Assistance Act of 1961 (22 U.S.C.  
23 2321j), other than the authorities and limitations in sub-  
24 sections (b)(1)(B), (e), (f), and (g) of such section.

1 (d) REPORT REQUIRED BEFORE EXERCISE OF AU-  
2 THORITY.—

3 (1) IN GENERAL.—The Secretary of Defense  
4 may not exercise the authority under subsection (a)  
5 until 15 days after the Secretary submits to the ap-  
6 propriate committees of Congress a report on the  
7 equipment and other property of the Department of  
8 Defense in Afghanistan.

9 (2) ELEMENTS.—The report required under  
10 paragraph (1) shall include the following:

11 (A) A description of the process for  
12 inventorying equipment and property, including  
13 defense articles, in Afghanistan owned by the  
14 Department of Defense, including equipment  
15 and property owned by the Department and  
16 under the control of contractors in Afghanistan.

17 (B) An estimate of the types and quan-  
18 tities of equipment and property of the Depart-  
19 ment of Defense, including defense articles, an-  
20 ticipated to be withdrawn from Afghanistan in  
21 connection with the drawdown of United States  
22 military forces from Afghanistan between the  
23 date of the enactment of this Act and December  
24 31, 2014, including equipment and property

1 owned by the Department and under the con-  
2 trol of contractors in Afghanistan.

3 (e) NOTICE ON EXERCISE OF AUTHORITY.—

4 (1) IN GENERAL.—The Secretary of Defense  
5 may not transfer defense articles or provide defense  
6 services under subsection (a) until 15 days after the  
7 date on which the Secretary of Defense, with the  
8 concurrence of the Secretary of State, submits to the  
9 appropriate committees of Congress notice of the  
10 proposed transfer of defense articles and provision of  
11 defense services.

12 (2) ELEMENTS.—A notice under paragraph (1)  
13 shall include the following:

14 (A) A description of the amount and types  
15 of defense articles to be transferred and defense  
16 services to be provided.

17 (B) A statement describing the current  
18 value of the defense articles to be transferred  
19 and the estimated replacement value of such ar-  
20 ticles.

21 (C) An identification of the element of the  
22 military or security force that is the proposed  
23 recipient of the defense articles to be trans-  
24 ferred and defense service to be provided.

1 (D) An identification of the military de-  
2 partment from which the defense articles to be  
3 transferred are to be drawn.

4 (E) An assessment of the impact, if any,  
5 of the transfer of defense articles on the readi-  
6 ness of units from which the defense articles  
7 are to be transferred, and the plan, if any, for  
8 mitigating such impact or reimbursing the mili-  
9 tary department of such units for such defense  
10 articles.

11 (F) An assessment of the ability of the  
12 Government of Afghanistan to sustain the costs  
13 associated with receiving, possessing, and using  
14 the defense articles to be transferred.

15 (G) A determination and certification by  
16 the Secretary of Defense, with the concurrence  
17 of the Secretary of State, that—

18 (i) the proposed transfer of the de-  
19 fense articles to be transferred and the  
20 provision of defense services to be provided  
21 in connection with such transfer is in the  
22 national interest of the United States; and

23 (ii) such defense articles are required  
24 by the military and security forces of Af-  
25 ghanistan to build their capacity to restore

1                   and maintain peace and security in that  
2                   country.

3           (f) QUARTERLY REPORTS.—

4                   (1) IN GENERAL.—Not later than 90 days after  
5           the date of the first transfer of defense articles and  
6           provision of defense services under the authority in  
7           subsection (a), and at the end of each calendar quar-  
8           ter, if any, thereafter through March 31, 2015, in  
9           which the authority in subsection (a) is exercised,  
10          the Secretary of Defense shall submit to the appro-  
11          priate committees of Congress a report on the imple-  
12          mentation of the authority in subsection (a). Each  
13          report shall include the replacement value of the de-  
14          fense articles transferred pursuant to subsection (a),  
15          both in the aggregate and by military department,  
16          and defense services provided to the Government of  
17          Afghanistan, during the 90-day period ending on the  
18          date of such report.

19                  (2) INCLUSION IN OTHER REPORT.—A report  
20          required under paragraph (1) may be included in the  
21          report required under section 9204 of the Supple-  
22          mental Appropriations Act, 2008 (Public Law 110–  
23          252; 122 Stat. 2410) or any follow on report to such  
24          other report.

25           (g) DEFINITIONS.—In this section:

1           (1) APPROPRIATE COMMITTEES OF CON-  
2           GRESS.—The term “appropriate committees of Con-  
3           gress” means—

4                   (A) the Committee on Armed Services, the  
5                   Committee on Foreign Relations, and the Com-  
6                   mittee on Appropriations of the Senate; and

7                   (B) the Committee on Armed Services, the  
8                   Committee on Foreign Affairs, and the Com-  
9                   mittee on Appropriations of the House of Rep-  
10                  resentatives.

11           (2) DEFENSE ARTICLES.—The term “defense  
12           articles” has the meaning given the term in section  
13           644(d) of the Foreign Assistance Act of 1961 (22  
14           U.S.C. 2403(d)).

15           (3) DEFENSE SERVICES.—The term “defense  
16           services” has the meaning given the term in section  
17           644(f) of the Foreign Assistance Act of 1961 (22  
18           U.S.C. 2403(f)).

19           (4) MILITARY AND SECURITY FORCES.—The  
20           term “military and security forces” means national  
21           armies, national air forces, national navies, national  
22           guard forces, police forces, and border security  
23           forces, but does not include nongovernmental or ir-  
24           regular forces (such as private militias).

1 (h) EXPIRATION.—The authority provided in sub-  
2 section (a) may not be exercised after December 31, 2014.

3 (i) EXCESS DEFENSE ARTICLES.—

4 (1) ADDITIONAL AUTHORITY.—The authority  
5 provided by subsection (a) is in addition to the au-  
6 thority provided by section 516 of the Foreign As-  
7 sistance Act of 1961.

8 (2) EXEMPTIONS.—

9 (A) During fiscal years 2013 and 2014,  
10 the value of excess defense articles transferred  
11 from the stocks of the Department of Defense  
12 in Afghanistan pursuant to section 516 of the  
13 Foreign Assistance Act of 1961 shall not be  
14 counted against the limitation on the aggregate  
15 value of excess defense articles transferred con-  
16 tained in subsection (g) of such section.

17 (B) During fiscal years 2013 and 2014,  
18 any excess defense articles specified in subpara-  
19 graph (A) shall not be subject to the authorities  
20 and limitations applicable to excess defense ar-  
21 ticles under section 516 of the Foreign Assist-  
22 ance Act of 1961 contained in subsections  
23 (b)(1)(B) and (e) of such section.

1 **SEC. 1223. REPORT ON EFFORTS TO PROMOTE THE SECU-**  
2 **RITY OF AFGHAN WOMEN AND GIRLS DURING**  
3 **THE SECURITY TRANSITION PROCESS.**

4 (a) REPORT.—

5 (1) IN GENERAL.—Not later than 180 days  
6 after the date of the enactment of this Act, the Sec-  
7 retary of Defense and the Secretary of State shall  
8 jointly submit to the appropriate congressional com-  
9 mittees a report on efforts by the United States  
10 Government to promote the security of Afghan  
11 women and girls during the security transition proc-  
12 ess.

13 (2) ELEMENTS.—The report required under  
14 paragraph (1) shall include the following elements:

15 (A) A discussion of efforts to monitor  
16 changes in women's security conditions in areas  
17 undergoing transition, including the following:

18 (i) A description of the roles and re-  
19 sponsibilities of the offices within the  
20 International Security Assistance Force,  
21 the United States Embassy, and the  
22 NATO Training Mission–Afghanistan that  
23 have lead responsibility for gender issues.

24 (ii) A description of the indicators  
25 against which sex-disaggregated data is  
26 collected and what, if any, additional indi-

1 cators may enhance efforts to measure the  
2 security of women and girls during the  
3 transition process.

4 (iii) A discussion of how these indica-  
5 tors are or may be incorporated into ongo-  
6 ing efforts to assess overall security condi-  
7 tions during the transition period.

8 (iv) Recommendations, if any, on how  
9 assessments of women's security can be  
10 more fully integrated into current proce-  
11 dures used to determine an area's readi-  
12 ness to proceed through the transition  
13 process.

14 (B) A discussion of efforts that may in-  
15 crease gender awareness and responsiveness  
16 among Afghan National Army (ANA) and Af-  
17 ghan National Police (ANP) personnel, includ-  
18 ing the following:

19 (i) A description of the efforts, if any,  
20 to work with Afghan and coalition partners  
21 to promote training curricula and pro-  
22 gramming that address the human rights  
23 and treatment of women and girls and that  
24 assess the quality and impact of such  
25 training.

1 (ii) A description of the efforts, if any,  
2 to work with ANA and ANP leaders to de-  
3 velop enforcement and accountability  
4 mechanisms for ANA and ANP personnel  
5 who violate codes of conduct related to the  
6 human rights of women and girls.

7 (iii) A description of the efforts, if  
8 any, to work with Afghan and coalition  
9 partners to promote the implementation of  
10 the above tools and develop uniform meth-  
11 ods and standards for training and en-  
12 forcement.

13 (iv) Recommendations, if any, for en-  
14 hancing efforts to promote the objectives  
15 described in clauses (i) through (iii).

16 (C) A discussion of efforts to increase the  
17 number of female members of the ANA and  
18 ANP, including the following:

19 (i) A description of the efforts, if any,  
20 to assist ANA and ANP leaders in devel-  
21 oping realistic and achievable objectives for  
22 the recruitment and retention of women to  
23 the ANA and ANP by the end of the secu-  
24 rity transition period in 2014.

1 (ii) A description of the efforts, if any,  
2 to assist ANA and ANP leaders and coali-  
3 tion partners in addressing physical and  
4 cultural challenges to the recruitment and  
5 retention of female ANA and ANP per-  
6 sonnel.

7 (iii) A description of the efforts, if  
8 any, to assist ANA and ANP leaders in in-  
9 creasing awareness of how women mem-  
10 bers of the security forces may improve the  
11 overall effectiveness of the ANA and ANP.

12 (iv) A description of the efforts, if  
13 any, to assist ANA and ANP leaders in de-  
14 veloping a plan for maintaining and in-  
15 creasing the recruitment and retention of  
16 women in the ANA and ANP following the  
17 completion of the security transition.

18 (v) Recommendations, if any, for en-  
19 hancing efforts to promote the objectives  
20 described in clauses (i) through (iv).

21 (3) UPDATES.—The Secretary of Defense shall  
22 include in each report on progress toward security  
23 and stability in Afghanistan that is submitted to  
24 Congress under sections 1230 and 1231 of the Na-  
25 tional Defense Authorization Act for Fiscal Year

1 2008 (Public Law 110–181; 122 Stat. 385, 390) up-  
2 dated information on efforts by the United States  
3 Government to promote the security of Afghan  
4 women and girls consistent with the requirements of  
5 this section.

6 (b) APPROPRIATE CONGRESSIONAL COMMITTEES  
7 DEFINED.—In this section, the term “appropriate con-  
8 gressional committees” means—

9 (1) the Committee on Armed Services and the  
10 Committee on Foreign Relations of the Senate; and

11 (2) the Committee on Armed Services and the  
12 Committee on Foreign Affairs of the House of Rep-  
13 resentatives.

14 **SEC. 1224. SENSE OF CONGRESS COMMENDING THE EN-**  
15 **DURING STRATEGIC PARTNERSHIP AGREE-**  
16 **MENT BETWEEN THE UNITED STATES AND**  
17 **AFGHANISTAN.**

18 (a) FINDINGS.—Congress makes the following find-  
19 ings:

20 (1) The United States and Afghanistan have  
21 been allies in the conflict against al Qaeda and its  
22 affiliates for over a decade, with the shared goal of  
23 ensuring that Afghanistan is never again a sanc-  
24 tuary for al Qaeda.

1           (2) The United States and Afghanistan are  
2 committed to the framework agreed to at the North  
3 Atlantic Treaty Organization (NATO) Summit in  
4 Lisbon in 2010, and reaffirmed at the NATO Sum-  
5 mit in Chicago in 2012, for the transition from coa-  
6 lition forces to the Afghan National Security Forces  
7 of lead responsibility for security throughout Af-  
8 ghanistan by the end of 2014.

9           (3) In June 2011, President Barack Obama  
10 said, “What we can do, and will do, is build a part-  
11 nership with the Afghan people that endures—one  
12 that ensures that we will be able to continue tar-  
13 geting terrorists and supporting a sovereign Afghan  
14 government”.

15           (4) In November 2011, a traditional loya jirga  
16 in Kabul declared that “strategic cooperation with  
17 the United States of America, which is a strategic  
18 ally of the people and government of Afghanistan, is  
19 considered important in order to ensure political,  
20 economic, and military security” and also stated,  
21 “Signing a strategic cooperation document with the  
22 United States conforms with the national interest of  
23 Afghanistan and is of significant importance”.

24           (5) On May 2, 2012, President Obama and  
25 President Hamid Karzai signed the Enduring Stra-

1        tegic Partnership Agreement Between the United  
2        States of America and the Islamic Republic of Af-  
3        ghanistan.

4            (6) At the signing of the Enduring Strategic  
5        Partnership Agreement, President Obama said,  
6        “Today we’re agreeing to be long-term partners in  
7        combating terrorism, and training Afghan security  
8        forces, strengthening democratic institutions and  
9        supporting development, and protecting human  
10       rights of all Afghans. With this agreement, the Af-  
11       ghan people, and the world, should know that Af-  
12       ghanistan has a friend and a partner in the United  
13       States”.

14           (7) At a May 20, 2012, bilateral meeting with  
15        President Karzai at the NATO Summit in Chicago,  
16        President Obama said that the Enduring Strategic  
17        Partnership Agreement “reflects a future in which  
18        two sovereign nations—the United States and Af-  
19        ghanistan—are operating as partners, to the benefit  
20        of our countries’ citizens, but also for the benefit of  
21        peace and security and stability in the region and  
22        around the world”.

23           (8) President Karzai said at the May 20, 2012,  
24        bilateral meeting with President Obama, “Mr. Presi-  
25        dent, the partnership that we signed a few weeks

1       ago in Kabul has turned a new page in our relations.  
2       And the new page is a page of two sovereign coun-  
3       tries working together for the mutual interests—  
4       peace and security and in all other areas”.

5           (9) On May 26, 2012, the Wolesi Jirga, the  
6       lower house of the Afghan parliament, approved the  
7       Agreement by a vote of 191–7 with 2 abstentions.

8           (10) On June 3, 2012, the Meshrano Jirga, the  
9       upper house of the Afghan parliament, approved the  
10      Agreement by a vote of 67–13.

11          (11) On July 8, 2012, at the Tokyo Conference  
12      on Afghanistan, the international community and  
13      the Government of Afghanistan reaffirmed their  
14      partnership in the economic growth and development  
15      of Afghanistan through a process of mutual commit-  
16      ments and accountability.

17          (12) On July 4, 2012, the Enduring Strategic  
18      Partnership Agreement entered into force.

19      (b) SENSE OF CONGRESS.—It is the sense of Con-  
20      gress that—

21          (1) the members of the United States Armed  
22      Forces, intelligence community, and diplomatic and  
23      development community of the United States are to  
24      be commended for their dedicated efforts and sac-  
25      rifices in support of military and stability operations

1 in Afghanistan that have helped strengthen security  
2 in Afghanistan, laid the foundation for transition to  
3 a long-term partnership between the United States  
4 and a sovereign Afghanistan, and supported the  
5 Government and people of Afghanistan as they con-  
6 tinue to build their capacity to effectively and justly  
7 govern;

8 (2) the United States negotiating team for the  
9 Enduring Strategic Partnership Agreement, includ-  
10 ing the United States Embassy personnel in Kabul  
11 under the leadership of Ambassador Ryan Crocker,  
12 is to be commended for its committed diplomatic ef-  
13 forts;

14 (3) the Governments of the United States and  
15 Afghanistan are to be commended for concluding the  
16 Enduring Strategic Partnership Agreement;

17 (4) Congress supports the objectives and prin-  
18 ciples of the Enduring Strategic Partnership Agree-  
19 ment, including protecting and promoting shared  
20 democratic values, advancing long-term security, re-  
21 inforcing regional security and cooperation, fostering  
22 social and economic development, upholding the  
23 rights of women and minorities, and strengthening  
24 institutions and governance in Afghanistan;

1           (5) it is essential that the Government and peo-  
2           ple of Afghanistan fulfill Afghanistan's international  
3           commitments as agreed at the Tokyo Conference of  
4           July 2012, the Bonn Conference of December 2011,  
5           the Kabul Conference of July 2011, and other  
6           venues to combat corruption, protect the equal  
7           rights of all citizens of Afghanistan and enforce the  
8           rule of law, hold free and fair elections in 2014, and  
9           build inclusive and effective institutions of demo-  
10          cratic governance;

11          (6) a key national security interest of the  
12          United States is to maintain a long-term political,  
13          economic, and military relationship with Afghani-  
14          stan, including a limited presence of United States  
15          Armed Forces for the purpose of training, advising,  
16          and supporting Afghan National Security Forces  
17          and cooperating on shared counterterrorism objec-  
18          tives;

19          (7) the negotiation and conclusion of a Bilateral  
20          Security Agreement, as called for in the Enduring  
21          Strategic Partnership Agreement, will provide a fun-  
22          damental framework for the long-term security rela-  
23          tionship between the United States and Afghanistan;  
24          and

1           (8) Congress has a critical role in continuing to  
2           provide the support and assistance necessary to  
3           achieve the goals of the Enduring Strategic Partner-  
4           ship Agreement.

5   **SEC. 1225. CONSULTATIONS WITH CONGRESS ON A BILAT-**  
6                   **ERAL SECURITY AGREEMENT WITH AFGHANI-**  
7                   **STAN.**

8           (a) **CONSULTATIONS REQUIRED.**—Commencing not  
9           later than 30 days after the date of the enactment of this  
10          Act, the President shall consult periodically with the ap-  
11          propriate committees of Congress on the status of the ne-  
12          gotiations on a bilateral security agreement between the  
13          United States of America and the Islamic Republic of Af-  
14          ghanistan. Such consultations shall include a briefing  
15          summarizing the purpose, objectives, and key issues relat-  
16          ing to the agreement.

17          (b) **AVAILABILITY OF AGREEMENT TEXT.**—Before  
18          entering into any bilateral security agreement with Af-  
19          ghanistan, the President shall make available to the ap-  
20          propriate committees of Congress the text of such agree-  
21          ment.

22          (c) **TERMINATION OF CONSULTATIONS.**—The re-  
23          quirements of this section shall terminate on the date on  
24          which the United States and Afghanistan enter into a bi-  
25          lateral security agreement or the President notifies Con-

1 gress that negotiations on such an agreement have been  
2 terminated.

3 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-  
4 FINED.—In this section, the term “appropriate commit-  
5 tees of Congress” means—

6 (1) the Committee on Armed Services and the  
7 Committee on Foreign Relations of the Senate; and

8 (2) the Committee on Armed Services and the  
9 Committee on Foreign Affairs of the House of Rep-  
10 resentatives.

11 **SEC. 1226. COMPLETION OF TRANSITION OF UNITED**  
12 **STATES COMBAT AND MILITARY AND SECU-**  
13 **RITY OPERATIONS TO THE GOVERNMENT OF**  
14 **AFGHANISTAN.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-  
16 gress that—

17 (1) the President should, in coordination with  
18 the Government of Afghanistan, North Atlantic  
19 Treaty Organization (NATO) member countries, and  
20 other allies in Afghanistan, seek to—

21 (A) undertake all appropriate activities to  
22 accomplish the President’s stated goal of  
23 transitioning the lead responsibility for security  
24 to the Government of Afghanistan by mid-sum-  
25 mer 2013;

1 (B) as part of accomplishing this transi-  
2 tion of the lead responsibility for security to the  
3 Government of Afghanistan, draw down United  
4 States troops to a level sufficient to meet this  
5 goal;

6 (C) continue to draw down United States  
7 troop levels through the end of 2014; and

8 (D) end all regular combat operations by  
9 United States troops by not later than Decem-  
10 ber 31, 2014, and take all possible steps to end  
11 such operations at the earliest date consistent  
12 with a safe and orderly draw down of United  
13 States troops in Afghanistan; and

14 (2) the recommendations of the commanders of  
15 the International Security Assistance Force on the  
16 overall strategy for Afghanistan, including the pace  
17 of the draw down, should be given serious consider-  
18 ation.

19 (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
20 tion shall be construed to recommend or support any limi-  
21 tation or prohibition on any authority of the President—

22 (1) to modify the military strategy, tactics, and  
23 operations of United States Armed Forces as such  
24 Armed Forces redeploy from Afghanistan;

1           (2) to authorize United States forces in Af-  
2           ghanistan to defend themselves whenever they may  
3           be threatened;

4           (3) to attack al-Qaeda forces wherever such  
5           forces are located;

6           (4) to provide financial support and equipment  
7           to the Government of Afghanistan for the training  
8           and supply of Afghanistan military and security  
9           forces; or

10          (5) to gather, provide, and share intelligence  
11          with United States allies operating in Afghanistan  
12          and Pakistan.

13 **SEC. 1227. EXTENSION AND MODIFICATION OF AUTHORITY**  
14                                   **FOR REIMBURSEMENT OF CERTAIN COALI-**  
15                                   **TION NATIONS FOR SUPPORT PROVIDED TO**  
16                                   **UNITED STATES MILITARY OPERATIONS.**

17          (a) **EXTENSION OF AUTHORITY.**—Subsection (a) of  
18 section 1233 of the National Defense Authorization Act  
19 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
20 393), as most recently amended by section 1213 of the  
21 National Defense Authorization Act for Fiscal Year 2012  
22 (Public Law 112–81; 125 Stat. 1630), is further amended  
23 by striking “for fiscal year 2012” and inserting “for fiscal  
24 year 2013”.

1 (b) LIMITATION ON AMOUNTS AVAILABLE.—Sub-  
2 section (d) of such section 1233, as so amended, is further  
3 amended—

4 (1) in paragraph (1)—

5 (A) by striking “during fiscal year 2012  
6 may not exceed \$1,690,000,000” and inserting  
7 “during fiscal year 2013 may not exceed  
8 \$1,650,000,000”; and

9 (B) by adding at the end the following new  
10 sentence: “Of the aggregate amount specified in  
11 the preceding sentence, the total amount of re-  
12 imbursements made under subsection (a) and  
13 support provided under subsection (b) to Paki-  
14 stan during fiscal year 2013 may not exceed  
15 \$1,200,000,000.”; and

16 (2) by adding at the end the following new  
17 paragraph:

18 “(3) PROHIBITION ON REIMBURSEMENT OF  
19 PAKISTAN FOR SUPPORT DURING PERIODS CLOSED  
20 TO TRANSSHIPMENT.—Effective as of the date of the  
21 enactment of the National Defense Authorization  
22 Act for Fiscal Year 2013, funds (including funds  
23 from a prior fiscal year that remain available for ob-  
24 ligation) may not be used for reimbursements under  
25 the authority in subsection (a) for Pakistan for

1 claims of support provided during any period when  
2 the ground lines of supply through Pakistan to Af-  
3 ghanistan were closed to the transshipment of equip-  
4 ment and supplies in support of United States mili-  
5 tary operations in Afghanistan.”.

6 (c) SUPPORTED OPERATIONS.—Such section 1233 is  
7 further amended in subsections (a)(1) and (b) by striking  
8 “Operation Iraqi Freedom or”.

9 (d) LIMITATION ON REIMBURSEMENT OF PAKISTAN  
10 IN FISCAL YEAR 2013 PENDING CERTIFICATION ON  
11 PAKISTAN.—

12 (1) IN GENERAL.—Effective as of the date of  
13 the enactment of this Act, no amounts authorized to  
14 be appropriated by this Act, and no amounts author-  
15 ized to be appropriated for fiscal years before fiscal  
16 year 2013 that remain available for obligation, may  
17 be used for reimbursements of Pakistan under the  
18 authority in subsection (a) of section 1233 of the  
19 National Defense Authorization Act for Fiscal Year  
20 2008, as amended by this section, until the Sec-  
21 retary of Defense certifies to the congressional de-  
22 fense committees each of the following:

23 (A) That Pakistan is maintaining security  
24 along the Ground Lines of Communications  
25 (GLOCs) through Pakistan to Afghanistan for

1 the transshipment of equipment and supplies in  
2 support of United States military operations in  
3 Afghanistan and the retrograde of United  
4 States equipment out of Afghanistan.

5 (B) That Pakistan is taking demonstrable  
6 steps to—

7 (i) support counterterrorism oper-  
8 ations against al Qaeda, Tehrik-i-Taliban  
9 Pakistan, and other militant extremists  
10 groups such as the Haqqani Network and  
11 the Quetta Shura Taliban located in Paki-  
12 stan;

13 (ii) disrupt the conduct of cross-bor-  
14 der attacks against United States, coal-  
15 ition, and Afghanistan security forces lo-  
16 cated in Afghanistan by such groups (in-  
17 cluding the Haqqani Network and the  
18 Quetta Shura Taliban) from bases in Paki-  
19 stan; and

20 (iii) counter the threat of improvised  
21 explosive devices, including efforts to at-  
22 tack improvised explosive device networks,  
23 monitor known precursors used in impro-  
24 vised explosive devices, and systematically  
25 address the misuse of explosive materials

1 (including calcium ammonium nitrate) and  
2 accessories and their supply to legitimate  
3 end-users in a manner that impedes the  
4 flow of improvised explosive devices and  
5 improvised explosive device components  
6 into Afghanistan.

7 (2) WAIVER AUTHORITY.—The Secretary may  
8 waive the limitation in paragraph (1) if the Sec-  
9 retary certifies to the congressional defense commit-  
10 tees in writing that the waiver is in the national se-  
11 curity interests of the United States and includes  
12 with such certification a justification for the waiver.

13 (3) REPORT.—Not later than 90 days after the  
14 date of enactment of this Act, the Secretary of De-  
15 fense shall, in consultation with the Secretary of  
16 State, submit to the congressional defense commit-  
17 tees a report on the provision of reimbursements and  
18 support to Pakistan under this section and the  
19 amendments made by this section. The report shall  
20 include the following:

21 (A) A description of the process for reim-  
22 bursing or providing support to Pakistan under  
23 section 1233 of the National Defense Author-  
24 ization Act for Fiscal Year 2008, as so amend-

1 ed, including the process by which claims are  
2 proposed and adjudicated.

3 (B) Any conditions or caveats that the  
4 Government of Pakistan has placed on the use  
5 of the ground lines of supply through Pakistan  
6 in support of United States forces in Afghani-  
7 stan or for the retrograde of United States  
8 equipment out of Afghanistan.

9 (C) An estimate of the costs for fiscal  
10 years 2011 through 2013 associated with the  
11 transshipment of equipment and supplies in  
12 support of United States forces in Afghanistan  
13 through—

- 14 (i) supply routes in Pakistan; and  
15 (ii) supply routes along the Northern  
16 Distribution Network.

17 **SEC. 1228. EXTENSION AND MODIFICATION OF PAKISTAN**  
18 **COUNTERINSURGENCY FUND.**

19 (a) EXTENSION.—Section 1224(h) of the National  
20 Defense Authorization Act for Fiscal Year 2010 (Public  
21 Law 111–84; 123 Stat. 2521), as most recently amended  
22 by section 1220(a) of the National Defense Authorization  
23 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
24 1633), is further amended by striking “September 30,

1 2012” each place it appears and inserting “September 30,  
2 2013”.

3 (b) EXTENSION OF LIMITATION ON FUNDS PENDING  
4 REPORT.—Section 1220(b)(1)(A) of the National Defense  
5 Authorization Act for Fiscal Year 2012 (Public Law 112–  
6 81; 125 Stat. 1633) is amended by striking “fiscal year  
7 2012” and inserting “fiscal year 2013”.

8 (c) LIMITATION ON USE OF FUNDS.—

9 (1) LIMITATION.—None of the funds authorized  
10 to be appropriated by this Act or otherwise made  
11 available for the Pakistan Counterinsurgency Fund  
12 may be used to provide assistance to the Govern-  
13 ment of Pakistan until the Secretary of Defense, in  
14 consultation with the Secretary of State, certifies to  
15 the appropriate congressional committees that—

16 (A) the Government of Pakistan is dem-  
17 onstrating a continuing commitment to and is  
18 making significant efforts toward the implemen-  
19 tation of a strategy to counter improvised explo-  
20 sive devices (IEDs), including—

21 (i) attacking IED networks;

22 (ii) monitoring known precursors used  
23 in IEDs; and

24 (iii) developing a strict protocol for  
25 the manufacture of explosive materials, in-

1 cluding calcium ammonium nitrate, and  
2 accessories and their supply to legitimate  
3 end users; and

4 (B) the Government of Pakistan is cooper-  
5 ating with United States counterterrorism ef-  
6 forts, including by not detaining, prosecuting,  
7 or imprisoning citizens of Pakistan as a result  
8 of their cooperation with such efforts, including  
9 Dr. Shakil Afridi.

10 (2) WAIVER.—The Secretary of Defense, in  
11 consultation with the Secretary of State, may waive  
12 the requirements of paragraph (1) if the Secretary  
13 of Defense determines it is in the national security  
14 interest of the United States to do so.

15 (3) DEFINITION.—In this subsection, the term  
16 “appropriate congressional committees” means—

17 (A) the congressional defense committees;  
18 and

19 (B) the Committee on Foreign Relations of  
20 the Senate and the Committee on Foreign Af-  
21 fairs of the House of Representatives.



1 regions of the foreign countries described in sub-  
2 section (a).

3 (3) Any other matters the Chairman of the  
4 Joint Chiefs of Staff considers to be relevant.

5 (c) INFORMATION TO BE CONSIDERED.—In pre-  
6 paring the report required by subsection (a), the Chair-  
7 man of the Joint Chiefs of Staff should consider the infor-  
8 mation contained in the most recent reports required by  
9 the following:

10 (1) Section 1236 of the National Defense Au-  
11 thorization Act for Fiscal Year 2012 (Public Law  
12 112–81; 125 Stat. 1641).

13 (2) Section 1245 of the National Defense Au-  
14 thorization Act for Fiscal Year 2010 (Public Law  
15 111–84; 123 Stat. 2542).

16 (3) Section 1202 of the National Defense Au-  
17 thorization Act for Fiscal Year 2000 (Public Law  
18 106–65; 113 Stat. 781; 10 U.S.C. 113 note).

19 **SEC. 1232. REPORT ON MILITARY CAPABILITIES OF GULF**  
20 **COOPERATION COUNCIL MEMBERS.**

21 (a) REPORT.—The Secretary of Defense, in consulta-  
22 tion with the Secretary of State, shall evaluate the military  
23 capabilities of members of the Cooperation Council for the  
24 Arab States of the Gulf (in this section referred to as the  
25 “Gulf Cooperation Council”) and submit to the appro-

1 piate congressional committees a report on the findings  
2 of such evaluation.

3 (b) MATTERS TO BE INCLUDED.—The report re-  
4 quired under subsection (a) shall include the following:

5 (1) An assessment of the military capabilities of  
6 Gulf Cooperation Council members to defend collec-  
7 tively against Iran and contribute to international  
8 counter-terrorism and counter-piracy efforts.

9 (2) An assessment of gaps in the military capa-  
10 bilities of Gulf Cooperation Council members to de-  
11 fend collectively against Iran and a detailed descrip-  
12 tion of military capabilities necessary to address  
13 those gaps.

14 (3) An evaluation of United States military ca-  
15 pabilities and posture in the region and an analysis  
16 of the capacity of the United States Armed Forces  
17 to augment the military capabilities of Gulf Coopera-  
18 tion Council members.

19 (4) A description of the United States Govern-  
20 ment's ongoing efforts to foster regional cooperation  
21 through ongoing bilateral and multilateral strategic  
22 security dialogues.

23 (5) A summary of Gulf Cooperation Council  
24 operational and training requests to the United

1 States Government and the associated actions taken  
2 by the United States Government.

3 (c) SUBMISSION TO CONGRESS.—The report required  
4 under subsection (a) shall be submitted to the appropriate  
5 congressional committees not later than 180 days after the  
6 date of the enactment of this Act.

7 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
8 DEFINED.—In this section, the term “appropriate con-  
9 gressional committees” means—

10 (1) the Committee on Appropriations, the Com-  
11 mittee on Armed Services, and the Committee on  
12 Foreign Relations of the Senate; and

13 (2) the Committee on Appropriations, the Com-  
14 mittee on Armed Services, and the Committee on  
15 Foreign Affairs of the House of Representatives.

16 **SEC. 1233. SENSE OF CONGRESS WITH RESPECT TO IRAN.**

17 It is the sense of Congress that the United States  
18 should be prepared to take all necessary measures, includ-  
19 ing military action if required, to prevent Iran from  
20 threatening the United States, its allies, or Iran’s neigh-  
21 bors with a nuclear weapon.

22 **SEC. 1234. RULE OF CONSTRUCTION.**

23 Nothing in this Act shall be construed as authorizing  
24 the use of force against Iran.

1           **Subtitle D—Iran Sanctions**

2   **SEC. 1241. SHORT TITLE.**

3           This subtitle may be cited as the “Iran Freedom and  
4 Counter-Proliferation Act of 2012”.

5   **SEC. 1242. DEFINITIONS.**

6           (a) IN GENERAL.—In this subtitle:

7               (1) AGRICULTURAL COMMODITY.—The term  
8 “agricultural commodity” has the meaning given  
9 that term in section 102 of the Agricultural Trade  
10 Act of 1978 (7 U.S.C. 5602).

11              (2) APPROPRIATE CONGRESSIONAL COMMIT-  
12 TEES.—The term “appropriate congressional com-  
13 mittees” means—

14                   (A) the committees specified in section  
15 14(2) of the Iran Sanctions Act of 1996 (Public  
16 Law 104–172; 50 U.S.C. 1701 note); and

17                   (B) the Committee on Armed Services of  
18 the Senate and the Committee on Armed Serv-  
19 ices of the House of Representatives.

20              (3) COAL.—The term “coal” means metallur-  
21 gical coal, coking coal, or fuel coke.

22              (4) CORRESPONDENT ACCOUNT; PAYABLE-  
23 THROUGH ACCOUNT.—The terms “correspondent ac-  
24 count” and “payable-through account” have the

1 meanings given those terms in section 5318A of title  
2 31, United States Code.

3 (5) FOREIGN FINANCIAL INSTITUTION.—The  
4 term “foreign financial institution” has the meaning  
5 of that term as determined by the Secretary of the  
6 Treasury pursuant to section 104(i) of the Com-  
7 prehensive Iran Sanctions, Accountability, and Di-  
8 vestment Act of 2010 (22 U.S.C. 8513(i)).

9 (6) GOOD.—The term “good” has the meaning  
10 given that term in section 16 of the Export Adminis-  
11 tration Act of 1979 (50 U.S.C. App. 2415) (as con-  
12 tinued in effect pursuant to the International Emer-  
13 gency Economic Powers Act (50 U.S.C. 1701 et  
14 seq.)).

15 (7) IRANIAN FINANCIAL INSTITUTION.—The  
16 term “Iranian financial institution” has the meaning  
17 given that term in section 104A(d) of the Com-  
18 prehensive Iran Sanctions, Accountability, and Di-  
19 vestment Act of 2010 (22 U.S.C. 8513b(d)).

20 (8) IRANIAN PERSON.—The term “Iranian per-  
21 son” means—

22 (A) an individual who is a citizen or na-  
23 tional of Iran; and

1 (B) an entity organized under the laws of  
2 Iran or otherwise subject to the jurisdiction of  
3 the Government of Iran.

4 (9) KNOWINGLY.—The term “knowingly”, with  
5 respect to conduct, a circumstance, or a result,  
6 means that a person has actual knowledge, or should  
7 have known, of the conduct, the circumstance, or the  
8 result.

9 (10) MEDICAL DEVICE.—The term “medical de-  
10 vice” has the meaning given the term “device” in  
11 section 201 of the Federal Food, Drug, and Cos-  
12 metic Act (21 U.S.C. 321).

13 (11) MEDICINE.—The term “medicine” has the  
14 meaning given the term “drug” in section 201 of the  
15 Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
16 321).

17 (12) SHIPPING.—The term “shipping” refers to  
18 the transportation of goods by a vessel and related  
19 activities.

20 (13) UNITED STATES PERSON.—The term  
21 “United States person” has the meaning given that  
22 term in section 101 of the Comprehensive Iran  
23 Sanctions, Accountability, and Divestment Act of  
24 2010 (22 U.S.C. 8511).

1           (14) VESSEL.—The term “vessel” has the  
2           meaning given that term in section 3 of title 1,  
3           United States Code.

4           (b) DETERMINATIONS OF SIGNIFICANCE.—For pur-  
5           poses of this subtitle, in determining if financial trans-  
6           actions or financial services are significant, the President  
7           may consider the totality of the facts and circumstances,  
8           including factors similar to the factors set forth in section  
9           561.404 of title 31, Code of Federal Regulations (or any  
10          corresponding similar regulation or ruling).

11   **SEC. 1243. SENSE OF CONGRESS RELATING TO VIOLATIONS**  
12                                   **OF HUMAN RIGHTS BY IRAN.**

13          (a) FINDING.—Congress finds that the interests of  
14          the United States and international peace are threatened  
15          by the ongoing and destabilizing actions of the Govern-  
16          ment of Iran, including its massive, systematic, and ex-  
17          traordinary violations of the human rights of its own citi-  
18          zens.

19          (b) SENSE OF CONGRESS.—It is the sense of Con-  
20          gress that the United States should—

21                 (1) deny the Government of Iran the ability to  
22                 continue to oppress the people of Iran and to use vi-  
23                 olence and executions against pro-democracy  
24                 protestors and regime opponents;

1           (2) fully and publicly support efforts made by  
2           the people of Iran to promote the establishment of  
3           basic freedoms that build the foundation for the  
4           emergence of a freely elected, open, and democratic  
5           political system;

6           (3) help the people of Iran produce, access, and  
7           share information freely and safely via the Internet  
8           and through other media; and

9           (4) defeat all attempts by the Government of  
10          Iran to jam or otherwise obstruct international sat-  
11          ellite broadcast signals.

12 **SEC. 1244. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
13                           **THE ENERGY, SHIPPING, AND SHIPBUILDING**  
14                           **SECTORS OF IRAN.**

15          (a) FINDINGS.—Congress makes the following find-  
16          ings:

17           (1) Iran's energy, shipping, and shipbuilding  
18           sectors and Iran's ports are facilitating the Govern-  
19           ment of Iran's nuclear proliferation activities by pro-  
20           viding revenue to support proliferation activities.

21           (2) The United Nations Security Council and  
22           the United States Government have expressed con-  
23           cern about the proliferation risks presented by the  
24           Iranian nuclear program.

1           (3) The Director General of the International  
2 Atomic Energy Agency (in this section referred to as  
3 the “IAEA”) has in successive reports (GOV/2012/  
4 37 and GOV/2011/65) identified possible military di-  
5 mensions of Iran’s nuclear program.

6           (4) The Government of Iran continues to defy  
7 the requirements and obligations contained in rel-  
8 evant IAEA Board of Governors and United Nations  
9 Security Council resolutions, including by continuing  
10 and expanding uranium enrichment activities in  
11 Iran, as reported in IAEA Report GOV/2012/37.

12           (5) United Nations Security Council Resolution  
13 1929 (2010) recognizes the “potential connection be-  
14 tween Iran’s revenues derived from its energy sector  
15 and the funding of Iran’s proliferation sensitive nu-  
16 clear activities”.

17           (6) The National Iranian Tanker Company is  
18 the main carrier for the Iranian Revolutionary  
19 Guard Corps-designated National Iranian Oil Com-  
20 pany and a key element in the petroleum supply  
21 chain responsible for generating energy revenues  
22 that support the illicit nuclear proliferation activities  
23 of the Government of Iran.

24           (b) DESIGNATION OF PORTS AND ENTITIES IN THE  
25 ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF

1 IRAN AS ENTITIES OF PROLIFERATION CONCERN.—Enti-  
2 ties that operate ports in Iran and entities in the energy,  
3 shipping, and shipbuilding sectors of Iran, including the  
4 National Iranian Oil Company, the National Iranian  
5 Tanker Company, the Islamic Republic of Iran Shipping  
6 Lines, and their affiliates, play an important role in Iran’s  
7 nuclear proliferation efforts and all such entities are here-  
8 by designated as entities of proliferation concern.

9 (c) BLOCKING OF PROPERTY OF ENTITIES IN EN-  
10 ERGY, SHIPPING, AND SHIPBUILDING SECTORS.—

11 (1) BLOCKING OF PROPERTY.—

12 (A) IN GENERAL.—On and after the date  
13 that is 180 days after the date of the enact-  
14 ment of this Act, the President shall block and  
15 prohibit all transactions in all property and in-  
16 terests in property of any person described in  
17 paragraph (2) if such property and interests in  
18 property are in the United States, come within  
19 the United States, or are or come within the  
20 possession or control of a United States person.

21 (B) EXCEPTION.—The requirement to  
22 block and prohibit all transactions in all prop-  
23 erty and interests in property under subpara-  
24 graph (A) shall not include the authority to im-  
25 pose sanctions on the importation of goods.

1           (2) PERSONS DESCRIBED.—A person is de-  
2           scribed in this paragraph if the President determines  
3           that the person, on or after the date that is 180  
4           days after the date of the enactment of this Act—

5                   (A) is part of the energy, shipping, or ship-  
6           building sectors of Iran;

7                   (B) operates a port in Iran; or

8                   (C) knowingly provides significant finan-  
9           cial, material, technological, or other support to,  
10          or goods or services in support of any activity  
11          or transaction on behalf of or for the benefit  
12          of—

13                   (i) a person determined under sub-  
14          paragraph (A) to be a part of the energy,  
15          shipping, or shipbuilding sectors of Iran;

16                   (ii) a person determined under sub-  
17          paragraph (B) to operate a port in Iran; or

18                   (iii) an Iranian person included on the  
19          list of specially designated nationals and  
20          blocked persons maintained by the Office  
21          of Foreign Assets Control of the Depart-  
22          ment of the Treasury (other than an Ira-  
23          nian financial institution described in para-  
24          graph (3)).

1           (3) IRANIAN FINANCIAL INSTITUTIONS DE-  
2           SCRIBED.—An Iranian financial institution described  
3           in this paragraph is an Iranian financial institution  
4           that has not been designated for the imposition of  
5           sanctions in connection with—

6                   (A) Iran’s proliferation of weapons of mass  
7                   destruction or delivery systems for weapons of  
8                   mass destruction;

9                   (B) Iran’s support for international ter-  
10                  rorism; or

11                  (C) Iran’s abuses of human rights.

12           (d) ADDITIONAL SANCTIONS WITH RESPECT TO THE  
13           ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF  
14           IRAN.—

15                   (1) SALE, SUPPLY, OR TRANSFER OF CERTAIN  
16                   GOODS AND SERVICES.—

17                           (A) IN GENERAL.—Except as provided in  
18                           this section, the President shall impose 5 or  
19                           more of the sanctions described in section 6(a)  
20                           of the Iran Sanctions Act of 1996 (Public Law  
21                           104–172; 50 U.S.C. 1701 note) with respect to  
22                           a person if the President determines that the  
23                           person knowingly, on or after the date that is  
24                           180 days after the date of the enactment of this

1 Act, sells, supplies, or transfers to or from Iran  
2 goods or services described in paragraph (3).

3 (B) EXCEPTION.—The requirement to im-  
4 pose sanctions under subparagraph (A) shall  
5 not include the authority to impose sanctions  
6 relating to the importation of goods under para-  
7 graph (8)(A) or (12) of section 6(a) of the Iran  
8 Sanctions Act of 1996, and any sanction relat-  
9 ing to the importation of goods shall not count  
10 for purposes of the requirement to impose sanc-  
11 tions under subparagraph (A).

12 (2) FACILITATION OF CERTAIN TRANS-  
13 ACTIONS.—Except as provided in this section, the  
14 President shall prohibit the opening, and prohibit or  
15 impose strict conditions on the maintaining, in the  
16 United States of a correspondent account or a pay-  
17 able-through account by a foreign financial institu-  
18 tion that the President determines knowingly, on or  
19 after the date that is 180 days after the date of the  
20 enactment of this Act, conducts or facilitates a sig-  
21 nificant financial transaction for the sale, supply, or  
22 transfer to or from Iran of goods or services de-  
23 scribed in paragraph (3).

24 (3) GOODS AND SERVICES DESCRIBED.—Goods  
25 or services described in this paragraph are signifi-

1       cant goods or services used in connection with the  
2       energy, shipping, or shipbuilding sectors of Iran, in-  
3       cluding the National Iranian Oil Company, the Na-  
4       tional Iranian Tanker Company, and the Islamic Re-  
5       public of Iran Shipping Lines.

6       (e) HUMANITARIAN EXCEPTION.—The President  
7       may not impose sanctions under this section with respect  
8       to any person for conducting or facilitating a transaction  
9       for the sale of agricultural commodities, food, medicine,  
10      or medical devices to Iran or for the provision of humani-  
11      tarian assistance to the people of Iran.

12      (f) EXCEPTION FOR AFGHANISTAN RECONSTRUC-  
13      TION.—The President may provide for an exception from  
14      the imposition of sanctions under this section for recon-  
15      struction assistance or economic development for Afghani-  
16      stan—

17           (1) to the extent that the President determines  
18           that such an exception is in the national interest of  
19           the United States; and

20           (2) if the President submits to the appropriate  
21           congressional committees a notification of and jus-  
22           tification for the exception not later than 15 days  
23           before issuing the exception.

24      (g) APPLICABILITY OF SANCTIONS TO PETROLEUM  
25      AND PETROLEUM PRODUCTS.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), this section shall apply with respect to  
3           the purchase of petroleum or petroleum products  
4           from Iran only if, at the time of the purchase, a de-  
5           termination of the President under section  
6           1245(d)(4)(B) of the National Defense Authoriza-  
7           tion Act for Fiscal Year 2012 (22 U.S.C.  
8           8513a(d)(4)(B)) that the price and supply of petro-  
9           leum and petroleum products produced in countries  
10          other than Iran is sufficient to permit purchasers of  
11          petroleum and petroleum products from Iran to re-  
12          duce significantly their purchases from Iran is in ef-  
13          fect.

14           (2) EXCEPTION FOR CERTAIN COUNTRIES.—

15           (A) EXPORTATION.—This section shall not  
16           apply with respect to the exportation of petro-  
17           leum or petroleum products from Iran to a  
18           country to which the exception under section  
19           1245(d)(4)(D)(i) of the National Defense Au-  
20           thorization Act for Fiscal Year 2012 (22 U.S.C.  
21           8513a(d)(4)(D)(i)) applies at the time of the  
22           exportation of the petroleum or petroleum prod-  
23           ucts.

24           (B) FINANCIAL TRANSACTIONS.—

1 (i) IN GENERAL.—This section shall  
2 not apply with respect to a financial trans-  
3 action described in clause (ii) conducted or  
4 facilitated by a foreign financial institution  
5 if, at the time of the transaction, the ex-  
6 ception under section 1245(d)(4)(D)(i) of  
7 the National Defense Authorization Act for  
8 Fiscal Year 2012 (22 U.S.C.  
9 8513a(d)(4)(D)(i)) applies to the country  
10 with primary jurisdiction over the foreign  
11 financial institution.

12 (ii) FINANCIAL TRANSACTIONS DE-  
13 SCRIBED.—A financial transaction con-  
14 ducted or facilitated by a foreign financial  
15 institution is described in this clause if—

16 (I) the financial transaction is  
17 only for trade in goods or services—

18 (aa) not otherwise subject to  
19 sanctions under the law of the  
20 United States; and

21 (bb) between the country  
22 with primary jurisdiction over the  
23 foreign financial institution and  
24 Iran; and

1 (II) any funds owed to Iran as a  
2 result of such trade are credited to an  
3 account located in the country with  
4 primary jurisdiction over the foreign  
5 financial institution.

6 (h) APPLICABILITY OF SANCTIONS TO NATURAL  
7 GAS.—

8 (1) SALE, SUPPLY, OR TRANSFER.—Except as  
9 provided in paragraph (2), this section shall not  
10 apply to the sale, supply, or transfer to or from Iran  
11 of natural gas.

12 (2) FINANCIAL TRANSACTIONS.—This section  
13 shall apply to a foreign financial institution that  
14 conducts or facilitates a financial transaction for the  
15 sale, supply, or transfer to or from Iran of natural  
16 gas unless—

17 (A) the financial transaction is only for  
18 trade in goods or services—

19 (i) not otherwise subject to sanctions  
20 under the law of the United States; and

21 (ii) between the country with primary  
22 jurisdiction over the foreign financial insti-  
23 tution and Iran; and

24 (B) any funds owed to Iran as a result of  
25 such trade are credited to an account located in

1 the country with primary jurisdiction over the  
2 foreign financial institution.

3 (i) WAIVER.—

4 (1) IN GENERAL.—The President may waive  
5 the imposition of sanctions under this section for a  
6 period of not more than 180 days, and may renew  
7 that waiver for additional periods of not more than  
8 180 days, if the President—

9 (A) determines that such a waiver is vital  
10 to the national security of the United States;  
11 and

12 (B) submits to the appropriate congres-  
13 sional committees a report providing a justifica-  
14 tion for the waiver.

15 (2) FORM OF REPORT.—Each report submitted  
16 under paragraph (1)(B) shall be submitted in un-  
17 classified form, but may include a classified annex.

18 **SEC. 1245. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
19 **THE SALE, SUPPLY, OR TRANSFER OF CER-**  
20 **TAIN MATERIALS TO OR FROM IRAN.**

21 (a) SALE, SUPPLY, OR TRANSFER OF CERTAIN MA-  
22 TERIALS.—

23 (1) IN GENERAL.—The President shall impose  
24 5 or more of the sanctions described in section 6(a)  
25 of the Iran Sanctions Act of 1996 (Public Law 104—

1       172; 50 U.S.C. 1701 note) with respect to a person  
2       if the President determines that the person know-  
3       ingly, on or after the date that is 180 days after the  
4       date of the enactment of this Act, sells, supplies, or  
5       transfers, directly or indirectly, to or from Iran—

6               (A) a precious metal;

7               (B) a material described in subsection (d)  
8       determined pursuant to subsection (e)(1) to be  
9       used by Iran as described in that subsection;

10              (C) any other material described in sub-  
11       section (d) if—

12                      (i) the material is—

13                              (I) to be used in connection with  
14                              the energy, shipping, or shipbuilding  
15                              sectors of Iran or any sector of the  
16                              economy of Iran determined pursuant  
17                              to subsection (e)(2) to be controlled  
18                              directly or indirectly by Iran's Revolu-  
19                              tionary Guard Corps;

20                              (II) sold, supplied, or transferred  
21                              to or from an Iranian person included  
22                              on the list of specially designated na-  
23                              tionals and blocked persons main-  
24                              tained by the Office of Foreign Assets  
25                              Control of the Department of the

1 Treasury (other than an Iranian fi-  
2 nancial institution described in sub-  
3 section (b)); or

4 (III) determined pursuant to sub-  
5 section (e)(3) to be used in connection  
6 with the nuclear, military, or ballistic  
7 missile programs of Iran; or

8 (ii) the material is resold, retrans-  
9 ferred, or otherwise supplied—

10 (I) to an end-user in a sector de-  
11 scribed in subclause (I) of clause (i);

12 (II) to a person described in sub-  
13 clause (II) of that clause; or

14 (III) for a program described in  
15 subclause (III) of that clause.

16 (2) EXCEPTION.—The requirement to impose  
17 sanctions under paragraph (1) shall not include the  
18 authority to impose sanctions relating to the impor-  
19 tation of goods under paragraph (8)(A) or (12) of  
20 section 6(a) of the Iran Sanctions Act of 1996, and  
21 any sanction relating to the importation of goods  
22 shall not count for purposes of the requirement to  
23 impose sanctions under paragraph (1).

24 (b) IRANIAN FINANCIAL INSTITUTIONS DE-  
25 SCRIBED.—An Iranian financial institution described in

1 this subsection is an Iranian financial institution that has  
2 not been designated for the imposition of sanctions in con-  
3 nection with—

4 (1) Iran's proliferation of weapons of mass de-  
5 struction or delivery systems for weapons of mass  
6 destruction;

7 (2) Iran's support for international terrorism;  
8 or

9 (3) Iran's abuses of human rights.

10 (c) FACILITATION OF CERTAIN TRANSACTIONS.—

11 The President shall prohibit the opening, and prohibit or  
12 impose strict conditions on the maintaining, in the United  
13 States of a correspondent account or a payable-through  
14 account by a foreign financial institution that the Presi-  
15 dent determines knowingly, on or after the date that is  
16 180 days after the date of the enactment of this Act, con-  
17 ducts or facilitates a significant financial transaction for  
18 the sale, supply, or transfer to or from Iran of materials  
19 the sale, supply, or transfer of which would subject a per-  
20 son to sanctions under subsection (a).

21 (d) MATERIALS DESCRIBED.—Materials described in  
22 this subsection are graphite, raw or semi-finished metals  
23 such as aluminum and steel, coal, and software for inte-  
24 grating industrial processes.

1 (e) DETERMINATION WITH RESPECT TO USE OF MA-  
2 TERIALS.—Not later than 180 days after the date of the  
3 enactment of this Act, and every 180 days thereafter, the  
4 President shall submit to the appropriate congressional  
5 committees and publish in the Federal Register a report  
6 that contains the determination of the President with re-  
7 spect to—

8 (1) whether Iran is—

9 (A) using any of the materials described in  
10 subsection (d) as a medium for barter, swap, or  
11 any other exchange or transaction; or

12 (B) listing any of such materials as assets  
13 of the Government of Iran for purposes of the  
14 national balance sheet of Iran;

15 (2) which sectors of the economy of Iran are  
16 controlled directly or indirectly by Iran's Revolu-  
17 tionary Guard Corps; and

18 (3) which of the materials described in sub-  
19 section (d) are used in connection with the nuclear,  
20 military, or ballistic missile programs of Iran.

21 (f) EXCEPTION FOR PERSONS EXERCISING DUE  
22 DILIGENCE.—The President may not impose sanctions  
23 under subsection (a) or (c) with respect to a person if the  
24 President determines that the person has exercised due  
25 diligence in establishing and enforcing official policies,

1 procedures, and controls to ensure that the person does  
2 not sell, supply, or transfer to or from Iran materials the  
3 sale, supply, or transfer of which would subject a person  
4 to sanctions under subsection (a) or conduct or facilitate  
5 a financial transaction for such a sale, supply, or transfer.

6 (g) WAIVER.—

7 (1) IN GENERAL.—The President may waive  
8 the imposition of sanctions under this section for a  
9 period of not more than 180 days, and may renew  
10 that waiver for additional periods of not more than  
11 180 days, if the President—

12 (A) determines that such a waiver is vital  
13 to the national security of the United States;  
14 and

15 (B) submits to the appropriate congress-  
16 sional committees a report providing a justifica-  
17 tion for the waiver.

18 (2) FORM OF REPORT.—Each report submitted  
19 under paragraph (1)(B) shall be submitted in un-  
20 classified form, but may include a classified annex.

21 (h) NATIONAL BALANCE SHEET OF IRAN DE-  
22 FINED.—For purposes of this section, the term “national  
23 balance sheet of Iran” refers to the ratio of the assets  
24 of the Government of Iran to the liabilities of that Govern-  
25 ment.

1 **SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
2 **THE PROVISION OF UNDERWRITING SERV-**  
3 **ICES OR INSURANCE OR REINSURANCE FOR**  
4 **ACTIVITIES OR PERSONS WITH RESPECT TO**  
5 **WHICH SANCTIONS HAVE BEEN IMPOSED.**

6 (a) IMPOSITION OF SANCTIONS.—

7 (1) IN GENERAL.—Except as provided in this  
8 section, the President shall impose 5 or more of the  
9 sanctions described in section 6(a) of the Iran Sanc-  
10 tions Act of 1996 (Public Law 104–172; 50 U.S.C.  
11 1701 note) with respect to a person if the President  
12 determines that the person knowingly, on or after  
13 the date that is 180 days after the date of the enact-  
14 ment of this Act, provides underwriting services or  
15 insurance or reinsurance—

16 (A) for any activity with respect to Iran  
17 for which sanctions have been imposed under  
18 this subtitle, the International Emergency Eco-  
19 nomic Powers Act (50 U.S.C. 1701 et seq.), the  
20 Iran Sanctions Act of 1996, the Comprehensive  
21 Iran Sanctions, Accountability, and Divestment  
22 Act of 2010 (22 U.S.C. 8501 et seq.), the Iran  
23 Threat Reduction and Syria Human Rights Act  
24 of 2012 (22 U.S.C. 8701 et seq.), the Iran,  
25 North Korea, and Syria Nonproliferation Act  
26 (Public Law 106–178; 50 U.S.C. 1701 note), or

1 any other provision of law relating to the im-  
2 position of sanctions with respect to Iran;

3 (B) to or for any person—

4 (i) with respect to, or for the benefit  
5 of any activity in the energy, shipping, or  
6 shipbuilding sectors of Iran for which sanc-  
7 tions are imposed under this subtitle;

8 (ii) for the sale, supply, or transfer to  
9 or from Iran of materials described in sec-  
10 tion 1245(d) for which sanctions are im-  
11 posed under this subtitle; or

12 (iii) designated for the imposition of  
13 sanctions pursuant to the International  
14 Emergency Economic Powers Act (50  
15 U.S.C. 1701 et seq.) in connection with—

16 (I) Iran's proliferation of weap-  
17 ons of mass destruction or delivery  
18 systems for weapons of mass destruc-  
19 tion; or

20 (II) Iran's support for inter-  
21 national terrorism; or

22 (C) to or for any Iranian person included  
23 on the list of specially designated nationals and  
24 blocked persons maintained by the Office of  
25 Foreign Assets Control of the Department of

1           the Treasury (other than an Iranian financial  
2           institution described in subsection (b)).

3           (2) EXCEPTION.—The requirement to impose  
4           sanctions under paragraph (1) shall not include the  
5           authority to impose sanctions relating to the impor-  
6           tation of goods under paragraph (8)(A) or (12) of  
7           section 6(a) of the Iran Sanctions Act of 1996, and  
8           any sanction relating to the importation of goods  
9           shall not count for purposes of the requirement to  
10          impose sanctions under paragraph (1).

11          (b) IRANIAN FINANCIAL INSTITUTIONS DE-  
12          SCRIBED.—An Iranian financial institution described in  
13          this subsection is an Iranian financial institution that has  
14          not been designated for the imposition of sanctions in con-  
15          nection with—

16                 (1) Iran’s proliferation of weapons of mass de-  
17                 struction or delivery systems for weapons of mass  
18                 destruction;

19                 (2) Iran’s support for international terrorism;  
20                 or

21                 (3) Iran’s abuses of human rights.

22          (c) HUMANITARIAN EXCEPTION.—The President  
23          may not impose sanctions under subsection (a) for the  
24          provision of underwriting services or insurance or reinsur-  
25          ance for a transaction for the sale of agricultural commod-

1 ities, food, medicine, or medical devices to Iran or for the  
2 provision of humanitarian assistance to the people of Iran.

3 (d) EXCEPTION FOR UNDERWRITERS AND INSUR-  
4 ANCE PROVIDERS EXERCISING DUE DILIGENCE.—The  
5 President may not impose sanctions under subparagraph  
6 (A) or (C) or clause (i) or (ii) of subparagraph (B) of  
7 subsection (a)(1) with respect to a person that provides  
8 underwriting services or insurance or reinsurance if the  
9 President determines that the person has exercised due  
10 diligence in establishing and enforcing official policies,  
11 procedures, and controls to ensure that the person does  
12 not underwrite or enter into a contract to provide insur-  
13 ance or reinsurance for an activity described in subpara-  
14 graph (A) of that subsection or to or for any person de-  
15 scribed in subparagraph (C) or clause (i) or (ii) of sub-  
16 paragraph (B) of that subsection.

17 (e) WAIVER.—

18 (1) IN GENERAL.—The President may waive  
19 the imposition of sanctions under subsection (a) for  
20 a period of not more than 180 days, and may renew  
21 that waiver for additional periods of not more than  
22 180 days, if the President—

23 (A) determines that such a waiver is vital  
24 to the national security of the United States;  
25 and

1 (B) submits to the appropriate congres-  
2 sional committees a report providing a justifica-  
3 tion for the waiver.

4 (2) FORM OF REPORT.—Each report submitted  
5 under paragraph (1)(B) shall be submitted in un-  
6 classified form, but may include a classified annex.

7 **SEC. 1247. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
8 **FOREIGN FINANCIAL INSTITUTIONS THAT FA-**  
9 **CILITATE FINANCIAL TRANSACTIONS ON BE-**  
10 **HALF OF SPECIALLY DESIGNATED NATION-**  
11 **ALS.**

12 (a) IN GENERAL.—Except as provided in this section,  
13 the President shall prohibit the opening, and prohibit or  
14 impose strict conditions on the maintaining, in the United  
15 States of a correspondent account or a payable-through  
16 account by a foreign financial institution that the Presi-  
17 dent determines has, on or after the date that is 180 days  
18 after the date of the enactment of this Act, knowingly fa-  
19 cilitated a significant financial transaction on behalf of  
20 any Iranian person included on the list of specially des-  
21 ignated nationals and blocked persons maintained by the  
22 Office of Foreign Assets Control of the Department of the  
23 Treasury (other than an Iranian financial institution de-  
24 scribed in subsection (b)).

1 (b) IRANIAN FINANCIAL INSTITUTIONS DE-  
2 SCRIBED.—An Iranian financial institution described in  
3 this subsection is an Iranian financial institution that has  
4 not been designated for the imposition of sanctions in con-  
5 nection with—

6 (1) Iran’s proliferation of weapons of mass de-  
7 struction or delivery systems for weapons of mass  
8 destruction;

9 (2) Iran’s support for international terrorism;  
10 or

11 (3) Iran’s abuses of human rights.

12 (c) HUMANITARIAN EXCEPTION.—The President  
13 may not impose sanctions under subsection (a) with re-  
14 spect to any person for conducting or facilitating a trans-  
15 action for the sale of agricultural commodities, food, medi-  
16 cine, or medical devices to Iran or for the provision of hu-  
17 manitarian assistance to the people of Iran.

18 (d) APPLICABILITY OF SANCTIONS TO PETROLEUM  
19 AND PETROLEUM PRODUCTS.—

20 (1) IN GENERAL.—Except as provided in para-  
21 graph (2), subsection (a) shall apply with respect to  
22 a financial transaction for the purchase of petroleum  
23 or petroleum products from Iran only if, at the time  
24 of the transaction, a determination of the President  
25 under section 1245(d)(4)(B) of the National Defense

1 Authorization Act for Fiscal Year 2012 (22 U.S.C.  
2 8513a(d)(4)(B)) that the price and supply of petro-  
3 leum and petroleum products produced in countries  
4 other than Iran is sufficient to permit purchasers of  
5 petroleum and petroleum products from Iran to re-  
6 duce significantly their purchases from Iran is in ef-  
7 fect.

8 (2) EXCEPTION FOR CERTAIN COUNTRIES.—

9 (A) IN GENERAL.—Subsection (a) shall not  
10 apply with respect to a financial transaction de-  
11 scribed in subparagraph (B) conducted or facili-  
12 tated by a foreign financial institution if, at the  
13 time of the transaction, the exception under  
14 section 1245(d)(4)(D)(i) of the National De-  
15 fense Authorization Act for Fiscal Year 2012  
16 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the  
17 country with primary jurisdiction over the for-  
18 eign financial institution.

19 (B) FINANCIAL TRANSACTIONS DE-  
20 SCRIBED.—A financial transaction conducted or  
21 facilitated by a foreign financial institution is  
22 described in this subparagraph if—

23 (i) the financial transaction is only for  
24 trade in goods or services—

1 (I) not otherwise subject to sanc-  
2 tions under the law of the United  
3 States; and

4 (II) between the country with  
5 primary jurisdiction over the foreign  
6 financial institution and Iran; and

7 (ii) any funds owed to Iran as a result  
8 of such trade are credited to an account lo-  
9 cated in the country with primary jurisdic-  
10 tion over the foreign financial institution.

11 (e) APPLICABILITY OF SANCTIONS TO NATURAL  
12 GAS.—Subsection (a) shall apply to a foreign financial in-  
13 stitution that conducts or facilitates a financial trans-  
14 action for the sale, supply, or transfer to or from Iran  
15 of natural gas unless—

16 (1) the financial transaction is only for trade in  
17 goods or services—

18 (A) not otherwise subject to sanctions  
19 under the law of the United States; and

20 (B) between the country with primary ju-  
21 risdiction over the foreign financial institution  
22 and Iran; and

23 (2) any funds owed to Iran as a result of such  
24 trade are credited to an account located in the coun-

1 try with primary jurisdiction over the foreign finan-  
2 cial institution.

3 (f) WAIVER.—

4 (1) IN GENERAL.—The President may waive  
5 the imposition of sanctions under subsection (a) for  
6 a period of not more than 180 days, and may renew  
7 that waiver for additional periods of not more than  
8 180 days, if the President—

9 (A) determines that such a waiver is vital  
10 to the national security of the United States;  
11 and

12 (B) submits to the appropriate congres-  
13 sional committees a report providing a justifica-  
14 tion for the waiver.

15 (2) FORM OF REPORT.—Each report submitted  
16 under paragraph (1)(B) shall be submitted in un-  
17 classified form, but may include a classified annex.

18 **SEC. 1248. IMPOSITIONS OF SANCTIONS WITH RESPECT TO**  
19 **THE ISLAMIC REPUBLIC OF IRAN BROAD-**  
20 **CASTING.**

21 (a) FINDINGS.—Congress makes the following find-  
22 ings:

23 (1) The Islamic Republic of Iran Broadcasting  
24 has contributed to the infringement of individuals'

1 human rights by broadcasting forced televised con-  
2 fession and show trials.

3 (2) In March 2012, the European Council im-  
4 posed sanctions on the President of the Islamic Re-  
5 public of Iran Broadcasting, Ezzatollah Zargami, for  
6 broadcasting forced confessions of detainees and a  
7 series of “show trials” in August 2009 and Decem-  
8 ber 2011 that constituted a clear violation of inter-  
9 national law with respect to the right to a fair trial  
10 and due process.

11 (b) IMPOSITION OF SANCTIONS.—

12 (1) IN GENERAL.—The President shall, after  
13 the date of the enactment of this Act—

14 (A) impose sanctions described in section  
15 105(c) of the Comprehensive Iran Sanctions,  
16 Accountability, and Divestment Act of 2010 (22  
17 U.S.C. 8514(c)) with respect to the Islamic Re-  
18 public of Iran Broadcasting and the President  
19 of the Islamic Republic of Iran Broadcasting,  
20 Ezzatollah Zargami; and

21 (B) include the Islamic Republic of Iran  
22 Broadcasting and the President of the Islamic  
23 Republic of Iran Broadcasting, Ezzatollah  
24 Zargami, on the list of specially designated na-  
25 tionals and blocked persons maintained by the

1 Office of Foreign Assets Control of the Depart-  
2 ment of the Treasury.

3 (2) EXCEPTION.—The requirement to impose  
4 sanctions under paragraph (1)(A) shall not include  
5 the authority to impose sanctions on the importation  
6 of goods.

7 (3) APPLICATION OF CERTAIN PROVISIONS.—  
8 Sections 105(d) and 401(b) of the Comprehensive  
9 Iran Sanctions, Accountability, and Divestment Act  
10 of 2010 (22 U.S.C. 8514(d) and 8551(b)) shall  
11 apply with respect to sanctions imposed under para-  
12 graph (1)(A) to the same extent that such sections  
13 apply with respect to the imposition of sanctions  
14 under section 105(a) of that Act (22 U.S.C.  
15 8514(a)).

16 **SEC. 1249. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
17 **PERSONS ENGAGED IN THE DIVERSION OF**  
18 **GOODS INTENDED FOR THE PEOPLE OF IRAN.**

19 (a) IN GENERAL.—Title I of the Comprehensive Iran  
20 Sanctions, Accountability, and Divestment Act of 2010  
21 (22 U.S.C. 8511 et seq.) is amended by inserting after  
22 section 105B the following:

1 **“SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
2 **PERSONS ENGAGED IN THE DIVERSION OF**  
3 **GOODS INTENDED FOR THE PEOPLE OF IRAN.**

4 “(a) IMPOSITION OF SANCTIONS.—

5 “(1) IN GENERAL.—The President shall impose  
6 sanctions described in section 105(c) with respect to  
7 each person on the list required by subsection (b).

8 “(2) EXCEPTION.—The requirement to impose  
9 sanctions under paragraph (1) shall not include the  
10 authority to impose sanctions on the importation of  
11 goods.

12 “(b) LIST OF PERSONS WHO ENGAGE IN DIVER-  
13 SION.—

14 “(1) IN GENERAL.—As relevant information be-  
15 comes available, the President shall submit to the  
16 appropriate congressional committees a list of per-  
17 sons that the President determines have, on or after  
18 the date of the enactment of the Iran Freedom and  
19 Counter-Proliferation Act of 2012, engaged in cor-  
20 ruption or other activities relating to—

21 “(A) the diversion of goods, including agri-  
22 cultural commodities, food, medicine, and med-  
23 ical devices, intended for the people of Iran; or

24 “(B) the misappropriation of proceeds  
25 from the sale or resale of such goods.

1           “(2) FORM OF REPORT; PUBLIC AVAIL-  
2 ABILITY.—

3           “(A) FORM.—The list required by para-  
4 graph (1) shall be submitted in unclassified  
5 form but may contain a classified annex.

6           “(B) PUBLIC AVAILABILITY.—The unclas-  
7 sified portion of the list required by paragraph  
8 (1) shall be made available to the public and  
9 posted on the websites of the Department of the  
10 Treasury and the Department of State.

11          “(c) GOOD DEFINED.—In this section, the term  
12 ‘good’ has the meaning given that term in section 1242(a)  
13 of the Iran Freedom and Counter-Proliferation Act of  
14 2012.”.

15          (b) WAIVER.—Section 401(b)(1) of the Comprehen-  
16 sive Iran Sanctions, Accountability, and Divestment Act  
17 of 2010 (22 U.S.C. 8551(b)(1)) is amended—

18           (1) by striking “or 105B(a)” and inserting  
19 “105B(a), or 105C(a)”; and

20           (2) by striking “or 105B(b)” and inserting  
21 “105B(b), or 105C(b)”.

22          (c) CLERICAL AMENDMENT.—The table of contents  
23 for the Comprehensive Iran Sanctions, Accountability, and  
24 Divestment Act of 2010 is amended by inserting after the  
25 item relating to section 105B the following:

“Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.”.

1 **SEC. 1250. WAIVER REQUIREMENT RELATED TO EXCEP-**  
2 **TIONAL CIRCUMSTANCES PREVENTING SIG-**  
3 **NIFICANT REDUCTIONS IN CRUDE OIL PUR-**  
4 **CHASES.**

5 Section 1245(d)(5)(B) of the National Defense Au-  
6 thorization Act for Fiscal Year 2012 (22 U.S.C.  
7 8513a(d)(5)(B)) is amended—

8 (1) in clause (i), by striking “; and” and insert-  
9 ing a semicolon;

10 (2) by redesignating clause (ii) as clause (iii);  
11 and

12 (3) by inserting after clause (i) the following  
13 new clause:

14 “(ii) certifying that the country with  
15 primary jurisdiction over the foreign finan-  
16 cial institution otherwise subject to the  
17 sanctions faced exceptional circumstances  
18 that prevented the country from being able  
19 to reduce significantly its purchases of pe-  
20 troleum and petroleum products from Iran;  
21 and”.

1 **SEC. 1251. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS**  
2 **REGARDING TERRORIST ACTS.**

3 (a) IN GENERAL.—Section 2335 of title 18, United  
4 States Code, is amended—

5 (1) in subsection (a), by striking “4 years” and  
6 inserting “10 years”; and

7 (2) in subsection (b), by striking “4-year pe-  
8 riod” and inserting “10-year period”.

9 (b) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to any civil action arising under  
11 section 2333 of title 18, United States Code, that is pend-  
12 ing on, or commenced on or after, the date of the enact-  
13 ment of this Act.

14 (c) SPECIAL RULE RELATING TO CERTAIN ACTS OF  
15 INTERNATIONAL TERRORISM.—Notwithstanding section  
16 2335 of title 18, United States Code, as amended by sub-  
17 section (a), a civil action under section 2333 of such title  
18 resulting from an act of international terrorism that oc-  
19 curred on or after September 11, 2001, and before the  
20 date that is 4 years before the date of the enactment of  
21 this Act, may be maintained if the civil action is com-  
22 menced during the 6-year period beginning on such date  
23 of enactment.

1 **SEC. 1252. REPORT ON USE OF CERTAIN IRANIAN SEA-**  
2 **PORTS BY FOREIGN VESSELS AND USE OF**  
3 **FOREIGN AIRPORTS BY SANCTIONED IRA-**  
4 **NIAN AIR CARRIERS.**

5 (a) IN GENERAL.—Not later than 180 days after the  
6 date of the enactment of this Act, and annually thereafter  
7 through 2016, the President shall submit to the appro-  
8 priate congressional committees a report that contains—

9 (1) a list of large or otherwise significant ves-  
10 sels that have entered seaports in Iran controlled by  
11 the Tidewater Middle East Company during the pe-  
12 riod specified in subsection (b) and the owners and  
13 operators of those vessels; and

14 (2) a list of all airports at which aircraft owned  
15 or controlled by an Iranian air carrier on which  
16 sanctions have been imposed by the United States  
17 have landed during the period specified in subsection  
18 (b).

19 (b) PERIOD SPECIFIED.—The period specified in this  
20 subsection is—

21 (1) in the case of the first report submitted  
22 under subsection (a), the 180-day period preceding  
23 the submission of the report; and

24 (2) in the case of any subsequent report sub-  
25 mitted under that subsection, the year preceding the  
26 submission of the report.

1 (c) FORM OF REPORT.—Each report required by sub-  
2 section (a) shall be submitted in unclassified form, but  
3 may include a classified annex.

4 **SEC. 1253. IMPLEMENTATION; PENALTIES.**

5 (a) IMPLEMENTATION.—The President may exercise  
6 all authorities provided under sections 203 and 205 of the  
7 International Emergency Economic Powers Act (50  
8 U.S.C. 1702 and 1704) to carry out this subtitle.

9 (b) PENALTIES.—The penalties provided for in sub-  
10 sections (b) and (c) of section 206 of the International  
11 Emergency Economic Powers Act (50 U.S. C. 1705) shall  
12 apply to a person that violates, attempts to violate, con-  
13 spires to violate, or causes a violation of this subtitle or  
14 regulations prescribed under this subtitle to the same ex-  
15 tent that such penalties apply to a person that commits  
16 an unlawful act described in section 206(a) of that Act.

17 (c) APPLICATION OF CERTAIN PROVISIONS OF IRAN  
18 SANCTIONS ACT OF 1996.—The following provisions of  
19 the Iran Sanctions Act of 1996 (Public Law 104–172; 50  
20 U.S.C. 1701 note) shall apply with respect to the imposi-  
21 tion of sanctions under sections 1244(d), 1245(a), and  
22 1246(a) to the same extent that such provisions apply with  
23 respect to the imposition of sanctions under section 5(a)  
24 of the Iran Sanctions Act of 1996, and, as appropriate,

1 instead of sections 1244(i), 1245(g), and 1246(e) of this  
2 Act:

3 (1) Paragraphs (1)(A), (2)(A), and (2)(B)(i) of  
4 section 4(c).

5 (2) Subsections (c), (d), and (f) of section 5.

6 (3) Section 8.

7 (4) Section 11.

8 (5) Section 12.

9 (6) Section 13(b).

10 **SEC. 1254. APPLICABILITY TO CERTAIN NATURAL GAS**  
11 **PROJECTS.**

12 Nothing in this subtitle or the amendments made by  
13 this subtitle shall apply with respect to any activity relat-  
14 ing to a project described in subsection (a) of section 603  
15 of the Iran Threat Reduction and Syria Human Rights  
16 Act of 2012 (22 U.S.C. 8783) to which the exception  
17 under that section applies at the time of the activity.

18 **SEC. 1255. RULE OF CONSTRUCTION.**

19 Nothing in this subtitle or the amendments made by  
20 this subtitle shall be construed to limit sanctions imposed  
21 with respect to Iran under any other provision of law or  
22 to limit the authority of the President to impose additional  
23 sanctions with respect to Iran.

1     **Subtitle E—Satellites and Related**  
2                                     **Items**

3     **SEC. 1261. REMOVAL OF SATELLITES AND RELATED ITEMS**  
4                                     **FROM THE UNITED STATES MUNITIONS LIST.**

5             (a) REPEAL.—

6                     (1) IN GENERAL.—Section 1513 of the Strom  
7     Thurmond National Defense Authorization Act for  
8     Fiscal Year 1999 (Public Law 105–261; 112 Stat.  
9     2174; 22 U.S.C. 2778 note) is amended by striking  
10    subsection (a).

11                    (2) CONFORMING AMENDMENT.—Subsection (c)  
12    of such section is amended by striking “(1) Sub-  
13    section (a)” and all that follows through “(2) The  
14    amendments” and inserting “The amendments”.

15             (b) ADDITIONAL DETERMINATION AND REPORT.—  
16    Accompanying but separate from the submission to Con-  
17    gress of the first notification after the date of the enact-  
18    ment of this Act under section 38(f) of the Arms Export  
19    Control Act (22 U.S.C. 2778(f)) relating to the removal  
20    of satellites and related items from the United States Mu-  
21    nitions List, the President shall also submit to Congress—

22                    (1) a determination by the President that the  
23    removal of such satellites and items from the United  
24    States Munitions List is in the national security in-  
25    terests of the United States; and

1           (2) a report identifying and analyzing any dif-  
2           ferences between—

3                   (A) the recommendations and draft regula-  
4                   tions for controlling the export, re-export, and  
5                   transfer of such satellites and related items that  
6                   were submitted in the report to Congress re-  
7                   quired by section 1248 of the National Defense  
8                   Authorization Act for Fiscal Year 2010 (Public  
9                   Law 111–84; 123 Stat. 2546); and

10                   (B) the final regulations under which the  
11                   export, re-export, and transfer of such satellites  
12                   and related items would continue to be con-  
13                   trolled.

14           (c) PROHIBITION.—

15                   (1) IN GENERAL.—Subject to paragraph (3), no  
16                   satellites or related items that are made subject to  
17                   the Export Administration Regulations (15 CFR  
18                   part 730 et seq.) as a result of the enactment of  
19                   subsection (a) of this section, whether or not enu-  
20                   merated on the Commerce Control List—

21                           (A) may be exported, re-exported, or trans-  
22                           ferred, directly or indirectly, to—

23                                   (i) any government of a country de-  
24                                   scribed in paragraph (2); or

1 (ii) any entity or person in or acting  
2 for or on behalf of such government, enti-  
3 ty, or person; or

4 (B) may be launched in a country de-  
5 scribed in paragraph (2) or as part of a launch  
6 vehicle owned, operated, or manufactured by  
7 the government of such country or any entity or  
8 person in or acting for or on behalf of such gov-  
9 ernment, entity, or person.

10 (2) COUNTRIES DESCRIBED.—The countries re-  
11 ferred to in paragraph (1) are the following:

12 (A) The People's Republic of China.

13 (B) North Korea.

14 (C) Any country that is a state sponsor of  
15 terrorism.

16 (3) WAIVER.—The President may waive the  
17 prohibition in paragraph (1) on a case-by-case basis  
18 if not later than 30 days before doing so the Presi-  
19 dent—

20 (A) determines that it is in the national in-  
21 terest of the United States to do so; and

22 (B) notifies the appropriate congressional  
23 committees of such determination.

24 (d) PRESUMPTION OF DENIAL.—Any license or other  
25 authorization to export satellites and related items to a

1 country with respect to which the United States maintains  
2 a comprehensive arms embargo shall be subject to a pre-  
3 sumption of denial.

4 (e) REPORT.—

5 (1) IN GENERAL.—Not later than one year  
6 after the date of the enactment of this Act, and an-  
7 nually thereafter, the Director of National Intel-  
8 ligence, in consultation with the Secretary of State,  
9 shall submit to the appropriate congressional com-  
10 mittees a report on efforts of state sponsors of ter-  
11 rorism, other foreign countries, or entities to illicitly  
12 acquire satellites and related items.

13 (2) FORM.—The report required by paragraph  
14 (1) shall be submitted in unclassified form, but may  
15 contain a classified annex.

16 **SEC. 1262. REPORT ON LICENSES AND OTHER AUTHORIZA-**  
17 **TIONS TO EXPORT CERTAIN SATELLITES AND**  
18 **RELATED ITEMS.**

19 (a) IN GENERAL.—Not later than 60 days after the  
20 end of each calendar year through 2020, the President  
21 shall submit to the committees of Congress specified in  
22 subsection (b) a report summarizing all licenses and other  
23 authorizations to export satellites and related items that  
24 are subject to the Export Administration Regulations (15

1 CFR part 730 et seq.) as a result of the enactment of  
2 section 1261(a).

3 (b) COMMITTEES OF CONGRESS SPECIFIED.—The  
4 committees of Congress specified in this subsection are—

5 (1) the Committee on Foreign Relations, the  
6 Committee on Banking, Housing, and Urban Af-  
7 fairs, and the Select Committee on Intelligence of  
8 the Senate; and

9 (2) the Committee on Foreign Affairs and the  
10 Permanent Select Committee on Intelligence of the  
11 House of Representatives.

12 **SEC. 1263. REPORT ON COUNTRY EXEMPTIONS FOR LI-**  
13 **CENSING OF EXPORTS OF CERTAIN SAT-**  
14 **ELLITES AND RELATED ITEMS.**

15 (a) IN GENERAL.—Not later than 120 days after the  
16 date of the enactment of this Act, the Secretary of Com-  
17 merce, in consultation with the Attorney General, the Sec-  
18 retary of Homeland Security, and the heads of other Fed-  
19 eral departments and agencies as appropriate, shall sub-  
20 mit to the appropriate congressional committees a report  
21 that contains an assessment of the extent to which the  
22 terms and conditions of exemptions for foreign countries  
23 to the licensing requirements and other authorizations to  
24 export satellites and related items that are subject to the  
25 Export Administration Regulations (15 CFR part 730 et

1 seq.) as a result of the enactment of section 1261(a) con-  
2 tain strong safeguards.

3 (b) MATTERS TO BE INCLUDED.—The report re-  
4 quired by subsection (a) shall include a description of the  
5 extent to which the terms and conditions of exemptions  
6 described in subsection (a), including other relevant laws,  
7 regulations, and practices, support law enforcement ef-  
8 forts to detect, prevent, and prosecute criminal, adminis-  
9 trative, and other violations of any provision of the Export  
10 Administration Regulations (15 CFR part 730 et seq.),  
11 including efforts on the part of state sponsors of ter-  
12 rorism, organizations determined by the Secretary of State  
13 to have provided support for international terrorism, or  
14 other foreign countries, to acquire illicitly satellites and  
15 related items from the United States.

16 **SEC. 1264. END-USE MONITORING OF CERTAIN SATELLITES**  
17 **AND RELATED ITEMS.**

18 (a) IN GENERAL.—In order to ensure accountability  
19 with respect to the export of satellites and related items  
20 that become subject to the Export Administration Regula-  
21 tions (15 CFR part 730 et seq.) as a result of the enact-  
22 ment of section 1261(a), the President shall provide for  
23 the end-use monitoring of such satellites and related  
24 items.

1 (b) REPORT.—Not later than 120 days after the date  
2 of the enactment of this Act, the Secretary of Commerce,  
3 in consultation with the heads of other Federal depart-  
4 ments and agencies as appropriate, shall submit to Con-  
5 gress a report describing the actions taken to implement  
6 this section, including identification of resource shortfalls  
7 or other constraints on effective end-use monitoring of sat-  
8 ellites and related items described in subsection (a).

9 **SEC. 1265. INTERAGENCY REVIEW OF MODIFICATIONS TO**  
10 **CATEGORY XV OF THE UNITED STATES MUNI-**  
11 **TIONS LIST.**

12 (a) IN GENERAL.—Subject to section 38(f) of the  
13 Arms Export Control Act (22 U.S.C. 2778(f)), the Presi-  
14 dent shall ensure that the Secretary of State, the Sec-  
15 retary of Defense, the Secretary of Commerce and, as ap-  
16 propriate, the Director of National Intelligence and the  
17 heads of other appropriate Federal departments and agen-  
18 cies, will review any removal or addition of an item to Cat-  
19 egory XV of the United States Munitions List (relating  
20 to spacecraft systems and associated equipment).

21 (b) EFFECTIVE DATE.—The requirement of sub-  
22 section (a) shall apply with respect to any item described  
23 in subsection (a) that is proposed to be removed or added  
24 to Category XV of the United States Munitions List on  
25 or after the date of the enactment of this Act.

1 **SEC. 1266. RULES OF CONSTRUCTION.**

2 (a) IN GENERAL.—Subtitle B of title XV of the  
3 Strom Thurmond National Defense Authorization Act for  
4 Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2173;  
5 22 U.S.C. 2778 note) shall continue to apply to satellites  
6 and related items that are subject to the Export Adminis-  
7 tration Regulations (15 CFR part 730 et seq.) as a result  
8 of the enactment of section 1261(a).

9 (b) ADDITIONAL RULE.—Nothing in this subtitle or  
10 any amendment made by this subtitle shall be construed  
11 as removing or limiting the authorities of the President  
12 under subsection (a) or (b) of section 1514 of the Strom  
13 Thurmond National Defense Authorization Act for Fiscal  
14 Year 1999 (Public Law 105–261; 112 Stat. 2175; 22  
15 U.S.C. 2778 note) with respect to defense articles and de-  
16 fense services that remain subject to the jurisdiction of  
17 the International Traffic in Arms Regulations.

18 **SEC. 1267. DEFINITIONS.**

19 In this subtitle:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
21 TEES.—The term “appropriate congressional com-  
22 mittees” means—

23 (A) the Committee on Foreign Relations,  
24 the Committee on Banking, Housing, and  
25 Urban Affairs, the Committee on Armed Serv-

1           ices, and the Select Committee on Intelligence  
2           of the Senate; and

3                   (B) the Committee on Foreign Affairs, the  
4           Committee on Armed Services, and the Perma-  
5           nent Select Committee on Intelligence of the  
6           House of Representatives.

7           (2) STATE SPONSOR OF TERRORISM.—The term  
8           “state sponsor of terrorism” means any country the  
9           government of which the Secretary of State has de-  
10          termined has repeatedly provided support for inter-  
11          national terrorism pursuant to—

12                   (A) section 6(j) of the Export Administra-  
13          tion Act of 1979 (50 U.S.C. App. 2405) (as  
14          continued in effect under the International  
15          Emergency Economic Powers Act);

16                   (B) section 620A of the Foreign Assistance  
17          Act of 1961 (22 U.S.C. 2371);

18                   (C) section 40 of the Arms Export Control  
19          Act (22 U.S.C. 2780); or

20                   (D) any other provision of law.

21           (3) UNITED STATES MUNITIONS LIST.—The  
22          term “United States Munitions List” means the list  
23          referred to in section 38(a)(1) of the Arms Export  
24          Control Act (22 U.S.C. 2778(a)(1)).

1                   **Subtitle F—Other Matters**  
2   **SEC. 1271. ADDITIONAL ELEMENTS IN ANNUAL REPORT ON**  
3                   **MILITARY AND SECURITY DEVELOPMENTS**  
4                   **INVOLVING THE PEOPLE’S REPUBLIC OF**  
5                   **CHINA.**

6           Section 1202(b) of the National Defense Authoriza-  
7   tion Act for Fiscal Year 2000 (Public Law 106–65; 10  
8   U.S.C. 113 note) is amended—

9                   (1) by amending paragraph (9) to read as fol-  
10                  lows:

11                   “(9) Developments in China’s asymmetric capa-  
12                  bilities, including its strategy and efforts to develop  
13                  and deploy cyberwarfare and electronic warfare ca-  
14                  pabilities, details on the number of malicious cyber  
15                  incidents originating from China against Depart-  
16                  ment of Defense infrastructure, and associated ac-  
17                  tivities originating or suspected of originating from  
18                  China.”;

19                   (2) by redesignating paragraphs (10), (11), and  
20                  (12) as paragraphs (15), (16), and (17) respectively;

21                   (3) by inserting after paragraph (9) the fol-  
22                  lowing new paragraphs:

23                   “(10) The strategy and capabilities of Chinese  
24                  space and counterspace programs, including trends,  
25                  global and regional activities, the involvement of

1 military and civilian organizations, including state-  
2 owned enterprises, academic institutions, and com-  
3 mercial entities, and efforts to develop, acquire, or  
4 gain access to advanced technologies that would en-  
5 hance Chinese military capabilities.

6 “(11) Developments in China’s nuclear pro-  
7 gram, including the size and state of China’s stock-  
8 pile, its nuclear strategy and associated doctrines, its  
9 civil and military production capacities, and projec-  
10 tions of its future arsenals.

11 “(12) A description of China’s anti-access and  
12 area denial capabilities.

13 “(13) A description of China’s command, con-  
14 trol, communications, computers, intelligence, sur-  
15 veillance, and reconnaissance modernization program  
16 and its applications for China’s precision guided  
17 weapons.

18 “(14) A description of the roles and activities of  
19 the People’s Liberation Army Navy and those of  
20 China’s paramilitary and maritime law enforcement  
21 vessels, including their response to United States  
22 naval activities.”; and

23 (4) by adding after paragraph (17), as redesign-  
24 nated by paragraph (2) of this section, the following  
25 new paragraphs:

1           “(18) A description of Chinese military-to-mili-  
2           tary relationships with other countries, including the  
3           size and activity of military attache offices around  
4           the world and military education programs con-  
5           ducted in China for other countries or in other coun-  
6           tries for the Chinese.

7           “(19) A description of any significant sale or  
8           transfer of military hardware, expertise, and tech-  
9           nology to or from the People’s Republic of China, in-  
10          cluding a forecast of possible future sales and trans-  
11          fers, a description of the implications of those sales  
12          and transfers for the security of the United States  
13          and its partners and allies in Asia, and a description  
14          of any significant assistance to and from any selling  
15          state with military-related research and development  
16          programs in China.”.

17 **SEC. 1272. NATO SPECIAL OPERATIONS HEADQUARTERS.**

18          (a) IN GENERAL.—Subsection (a) of section 1244 of  
19 the National Defense Authorization Act for Fiscal Year  
20 2010 (Public Law 111–84; 123 Stat. 2541), as amended  
21 by section 1242 of the Ike Skelton National Defense Au-  
22 thorization Act for Fiscal Year 2011 (Public Law 111–  
23 383; 124 Stat. 4405), is further amended—

24           (1) by striking “fiscal year 2011” and inserting  
25          “each of fiscal years 2013, 2014, and 2015”;

1           (2) by striking “section 301(1)” and inserting  
2           “section 301”; and

3           (3) by inserting “for such fiscal year” after  
4           “\$50,000,000”.

5           (b) ANNUAL REPORT.—Such section, as so amended,  
6 is further amended by adding at the end the following:

7           “(d) ANNUAL REPORT.—Not later than March 1 of  
8 each year, the Secretary of Defense shall submit to the  
9 congressional defense committees a report regarding sup-  
10 port for the NSHQ. Each report shall include the fol-  
11 lowing:

12           “(1) The total amount of funding provided by  
13 the United States and other NATO nations to the  
14 NSHQ for operating costs of the NSHQ.

15           “(2) A description of the activities carried out  
16 with such funding, including—

17           “(A) the amount of funding allocated for  
18 each such activity;

19           “(B) the extent to which other NATO na-  
20 tions participate in each such activity;

21           “(C) the extent to which each such activity  
22 is designed to meet the purposes set forth in  
23 paragraphs (1) through (5) of subsection (b);  
24 and

1           “(D) an assessment of the extent to which  
2           each such activity will promote the mission of  
3           the NSHQ.

4           “(3) Other contributions, financial or in kind,  
5           provided by the United States and other NATO na-  
6           tions in support of the NSHQ.

7           “(4) Any other matters that the Secretary of  
8           Defense considers appropriate.”.

9   **SEC. 1273. SUSTAINABILITY REQUIREMENTS FOR CERTAIN**  
10                   **CAPITAL PROJECTS IN CONNECTION WITH**  
11                   **OVERSEAS CONTINGENCY OPERATIONS.**

12           (a) LIMITATION.—

13                   (1) IN GENERAL.—Commencing 60 days after  
14           the date of the enactment of this Act—

15                           (A) amounts authorized to be appropriated  
16                           for the Department of Defense may not be obli-  
17                           gated or expended for a capital project de-  
18                           scribed in subsection (b) unless the Secretary of  
19                           Defense, in consultation with the United States  
20                           commander of military operations in the coun-  
21                           try in which the project will be carried out,  
22                           completes an assessment on the necessity and  
23                           sustainability of the project;

24                           (B) amounts authorized to be appropriated  
25                           for the Department of State may not be obli-

1           gated or expended for a capital project de-  
2           scribed in subsection (b) unless the Secretary of  
3           State, in consultation with the Chief of Mission  
4           in the country in which the project will be car-  
5           ried out, completes an assessment on the neces-  
6           sity and sustainability of the project; and

7           (C) amounts authorized to be appropriated  
8           for the United States Agency for International  
9           Development may not be obligated or expended  
10          for a capital project described in subsection (b)  
11          unless the Administrator of the United States  
12          Agency for International Development, in con-  
13          sultation with the Mission Director and the  
14          Chief of Mission in the country in which the  
15          project will be carried out, completes an assess-  
16          ment on the necessity and sustainability of the  
17          project.

18          (2) ELEMENTS.—Each assessment on a capital  
19          project under this subsection shall include, but not  
20          be limited to, the following:

21                (A) An estimate of the total cost of the  
22                completed project to the United States.

23                (B) An estimate of the financial and other  
24                requirements necessary for the host government

1 to sustain the project on an annual basis after  
2 completion of the project.

3 (C) An assessment whether the host gov-  
4 ernment has the capacity (in both financial and  
5 human resources) to maintain and use the  
6 project after completion.

7 (D) A description of any arrangements for  
8 the sustainment of the project following its  
9 completion if the host government lacks the ca-  
10 pacity (in financial or human resources) to  
11 maintain the project.

12 (E) An assessment whether the host gov-  
13 ernment has requested or expressed its need for  
14 the project, and an explanation of the decision  
15 to proceed with the project absent such request  
16 or need.

17 (F) An assessment by the Secretary of De-  
18 fense, where applicable, of the effect of the  
19 project on the military mission of the United  
20 States in the country concerned.

21 (b) COVERED CAPITAL PROJECTS.—

22 (1) IN GENERAL.—Except as provided in para-  
23 graph (2), a capital project described in this sub-  
24 section is any capital project overseas for an over-  
25 seas contingency operation for the benefit of a host

1 country and funded by the Department of Defense,  
2 the Department of State, or the United States Agen-  
3 cy for International Development, as applicable, if  
4 the capital project—

5 (A) in the case of a project that directly  
6 supports building the capacity of indigenous se-  
7 curity forces in the host country, has an esti-  
8 mated value in excess of \$10,000,000;

9 (B) in the case of any project not covered  
10 by subparagraph (A) that is to be funded by  
11 the Department of State or the United States  
12 Agency for International Development, has an  
13 estimated value in excess of \$5,000,000; or

14 (C) in the case of any other project, has an  
15 estimated value in excess of \$2,000,000.

16 (2) EXCLUSION.—A capital project described in  
17 this subsection does not include any project for mili-  
18 tary construction (as that term is defined in section  
19 114(b) of title 10, United States Code) or a military  
20 family housing project under section 2821 of such  
21 title.

22 (c) WAIVER.—The Secretary of Defense, the Sec-  
23 retary of State, or the Administrator of the United States  
24 Agency for International Development, as applicable, may  
25 waive the limitation in subsection (a) in order to initiate

1 a capital project if such Secretary or the Administrator,  
2 as the case may be, determines that the project is in the  
3 national security, diplomatic, or humanitarian interests of  
4 the United States. In the first report submitted under sub-  
5 section (d) after any waiver under this subsection, such  
6 Secretary or the Administrator shall include a detailed jus-  
7 tification of such waiver. Not later than 90 days after  
8 issuing a waiver under this subsection, such Secretary or  
9 the Administrator shall submit to the appropriate commit-  
10 tees of Congress the assessment described in subsection  
11 (a) with respect to the capital project concerned.

12 (d) SEMI-ANNUAL REPORTS.—

13 (1) IN GENERAL.—Not later than 30 days after  
14 the end of any fiscal-year half-year in which the Sec-  
15 retary of Defense, the Secretary of State, or the Ad-  
16 ministrator of the United States Agency for Inter-  
17 national Development conducts an assessment under  
18 subsection (a), such Secretary or the Administrator,  
19 as the case may be, shall submit to the appropriate  
20 committees of Congress a report setting forth each  
21 assessment so conducted during such fiscal-year  
22 half-year, including the elements of each capital  
23 project so assessed specified in subsection (a)(2).

24 (2) ADDITIONAL ELEMENTS.—In addition to  
25 the matters provided for in paragraph (1), each re-

1 port under that paragraph shall include the fol-  
2 lowing:

3 (A) For each capital project covered by  
4 such report, an evaluation (other than by  
5 amount of funds expended) of the effectiveness  
6 of such project, including, at a minimum, the  
7 following:

8 (i) The stated goals of the project.

9 (ii) The actions taken to assess and  
10 verify whether the project has met the  
11 stated goals of the project or is on track  
12 to meet such goals when completed.

13 (iii) The current and anticipated levels  
14 of involvement of local governments, com-  
15 munities, and individuals in the project.

16 (B) For each country or region in which a  
17 capital project covered by such report is being  
18 carried out, an assessment of the current and  
19 anticipated risks of corruption or fraud in con-  
20 nection with such project.

21 (3) FORM.—Each report shall be submitted in  
22 unclassified form, but may include a classified  
23 annex.

24 (e) DEFINITIONS.—In this section:

1           (1) The term “appropriate committees of Con-  
2           gress” means—

3                   (A) the Committee on Armed Services, the  
4                   Committee on Foreign Relations, the Com-  
5                   mittee on Homeland Security and Govern-  
6                   mental Affairs, and the Committee on Appro-  
7                   priations of the Senate; and

8                   (B) the Committee on Armed Services, the  
9                   Committee on Foreign Affairs, the Committee  
10                  on Oversight and Government Reform, and the  
11                  Committee on Appropriations of the House of  
12                  Representatives.

13           (2) The term “capital project” has the meaning  
14           given that term in section 308 of the Aid, Trade,  
15           and Competitiveness Act of 1992 (22 U.S.C. 2421e).

16           (3) The term “overseas contingency operation”  
17           means a military operation outside the United  
18           States and its territories and possessions that is a  
19           contingency operation (as that term is defined in  
20           section 101(a)(13) of title 10, United States Code).

21 **SEC. 1274. ADMINISTRATION OF THE AMERICAN, BRITISH,**  
22 **CANADIAN, AND AUSTRALIAN ARMIES’ PRO-**  
23 **GRAM.**

24           (a) **AUTHORITY.**—As part of the participation by the  
25 United States in the land-force program known as the

1 American, British, Canadian, and Australian Armies' Pro-  
2 gram (in this section referred to as the "Program"), the  
3 Secretary of Defense may, with the concurrence of the  
4 Secretary of State, enter into agreements with the other  
5 participating countries in accordance with this section,  
6 and the Program shall be managed pursuant to a joint  
7 agreement among the participating countries.

8 (b) PARTICIPATING COUNTRIES.—In addition to the  
9 United States, the countries participating in the Program  
10 are the following:

- 11 (1) Australia.
- 12 (2) Canada.
- 13 (3) New Zealand.
- 14 (4) The United Kingdom.

15 (c) CONTRIBUTIONS BY PARTICIPANTS.—

16 (1) IN GENERAL.—An agreement under sub-  
17 section (a) shall provide that each participating  
18 country shall contribute to the Program—

19 (A) its equitable share of the full cost for  
20 the Program, including the full cost of overhead  
21 and administrative costs related to the Pro-  
22 gram; and

23 (B) any amount allocated to it in accord-  
24 ance with the agreement for the cost for mone-  
25 tary claims asserted against any participating

1 country as a result of participation in the Pro-  
2 gram.

3 (2) ADDITIONAL AUTHORIZED CONTRIBU-  
4 TION.—Such an agreement shall also provide that  
5 each participating country (including the United  
6 States) may provide its contribution for its equitable  
7 share under the agreement in funds, in personal  
8 property, or in services required for the Program (or  
9 in any combination thereof).

10 (3) FUNDING FOR UNITED STATES CONTRIBU-  
11 TION.—Any contribution by the United States to the  
12 Program that is provided in funds shall be made  
13 from funds available to the Department of Defense  
14 for operation and maintenance.

15 (4) TREATMENT OF CONTRIBUTIONS RECEIVED  
16 FROM OTHER COUNTRIES.—Any contribution re-  
17 ceived by the United States from another partici-  
18 pating country to meet that country's share of the  
19 costs of the Program shall be credited to appropria-  
20 tions available to the Department of Defense, as de-  
21 termined by the Secretary of Defense. The amount  
22 of a contribution credited to an appropriation ac-  
23 count in connection with the Program shall be avail-  
24 able only for payment of the share of the Program  
25 expenses allocated to the participating country mak-

1       ing the contribution. Amounts so credited shall be  
2       available for the following purposes:

3               (A) Payments to contractors and other  
4               suppliers (including the Department of Defense  
5               and participating countries acting as suppliers)  
6               for necessary goods and services of the Pro-  
7               gram.

8               (B) Payments for any damages and costs  
9               resulting from the performance or cancellation  
10              of any contract or other obligation in support of  
11              the Program.

12              (C) Payments for any monetary claim  
13              against a participating country as a result of  
14              the participation of that country in the Pro-  
15              gram.

16              (D) Payments or reimbursements of other  
17              Program expenses, including overhead and ad-  
18              ministrative costs for any administrative office  
19              for the Program.

20              (E) Refunds to other participating coun-  
21              tries.

22              (5) COSTS OF OPERATION OF OFFICES ESTAB-  
23              LISHED FOR PROGRAM.—Costs for the operation of  
24              any office established to carry out the Program shall  
25              be borne jointly by the participating countries as

1 provided for in an agreement referred to in sub-  
2 section (a).

3 (d) **AUTHORITY TO CONTRACT FOR PROGRAM AC-**  
4 **TIVITIES.**—As part of the participation by the United  
5 States in the Program, the Secretary of Defense may  
6 enter into contracts or incur other obligations on behalf  
7 of the other participating countries for activities under the  
8 Program. Any payment for such a contract or other obli-  
9 gation under this subsection may be paid only from con-  
10 tributions credited to an appropriation under subsection  
11 (c)(4).

12 (e) **DISPOSAL OF PROPERTY.**—As part of the partici-  
13 pation by the United States in the Program, the Secretary  
14 of Defense may, with respect to any property that is joint-  
15 ly acquired by the countries participating in the Program,  
16 agree to the disposal of the property without regard to  
17 any law of the United States that is otherwise applicable  
18 to the disposal of property owned by the United States.  
19 Such disposal may include the transfer of the interest of  
20 the United States in the property to one or more of the  
21 other participating countries or the sale of the property.  
22 Reimbursement for the value of the property disposed of  
23 (including the value of the interest of the United States  
24 in the property) shall be made in accordance with an  
25 agreement under subsection (a).

1 (f) REPORTS.—Not later than 60 days before the ex-  
2 piration date of any agreement under subsection (a), the  
3 Secretary of Defense shall submit to the Committees on  
4 Armed Services of the Senate and the House of Represent-  
5 atives a report on the activities, costs, and accomplish-  
6 ments of the Program during the five-year period ending  
7 on the date of such report.

8 (g) SUNSET.—Any agreement entered into by the  
9 United States with another country under subsection (a),  
10 and United States participation in the joint agreement de-  
11 scribed in that subsection, shall expire not later than five  
12 years after the date of the enactment of this Act.

13 **SEC. 1275. UNITED STATES PARTICIPATION IN HEAD-**  
14 **QUARTERS EUROCORPS.**

15 (a) PARTICIPATION AUTHORIZED.—The Secretary of  
16 Defense may, with the concurrence of the Secretary of  
17 State, authorize the participation of members of the  
18 Armed Forces as members of the staff of Headquarters  
19 Eurocorps for the purpose of supporting the North Atlan-  
20 tic Treaty Organization (NATO) activities of the NATO  
21 Rapid Deployable Corps Eurocorps.

22 (b) MEMORANDUM OF UNDERSTANDING.—

23 (1) REQUIREMENT.—The participation of mem-  
24 bers of the Armed Forces as members of the staff  
25 of Headquarters Eurocorps shall be in accordance

1 with the terms of one or more memoranda of under-  
2 standing entered into by the Secretary of Defense,  
3 with the concurrence of the Secretary of State, and  
4 Headquarters Eurocorps.

5 (2) COST-SHARING ARRANGEMENTS.—If De-  
6 partment of Defense facilities, equipment, or funds  
7 are used to support Headquarters Eurocorps, the  
8 memoranda of understanding under paragraph (1)  
9 shall provide details of any cost-sharing arrangement  
10 or other funding arrangement.

11 (c) LIMITATION ON NUMBER OF MEMBERS PARTICI-  
12 PATING AS STAFF.—Not more than two members of the  
13 Armed Forces may participate as members of the staff  
14 of Headquarters Eurocorps, until the Secretary of Defense  
15 submits to the Committees on Armed Services of the Sen-  
16 ate and the House of Representatives a report setting  
17 forth the following:

18 (1) A certification by the Secretary of Defense  
19 that the participation of more than two members of  
20 the Armed Forces in Headquarters Eurocorps is in  
21 the national interests of the United States.

22 (2) A description of the benefits of the partici-  
23 pation of the additional members proposed by the  
24 Secretary.

1           (3) A description of the plans for the participa-  
2           tion of the additional members proposed by the Sec-  
3           retary, including the grades and posts to be filled.

4           (4) A description of the costs associated with  
5           the participation of the additional members proposed  
6           by the Secretary.

7           (d) NOTICE ON PARTICIPATION OF NUMBER OF  
8 MEMBERS ABOVE CERTAIN CEILING.—Not more than 10  
9 members of the Armed Forces may participate as mem-  
10 bers of the staff of Headquarters Eurocorps unless the  
11 Secretary of Defense submits to the Committees on Armed  
12 Services of the Senate and the House of Representatives  
13 a notice that the number of members so participating will  
14 exceed 10 members.

15           (e) AVAILABILITY OF APPROPRIATED FUNDS.—

16           (1) AVAILABILITY.—Funds appropriated to the  
17 Department of Defense for operation and mainte-  
18 nance are available as follows:

19                   (A) To pay the United States' share of the  
20                   operating expenses of Headquarters Eurocorps.

21                   (B) To pay the costs of the participation  
22                   of members of the Armed Forces participating  
23                   as members of the staff of Headquarters  
24                   Eurocorps, including the costs of expenses of  
25                   such participants.

1           (2) LIMITATION.—No funds may be used under  
2           this section to fund the pay or salaries of members  
3           of the Armed Forces who participate as members of  
4           the staff of the Headquarters, North Atlantic Treaty  
5           Organization (NATO) Rapid Deployable Corps  
6           under this section.

7           (f) HEADQUARTERS EUROCORPS DEFINED.—In this  
8           section, the term “Headquarters Eurocorps” refers to the  
9           multinational military headquarters, established on Octo-  
10          ber 1, 1993, which is one of the High Readiness Forces  
11          (Land) associated with the Allied Rapid Reaction Corps  
12          of NATO.

13   **SEC. 1276. DEPARTMENT OF DEFENSE PARTICIPATION IN**  
14                           **EUROPEAN PROGRAM ON MULTILATERAL EX-**  
15                           **CHANGE OF AIR TRANSPORTATION AND AIR**  
16                           **REFUELING SERVICES.**

17          (a) PARTICIPATION AUTHORIZED.—

18           (1) IN GENERAL.—The Secretary of Defense  
19           may, with the concurrence of the Secretary of State,  
20           authorize the participation of the United States in  
21           the Air Transport, Air-to-Air Refueling and other  
22           Exchanges of Services program (in this section re-  
23           ferred to as the “ATARES program”) of the Move-  
24           ment Coordination Centre Europe.

1           (2) SCOPE OF PARTICIPATION.—Participation  
2           in the ATARES program under paragraph (1) shall  
3           be limited to the reciprocal exchange or transfer of  
4           air transportation and air refueling services on a re-  
5           imbursable basis or by replacement-in-kind or the  
6           exchange of air transportation or air refueling serv-  
7           ices of an equal value.

8           (3) LIMITATIONS.—The United States' balance  
9           of executed flight hours, whether as credits or deb-  
10          its, in participation in the ATARES program under  
11          paragraph (1) may not exceed 500 hours. The  
12          United States' balance of executed flight hours for  
13          air refueling in the ATARES program under para-  
14          graph (1) may not exceed 200 hours.

15          (b) WRITTEN ARRANGEMENT OR AGREEMENT.—

16                 (1) ARRANGEMENT OR AGREEMENT RE-  
17                 QUIRED.—The participation of the United States in  
18                 the ATARES program under subsection (a) shall be  
19                 in accordance with a written arrangement or agree-  
20                 ment entered into by the Secretary of Defense, with  
21                 the concurrence of the Secretary of State, and the  
22                 Movement Coordination Centre Europe.

23                 (2) FUNDING ARRANGEMENTS.—If Department  
24                 of Defense facilities, equipment, or funds are used to  
25                 support the ATARES program, the written arrange-

1       ment or agreement under paragraph (1) shall specify  
2       the details of any equitable cost sharing or other  
3       funding arrangement.

4           (3) OTHER ELEMENTS.—Any written arrange-  
5       ment or agreement entered into under paragraph (1)  
6       shall require that any accrued credits and liabilities  
7       resulting from an unequal exchange or transfer of  
8       air transportation or air refueling services shall be  
9       liquidated, not less than once every five years,  
10       through the ATARES program.

11       (c) IMPLEMENTATION.—In carrying out any written  
12       arrangement or agreement entered into under subsection  
13       (b), the Secretary of Defense may—

14           (1) pay the United States' equitable share of  
15       the operating expenses of the Movement Coordina-  
16       tion Centre Europe and the ATARES consortium  
17       from funds available to the Department of Defense  
18       for operation and maintenance; and

19           (2) assign members of the Armed Forces or De-  
20       partment of Defense civilian personnel, from among  
21       members and personnel within billets authorized for  
22       the United States European Command, to duty at  
23       the Movement Coordination Centre Europe as nec-  
24       essary to fulfill the United States' obligations under  
25       that arrangement or agreement.

1 (d) CREDITING OF RECEIPTS.—Any amount received  
2 by the United States in carrying out a written arrange-  
3 ment or agreement entered into under subsection (b) shall  
4 be credited, as elected by the Secretary of Defense, to the  
5 following:

6 (1) The appropriation, fund, or account used in  
7 incurring the obligation for which such amount is re-  
8 ceived.

9 (2) An appropriation, fund, or account cur-  
10 rently available for the purposes for which such obli-  
11 gation was made.

12 (e) ANNUAL SECRETARY OF DEFENSE REPORTS.—  
13 Not later than 30 days after the end of each fiscal year  
14 in which the authority provided by this section is in effect,  
15 the Secretary of Defense shall submit to the congressional  
16 defense committees a report on United States participa-  
17 tion in the ATARES program during such fiscal year.  
18 Each report shall include the following:

19 (1) The United States balance of executed  
20 flight hours at the end of the fiscal year covered by  
21 such report.

22 (2) The types of services exchanged or trans-  
23 ferred during the fiscal year covered by such report.

24 (3) A description of any United States costs  
25 under the written arrangement or agreement under

1 subsection (b)(1) in connection with the use of De-  
2 partment of Defense facilities, equipment, or funds  
3 to support the ATARES program under that sub-  
4 section as provided by subsection (b)(2).

5 (4) A description of the United States' equi-  
6 table share of the operating expenses of the Move-  
7 ment Coordination Centre Europe and the ATARES  
8 consortium paid under subsection (c)(1).

9 (5) A description of any amounts received by  
10 the United States in carrying out a written arrange-  
11 ment or agreement entered into under subsection  
12 (b).

13 (f) COMPTROLLER GENERAL OF UNITED STATES  
14 REPORT.—Not later than one year after the date of the  
15 enactment of this Act, the Comptroller General of the  
16 United States shall submit to the congressional defense  
17 committees a report on the ATARES program. The report  
18 shall set forth the assessment of the Comptroller General  
19 of the program, including the types of services available  
20 under the program, whether the program is achieving its  
21 intended purposes, and, on the basis of actual cost data  
22 from the performance of the program, the cost-effective-  
23 ness of the program.

24 (g) EXPIRATION.—The authority provided by this  
25 section to participate in the ATARES program shall ex-

1 pire five years after the date on which the Secretary of  
2 Defense first enters into a written arrangement or agree-  
3 ment under subsection (b). The Secretary shall publish no-  
4 tice of such date on a public website of the Department  
5 of Defense.

6 **SEC. 1277. PROHIBITION ON USE OF FUNDS TO ENTER INTO**  
7 **CONTRACTS OR AGREEMENTS WITH**  
8 **ROSOBORONEXPORT.**

9 (a) PROHIBITION.—None of the funds authorized to  
10 be appropriated by this Act may be used to enter into a  
11 contract, memorandum of understanding, or cooperative  
12 agreement with, to make a grant to, or to provide a loan  
13 or loan guarantee to Rosoboronexport.

14 (b) NATIONAL SECURITY WAIVER AUTHORITY.—The  
15 Secretary of Defense may waive the applicability of sub-  
16 section (a) if the Secretary determines that such a waiver  
17 is in the national security interests of the United States.

18 **SEC. 1278. SENSE OF CONGRESS ON IRON DOME SHORT-**  
19 **RANGE ROCKET DEFENSE SYSTEM.**

20 Congress—

21 (1) reaffirms its commitment to the security of  
22 our ally and strategic partner, Israel;

23 (2) fully supports Israel's right to defend itself  
24 against acts of terrorism;



1       panding defense trade between the United States  
2       and India within the context of their bilateral de-  
3       fense relationship.

4               (2) ELEMENTS.—The report required by para-  
5       graph (1) shall include the following:

6                       (A) An assessment of the policies of the  
7       United States for enhancing cooperation and  
8       coordination between the Government of the  
9       United States and the Government of India on  
10      matters of shared security interests.

11                      (B) A description of the policies of the  
12      United States for expanding defense trade with  
13      India.

14                      (C) An assessment of the opportunities  
15      and challenges for expanding security ties be-  
16      tween the United States and India, including  
17      those opportunities and challenges associated  
18      with defense trade relations.

19                      (D) The findings and conclusions of the  
20      comprehensive policy review required by sub-  
21      section (b).

22               (b) COMPREHENSIVE POLICY REVIEW.—The Sec-  
23      retary of Defense shall, in coordination with the Secretary  
24      of State, conduct a comprehensive policy review—

1           (1) to examine the feasibility of engaging in co-  
2           production and co-development defense projects with  
3           India; and

4           (2) to consider potential areas of cooperation to  
5           engage in co-production and co-development defense  
6           projects with India that are aligned with United  
7           States national security objectives.

8           (c) **APPROPRIATE COMMITTEES OF CONGRESS DE-**  
9 **FINED.**—In this section, the term the term “appropriate  
10 committees of Congress” means—

11           (1) the Committee on Armed Services and the  
12           Committee on Foreign Relations of the Senate; and

13           (2) the Committee on Armed Services and the  
14           Committee on Foreign Affairs of the House of Rep-  
15           resentatives.

16 **SEC. 1280. UNITED STATES ADVISORY COMMISSION ON**  
17 **PUBLIC DIPLOMACY.**

18           (a) **TECHNICAL AMENDMENT.**—Section 604(a)(1) of  
19 the United States Information and Educational Exchange  
20 Act of 1948 (22 U.S.C. 1469(a)(1)) is amended by insert-  
21 ing “(referred to in this section as the ‘Commission’)” be-  
22 fore the period at the end.

23           (b) **DUTIES AND RESPONSIBILITIES.**—Section 604(c)  
24 of such Act is amended to read as follows:

1       “(c) DUTIES AND RESPONSIBILITIES.—The Commis-  
2 sion shall appraise United States Government activities in-  
3 tended to understand, inform, and influence foreign  
4 publics. The activities described in this subsection shall  
5 be referred to in this section as ‘public diplomacy activi-  
6 ties’.”.

7       (c) REPORTS.—Section 604(d) of such Act is amend-  
8 ed to read as follows:

9       “(d) REPORTS.—

10           “(1) COMPREHENSIVE ANNUAL REPORT.—

11                   “(A) IN GENERAL.—Not less frequently  
12 than annually, the Commission shall submit a  
13 comprehensive report on public diplomacy and  
14 international broadcasting activities to Con-  
15 gress, the President, and the Secretary of  
16 State. This report shall include—

17                           “(i) a detailed list of all public diplo-  
18 macy activities funded by the United  
19 States Government;

20                           “(ii) a description of—

21                                   “(I) the purpose, means, and ge-  
22 ographic scope of each activity;

23                                   “(II) when each activity was  
24 started;

1 “(III) the amount of Federal  
2 funding expended on each activity;

3 “(IV) any significant outside  
4 sources of funding; and

5 “(V) the Federal department or  
6 agency to which the activity belongs;

7 “(iii) the international broadcasting  
8 activities under the direction of the Broad-  
9 casting Board of Governors;

10 “(iv) an assessment of potentially du-  
11 plicative public diplomacy and inter-  
12 national broadcasting activities; and

13 “(v) for any activities determined to  
14 be ineffective or results not demonstrated  
15 under subparagraph (B), recommendations  
16 on existing effective or moderately effective  
17 public diplomacy activities that could be  
18 augmented to carry out the objectives of  
19 the ineffective activities.

20 “(B) EFFECTIVENESS ASSESSMENT.—In  
21 evaluating the public diplomacy and inter-  
22 national broadcasting activities described in  
23 subparagraph (A), the Commission shall con-  
24 duct an assessment that considers the public di-  
25 plomacy target impact, the achieved impact,

1 and the cost of public diplomacy activities and  
2 international broadcasting. The assessment  
3 shall include, if practicable, an appropriate met-  
4 ric such as ‘cost-per-audience’ or ‘cost-per-stu-  
5 dent’ for each activity. Upon the completion of  
6 the assessment, the Commission shall assign a  
7 rating of—

8 “(i) ‘effective’ for activities that—

9 “(I) set appropriate goals and  
10 achieve all or most of the desired re-  
11 sults;

12 “(II) are well-managed; and

13 “(III) are cost efficient;

14 “(ii) ‘moderately effective’ for activi-  
15 ties that—

16 “(I) set appropriate goals and  
17 achieve some desired results;

18 “(II) are generally well-managed;

19 and

20 “(III) need to improve their cost  
21 efficiency, including reducing over-  
22 head;

23 “(iii) ‘ineffective’ for activities that—

1 “(I) lack appropriate goals or fail  
2 to achieve stated goals or desired re-  
3 sults;

4 “(II) are not well-managed; or

5 “(III) are not cost efficient, such  
6 as through insufficient use of avail-  
7 able resources to achieve stated goals  
8 or desired results, or have excessive  
9 overhead; and

10 “(iv) ‘results not demonstrated’ for  
11 activities that—

12 “(I) do not have acceptable per-  
13 formance public diplomacy metrics for  
14 measuring results; or

15 “(II) are unable or failed to col-  
16 lect data to determine if they are ef-  
17 fective.

18 “(2) OTHER REPORTS.—

19 “(A) IN GENERAL.—The Commission shall  
20 submit other reports, including working papers,  
21 to Congress, the President, and the Secretary  
22 of State at least semi-annually on other activi-  
23 ties and policies related to United States public  
24 diplomacy.

1           “(B) AVAILABILITY.—The Commission  
2           shall make the reports submitted pursuant to  
3           subparagraph (A) publicly available on the  
4           website of the Commission to develop a better  
5           understanding of, and support for, public diplo-  
6           macy activities.

7           “(3) ACCESS TO INFORMATION.—The Secretary  
8           of State shall ensure that the Commission has access  
9           to all appropriate information to carry out its duties  
10          and responsibilities under this subsection.”.

11          (d) REAUTHORIZATION.—

12           (1) IN GENERAL.—Section 1334 of the Foreign  
13          Affairs Reform and Restructuring Act of 1998 (22  
14          U.S.C. 6553) is amended by striking “October 1,  
15          2010” and inserting “October 1, 2015”.

16           (2) RETROACTIVITY OF EFFECTIVE DATE.—The  
17          amendment made by paragraph (1) shall take effect  
18          on October 1, 2010.

19          (e) FUNDING.—There is authorized to be appro-  
20          priated such sums as may be necessary for the United  
21          States Advisory Commission on Public Diplomacy to carry  
22          out section 604 of the United States Information and  
23          Educational Exchange Act of 1948 (22 U.S.C. 1469), as  
24          amended by this section.

1 **SEC. 1281. SENSE OF CONGRESS ON SALE OF AIRCRAFT TO**  
2 **TAIWAN.**

3 It is the sense of Congress that—

4 (1) the Taiwan Relations Act (Public Law 96–  
5 8) codified the basis for commercial, cultural, and  
6 other relations between the people of the United  
7 States and the people of Taiwan;

8 (2) the Taiwan Relations Act states that “the  
9 United States will make available to Taiwan such  
10 defense articles and defense services in such quan-  
11 tity as may be necessary to enable Taiwan to main-  
12 tain a sufficient self-defense capability”, and that  
13 “both the President and the Congress shall deter-  
14 mine the nature and quantity of such defense arti-  
15 cles and services based solely upon their judgment  
16 on the needs of Taiwan, in accordance with proce-  
17 dures established by law”;

18 (3) the United States, in accordance with the  
19 Taiwan Relations Act, should continue to make  
20 available to Taiwan such defense articles and serv-  
21 ices as may be necessary for Taiwan to maintain a  
22 sufficient self-defense capability;

23 (4) notwithstanding the upgrade of Taiwan’s  
24 F–16 A/B aircraft, Taiwan will experience a growing  
25 shortfall in fighter aircraft, particularly as its F–5  
26 aircraft are retired from service; and



1 States to reduce or limit the Armed Forces or armaments  
2 of the United States in any militarily significant manner  
3 may be made only pursuant to the treaty-making power  
4 of the President as set forth in Article II, section 2, clause  
5 2 of the Constitution of the United States.

6 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
7 tion shall be construed to be inconsistent with or to inter-  
8 fere with the practices, precedents, or oversight of the  
9 House of Representatives.

10 **SEC. 1283. SENSE OF CONGRESS ON EFFORTS TO REMOVE**  
11 **OR APPREHEND JOSEPH KONY FROM THE**  
12 **BATTLEFIELD AND END THE ATROCITIES OF**  
13 **THE LORD’S RESISTANCE ARMY.**

14 Consistent with the Lord’s Resistance Army Disar-  
15 mament and Northern Uganda Recovery Act of 2009  
16 (Public Law 111–172), it is the sense of the Congress  
17 that—

18 (1) the ongoing United States advise and assist  
19 operation to support the regional governments in Af-  
20 rica in their ongoing efforts to remove or apprehend  
21 Joseph Kony and his top commanders from the bat-  
22 tlefield and end atrocities perpetuated by his Lord’s  
23 Resistance Army should continue as appropriate to  
24 achieve the goals of the operation;

1           (2) the Secretary of Defense should provide in-  
2           telligence, surveillance, and reconnaissance assets, as  
3           authorized to be appropriated by other provisions of  
4           this Act, to support the ongoing efforts of United  
5           States Special Operations Forces to advise and as-  
6           sist regional partners as they conduct operations  
7           against the Lord's Resistance Army in Central Afri-  
8           ca;

9           (3) United States and regional African forces  
10          should increase their operational coordination on ef-  
11          forts to remove or apprehend Joseph Kony from the  
12          battlefield and end the atrocities of the Lord's Re-  
13          sistance Army; and

14          (4) the regional governments should recommit  
15          themselves to the Regional Cooperation Initiative for  
16          the Elimination of the Lord's Resistance Army au-  
17          thorized by the African Union.

18 **SEC. 1284. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
19                                   **SUPPORT FOR THE REBEL GROUP KNOWN AS**  
20                                   **M23.**

21          (a) **BLOCKING OF ASSETS.—**

22           (1) **IN GENERAL.—**The Secretary of the Treas-  
23          ury shall, pursuant to the International Emergency  
24          Economic Powers Act (50 U.S.C. 1701 et seq.) or  
25          Executive Order 13413 (74 Fed. Reg. 64105; relat-

1       ing to blocking property of certain persons contrib-  
2       uting to the conflict in the Democratic Republic of  
3       the Congo), block and prohibit all transactions in all  
4       property and interests in property of a person de-  
5       scribed in subsection (c) if such property and inter-  
6       ests in property are in the United States, come with-  
7       in the United States, or are or come within the pos-  
8       session or control of a United States person.

9               (2) EXCEPTION.—

10               (A) IN GENERAL.—The requirement to  
11       block and prohibit all transactions in all prop-  
12       erty and interests in property under paragraph  
13       (1) shall not include the authority to impose  
14       sanctions on the importation of goods.

15               (B) GOOD DEFINED.—In this paragraph,  
16       the term “good” has the meaning given that  
17       term in section 16 of the Export Administration  
18       Act of 1979 (50 U.S.C. App. 2415) (as contin-  
19       ued in effect pursuant to the International  
20       Emergency Economic Powers Act (50 U.S.C.  
21       1701 et seq.)).

22               (b) VISA BAN.—The Secretary of State shall deny a  
23       visa to, and the Secretary of Homeland Security shall ex-  
24       clude from the United States, any alien who is a person  
25       described in subsection (c).

1           (c) PERSONS DESCRIBED.—A person described in  
2 this subsection is a person that the President determines  
3 provides, on or after the date of the enactment of this Act,  
4 significant financial, material, or technological support to  
5 M23.

6           (d) WAIVER.—The President may waive the applica-  
7 tion of this section with respect to a person if the Presi-  
8 dent determines and reports to the appropriate congres-  
9 sional committees that the waiver is in the national inter-  
10 est of the United States.

11          (e) TERMINATION OF SANCTIONS.—Sanctions im-  
12 posed under this section may terminate 15 days after the  
13 date on which the President determines and reports to the  
14 appropriate congressional committees that the person cov-  
15 ered by such determination has terminated the provision  
16 of significant financial, material, and technological sup-  
17 port to M23.

18          (f) TERMINATION OF SECTION.—This section shall  
19 terminate on the date that is 15 days after the date on  
20 which the President determines and reports to the appro-  
21 priate congressional committees that M23 is no longer a  
22 significant threat to peace and security in the Democratic  
23 Republic of the Congo.

24          (g) DEFINITIONS.—In this section:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means—

4                   (A) the Committee on Banking, Housing,  
5                   and Urban Affairs, the Committee on Armed  
6                   Services, and the Committee on Foreign Rela-  
7                   tions of the Senate; and

8                   (B) the Committee on Financial Services,  
9                   the Committee on Armed Services, and the  
10                  Committee on Foreign Affairs of the House of  
11                  Representatives.

12           (2) M23.—The term “M23” refers to the rebel  
13           group known as M23 operating in the Democratic  
14           Republic of the Congo that derives its name from  
15           the March 23, 2009, agreement between the Govern-  
16           ment of the Democratic Republic of the Congo and  
17           the National Congress for the Defense of the People  
18           (or any successor group).

19           (3) UNITED STATES PERSON.—The term  
20           “United States person” means—

21                   (A) an individual who is a United States  
22                   citizen or an alien lawfully admitted for perma-  
23                   nent residence to the United States; or

1 (B) an entity organized under the laws of  
2 the United States or of any jurisdiction within  
3 the United States.

4 **SEC. 1285. PILOT PROGRAM ON REPAIR, OVERHAUL, AND**  
5 **REFURBISHMENT OF DEFENSE ARTICLES**  
6 **FOR SALE OR TRANSFER TO ELIGIBLE FOR-**  
7 **EIGN COUNTRIES AND ENTITIES.**

8 (a) PILOT PROGRAM AUTHORIZED.—The Secretary  
9 of Defense may carry out a pilot program to repair, over-  
10 haul, or refurbish in-stock defense articles in anticipation  
11 of the sale or transfer of such defense articles to eligible  
12 foreign countries or international organizations under law.

13 (b) FUND FOR SUPPORT OF PROGRAM AUTHOR-  
14 IZED.—The Secretary of Defense may establish and ad-  
15 minister a fund to be known as the “Special Defense Re-  
16 pair Fund” (in this section referred to as the “Fund”)  
17 to support the program authorized by subsection (a).

18 (c) CREDITS TO FUND.—

19 (1) IN GENERAL.—Subject to paragraphs (2)  
20 and (3), the following shall be credited to the Fund:

21 (A) Such amounts, not to exceed  
22 \$50,000,000, from amounts authorized to be  
23 appropriated for overseas contingency oper-  
24 ations for fiscal year 2013 as the Secretary of  
25 Defense considers appropriate, and repro-

1           grammed under a reprogramming authority  
2           provided by another provision of this Act or by  
3           other law.

4           (B) Notwithstanding section 114(c) of title  
5           10, United States Code, any collection from the  
6           sale or transfer of defense articles from Depart-  
7           ment of Defense stocks repaired, overhauled, or  
8           refurbished with amounts from the Fund that  
9           are not intended to be replaced which sale or  
10          transfer is made pursuant to section  
11          21(a)(1)(A) of the Arms Export Control Act  
12          (22 U.S.C. 2761(a)(1)(A)), the Foreign Assist-  
13          ance Act of 1961 (22 U.S.C. 2151 et seq.), or  
14          another provision of law.

15          (C) Notwithstanding section 37(a) of the  
16          Arms Export Control Act (22 U.S.C. 2777(a)),  
17          any cash payment from the sale or transfer of  
18          defense articles from Department of Defense  
19          stocks repaired, overhauled, or refurbished with  
20          amounts from the Fund that are intended to be  
21          replaced.

22          (2) LIMITATION ON AMOUNTS CREDITABLE  
23          FROM SALE OR TRANSFER OF ARTICLES.—

24                  (A) CREDITS IN CONNECTION WITH ARTI-  
25          CLES NOT TO BE REPLACED.—The amount

1 credited to the Fund under paragraph (1)(B) in  
2 connection with a collection from the sale or  
3 transfer of defense articles may not exceed the  
4 cost incurred by the Department of Defense in  
5 repairing, overhauling, or refurbishing such de-  
6 fense articles under the program authorized by  
7 subsection (a).

8 (B) CREDITS IN CONNECTION WITH ARTI-  
9 CLES TO BE REPLACED.—The amount credited  
10 to the Fund under paragraph (1)(C) in connec-  
11 tion with a sale or transfer of defense articles  
12 may not exceed the amounts from the Fund  
13 used to repair, overhaul, or refurbish such de-  
14 fense articles.

15 (3) LIMITATION ON SIZE OF FUND.—The total  
16 amount in the Fund at any time may not exceed  
17 \$50,000,000.

18 (4) TREATMENT OF AMOUNTS CREDITED.—  
19 Amounts credited to the Fund under this subsection  
20 shall be merged with amounts in the Fund, and shall  
21 remain available until expended.

22 (5) AUTHORIZATION TO PURCHASE SERVICES  
23 FROM DOD WORKING CAPITAL FUND ACTIVITIES.—  
24 The Fund shall be considered an authorized cus-  
25 tomer of Department of Defense Working Capital

1 Fund activities. Prices of goods and services sold by  
2 Working Capital Fund activities to the Fund shall  
3 reflect Foreign Military Sales pricing guidelines, as  
4 promulgated by the Department of Defense Finan-  
5 cial Management Regulation, and other applicable  
6 guidelines.

7 (d) NONAVAILABILITY OF AMOUNTS IN FUND FOR  
8 STORAGE, MAINTENANCE, AND RELATED COSTS.—Fol-  
9 lowing the repair, overhaul, or refurbishment of defense  
10 articles under the program authorized by subsection (a),  
11 amounts in the Fund may not be used to pay costs of  
12 storage and maintenance of such defense articles or any  
13 other costs associated with the preservation or preparation  
14 for sale or transfer of such defense articles.

15 (e) SALES OR TRANSFERS OF DEFENSE ARTICLES.—

16 (1) IN GENERAL.—Any sale or transfer of de-  
17 fense articles repaired, overhauled, or refurbished  
18 under the program authorized by subsection (a)  
19 shall be in accordance with—

20 (A) the Arms Export Control Act (22  
21 U.S.C. 2751 et seq.);

22 (B) the Foreign Assistance Act of 1961; or

23 (C) another provision of law authorizing  
24 such sale or transfer.

1           (2) SECRETARY OF STATE CONCURRENCE RE-  
2           QUIRED FOR CERTAIN SALES OR TRANSFERS TO  
3           FOREIGN COUNTRIES.—If the sale or transfer of de-  
4           fense articles occurs in accordance with a provision  
5           of law referred to in paragraph (1)(C) that does not  
6           otherwise require the concurrence of the Secretary of  
7           State for the sale or transfer, the sale or transfer  
8           may be made only with the concurrence of the Sec-  
9           retary of State.

10          (f) TRANSFERS OF AMOUNTS.—

11           (1) TRANSFER TO OTHER DEPARTMENT OF DE-  
12           FENSE ACCOUNTS.—Amounts in the Fund may be  
13           transferred to any Department of Defense account  
14           for use in carrying out the program authorized by  
15           subsection (a). Any amount so transferred shall be  
16           merged with amounts in the account to which trans-  
17           ferred, and shall be available for the same purposes  
18           and the same time period as amounts in the account  
19           to which transferred.

20           (2) TRANSFER FROM OTHER DEPARTMENT OF  
21           DEFENSE ACCOUNTS.—Upon a determination by the  
22           Secretary of Defense with respect to an amount  
23           transferred under paragraph (1) that all or part of  
24           such transfer is not necessary for the purposes  
25           transferred, such amount may be transferred back

1 to the Fund. Any amount so transferred shall be  
2 merged with amounts in the Fund, and shall remain  
3 available until expended.

4 (g) CERTAIN EXCESS PROCEEDS TO BE CREDITED  
5 TO SPECIAL DEFENSE ACQUISITION FUND.—Any collec-  
6 tion from the sale or transfer of defense articles that are  
7 not intended to be replaced in excess of the amount cred-  
8 itable to the Fund under subsection (c)(2)(A) shall be  
9 credited to the Special Defense Acquisition Fund estab-  
10 lished pursuant to chapter 5 of the Arms Export Control  
11 Act (22 U.S.C. 2795 et seq.).

12 (h) MATERIEL EFFICIENCIES AND DUPLICATION.—  
13 In administering the program authorized by subsection  
14 (a), the Secretary of Defense shall ensure to the maximum  
15 extent possible that purchases made utilizing the Fund  
16 utilize existing Defense Logistics Agency contracts. The  
17 Secretary shall also ensure that none of the activities car-  
18 ried out under the program authorized by subsection (a)  
19 are duplicative in nature to those performed by other mili-  
20 tary departments or Defense Agencies.

21 (i) CONDUCT BY PUBLIC OR PRIVATE SECTOR FA-  
22 CILITIES OR ENTITIES.—The repair, overhaul, and refur-  
23 bishment of defense articles under the program authorized  
24 by subsection (a) may be conducted by a facility or entity  
25 in the public sector or the private sector, consistent with

1 the requirements of chapter 146 of title 10, United States  
2 Code.

3 (j) REPORTS.—

4 (1) ANNUAL REPORT.—Not later than 45 days  
5 after the end of each fiscal year through the date of  
6 expiration specified in subsection (l), the Secretary  
7 of Defense shall submit to the appropriate congress-  
8 sional committees a report on the authorities under  
9 this section during such fiscal year. Each report  
10 shall include, for the fiscal year covered by such re-  
11 port, the following:

12 (A) The types and quantities of defense ar-  
13 ticles repaired, overhauled, or refurbished under  
14 the program authorized by subsection (a).

15 (B) The value of the repair, overhaul, or  
16 refurbishment performed under the program.

17 (C) The amount of operation and mainte-  
18 nance funds credited to the Fund under sub-  
19 section (c)(1)(A).

20 (D) The amount of any collections from  
21 the sale or transfer of defense articles repaired,  
22 overhauled, or refurbished under the program  
23 that was credited to the Fund under subsection  
24 (c)(1)(B).

1           (E) The amount of any cash payments  
2           from the sale or transfer of defense articles re-  
3           paired, overhauled, or refurbished under the  
4           program that was credited to the Fund under  
5           subsection (c)(1)(C).

6           (2) ASSESSMENT REPORT.—Not later than  
7           February 1, 2015, the Secretary of Defense shall  
8           submit to the appropriate congressional committees  
9           a report on the operation of the authorities in this  
10          section. The report shall include an assessment of  
11          the effectiveness of the authorities in meeting the  
12          objectives of the program authorized by subsection  
13          (a). At a minimum, the assessment shall address the  
14          following:

15               (A) Cost efficiencies generated by utiliza-  
16               tion of the Fund.

17               (B) Time efficiencies gained in the delivery  
18               of defense articles under the program.

19               (C) An explanation of all amounts trans-  
20               ferred to and from the Fund pursuant to sub-  
21               section (f).

22               (D) A detailed account of excess proceeds  
23               credited to the Special Defense Acquisition  
24               Fund pursuant to section (g).

1 (E) A list of defense articles, by quantity  
2 and type, repaired under the program and an  
3 identification of the foreign countries or inter-  
4 national organizations to which the repaired de-  
5 fense articles were sold or transferred.

6 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
7 TEES DEFINED.—In this subsection, the term “ap-  
8 propriate congressional committees” means—

9 (A) the congressional defense committees;  
10 and

11 (B) the Committee on Foreign Relations of  
12 the Senate and the Committee on Foreign Af-  
13 fairs of the House of Representatives.

14 (k) DEFENSE ARTICLE DEFINED.—In this section,  
15 the term “defense article” has the meaning given that  
16 term in section 47(3) of the Arms Export Control Act (22  
17 U.S.C. 2794(3)).

18 (l) EXPIRATION OF AUTHORITY.—The authority to  
19 carry out the program authorized by subsection (a), and  
20 to use amounts in the Fund in support of the program,  
21 shall expire on September 30, 2015.

22 **SEC. 1286. SENSE OF CONGRESS ON THE SITUATION IN THE**  
23 **SENKAKU ISLANDS.**

24 It is the sense of Congress that—

1           (1) the East China Sea is a vital part of the  
2 maritime commons of Asia, including critical sea  
3 lanes of communication and commerce that benefit  
4 all nations of the Asia-Pacific region;

5           (2) the peaceful settlement of territorial and ju-  
6 risdictional disputes in the East China Sea requires  
7 the exercise of self-restraint by all parties in the con-  
8 duct of activities that would complicate or escalate  
9 disputes and destabilize the region, and differences  
10 should be handled in a constructive manner con-  
11 sistent with universally recognized principles of cus-  
12 tomary international law;

13           (3) while the United States takes no position on  
14 the ultimate sovereignty of the Senkaku Islands, the  
15 United States acknowledges the administration of  
16 Japan over the Senkaku Islands;

17           (4) the unilateral action of a third party will  
18 not affect the United States' acknowledgment of the  
19 administration of Japan over the Senkaku Islands;

20           (5) the United States has national interests in  
21 freedom of navigation, the maintenance of peace and  
22 stability, respect for international law, and  
23 unimpeded lawful commerce;

24           (6) the United States supports a collaborative  
25 diplomatic process by claimants to resolve territorial

1 disputes without coercion, and opposes efforts at co-  
2ercion, the threat of use of force, or use of force by  
3 any claimant in seeking to resolve sovereignty and  
4 territorial issues in the East China Sea; and

5 (7) the United States reaffirms its commitment  
6 to the Government of Japan under Article V of the  
7 Treaty of Mutual Cooperation and Security that  
8 “[e]ach Party recognizes that an armed attack  
9 against either Party in the territories under the ad-  
10 ministration of Japan would be dangerous to its own  
11 peace and safety and declares that it would act to  
12 meet the common danger in accordance with its con-  
13 stitutional provisions and processes”.

## 14 **Subtitle G—Reports**

### 15 **SEC. 1291. REVIEW AND REPORTS ON DEPARTMENT OF DE-** 16 **FENSE EFFORTS TO BUILD THE CAPACITY OF** 17 **AND PARTNER WITH FOREIGN SECURITY** 18 **FORCES.**

19 (a) REVIEW.—

20 (1) IN GENERAL.—Not later than 180 days  
21 after the date of the enactment of this Act, the De-  
22 fense Policy Board shall conduct a review of the ef-  
23 forts of the Department of Defense to build the ca-  
24 pacity of, or partner with, foreign security forces in

1 support of United States national defense and secu-  
2 rity strategies.

3 (2) ELEMENTS.—The review required by this  
4 subsection shall include the following:

5 (A) An examination of the ways in which  
6 the efforts of the Department to build the ca-  
7 pacity of, or partner with, foreign security  
8 forces directly support implementation of cur-  
9 rent national defense and security strategies.

10 (B) An assessment of the range of effects  
11 that efforts of the Department to build the ca-  
12 pacity of, or partner with, foreign security  
13 forces are designed to achieve in support of cur-  
14 rent national defense and security strategies.

15 (C) An assessment of the criteria used for  
16 prioritizing such efforts in support of national  
17 defense and security strategies.

18 (D) An identification of the authorities the  
19 Department currently uses to implement such  
20 efforts, together with an assessment of the ade-  
21 quacy of such authorities.

22 (E) An assessment of the capabilities and  
23 resources required by the Department to imple-  
24 ment such efforts.

1           (F) An assessment of the most effective  
2           distribution of the roles and responsibilities for  
3           such efforts within the Department, together  
4           with an assessment whether the Department  
5           military and civilian workforce is appropriately  
6           sized and shaped to meet the requirements of  
7           such efforts.

8           (G) An evaluation of current measures of  
9           the Department for assessing activities of the  
10          Department designed to build the capacity of,  
11          or partner with, foreign security forces, includ-  
12          ing an assessment whether such measures ad-  
13          dress the extent to which such activities directly  
14          support the priorities of national defense and  
15          security strategies.

16          (H) An identification of recommendations  
17          for clarifying or improving the guidance and as-  
18          sessment measures of the Department relating  
19          to its efforts to build the capacity of, or partner  
20          with, foreign security forces in support of na-  
21          tional defense and security strategies.

22          (3) REPORT.—Not later than 90 days after the  
23          completion of the review required by this subsection,  
24          the Secretary of Defense shall submit to the con-

1 gressional defense committees a report containing  
2 the result of the review.

3 (b) STRATEGIC GUIDANCE ON DEPARTMENT OF DE-  
4 FENSE EFFORTS TO BUILD PARTNER CAPACITY AND  
5 OTHER PARTNERSHIP INITIATIVES.—Not later than 120  
6 days after the completion of the review required by sub-  
7 section (a), the Secretary of Defense shall, with the advice  
8 and assistance of the Chairman of the Joint Chiefs of  
9 Staff, submit to the congressional defense committees a  
10 report setting forth the following:

11 (1) An assessment, taking into account the rec-  
12 ommendations of the Defense Policy Board in the  
13 review required by subsection (a), of the efforts of  
14 the Department of Defense to build the capacity of,  
15 and partner with, foreign military forces in support  
16 of national defense and security strategies.

17 (2) Strategic guidance for the Department for  
18 its efforts to build the capacity of, and partner with,  
19 foreign military forces in support of national defense  
20 and security strategies, which guidance shall ad-  
21 dress—

22 (A) the ways such efforts directly support  
23 the goals and objectives of national defense and  
24 security strategies;

1 (B) the criteria to be used for prioritizing  
2 activities to implement such efforts in support  
3 of national defense and security strategies;

4 (C) the measures to be used to assess the  
5 effects achieved by such efforts and the extent  
6 to which such effects support the objectives of  
7 national defense and security strategies;

8 (D) the appropriate roles and responsibil-  
9 ities of the Armed Forces, the combatant com-  
10 mands, the Defense Agencies, and other compo-  
11 nents of the Department in conducting such ef-  
12 forts; and

13 (E) the relationship of Department work-  
14 force planning with the requirements for such  
15 efforts.

16 **SEC. 1292. ADDITIONAL REPORT ON MILITARY AND SECU-**  
17 **RITY DEVELOPMENTS INVOLVING THE DEMO-**  
18 **CRATIC PEOPLE'S REPUBLIC OF KOREA.**

19 Section 1236(a) of the National Defense Authoriza-  
20 tion Act for Fiscal Year 2012 (Public Law 112–81; 125  
21 Stat. 1641) is amended by inserting after “November 1,  
22 2012,” the following: “and November 1, 2013,”.

1 **SEC. 1293. REPORT ON HOST NATION SUPPORT FOR OVER-**  
2 **SEAS UNITED STATES MILITARY INSTALLA-**  
3 **TIONS AND UNITED STATES ARMED FORCES**  
4 **DEPLOYED IN COUNTRY.**

5 (a) REPORT REQUIRED.—

6 (1) IN GENERAL.—Not later than March 1 of  
7 each year from 2013 through 2015, the Secretary of  
8 Defense, in consultation with the Secretary of State,  
9 shall submit to the appropriate congressional com-  
10 mittees a report on the direct, indirect, and burden-  
11 sharing contributions made by host nations to sup-  
12 port overseas United States military installations  
13 and United States Armed Forces deployed in coun-  
14 try.

15 (2) ELEMENTS.—The report required by para-  
16 graph (1) shall include at least the following:

17 (A) A description of all costs associated  
18 with stationing United States Armed Forces in  
19 the host nation, including military personnel  
20 costs, operation and maintenance costs, and  
21 military construction costs.

22 (B) A description of direct, indirect, and  
23 burden-sharing contributions made by the host  
24 nation, including the following:

25 (i) Contributions accepted for the fol-  
26 lowing costs:

1 (I) Compensation for local na-  
2 tional employees of the Department of  
3 Defense.

4 (II) Military construction  
5 projects of the Department of De-  
6 fense, including design, procurement,  
7 construction management costs, rents  
8 on privately-owned land, facilities,  
9 labor, utilities, and vicinity improve-  
10 ments.

11 (III) Other costs such as loan  
12 guarantees on public-private venture  
13 housing and payment-in-kind for fa-  
14 cilities returned to the host nation.

15 (ii) Contributions accepted for any  
16 other purpose.

17 (C) The methodology and accounting pro-  
18 cedures used to measure and track direct, indi-  
19 rect, and burden-sharing contributions made by  
20 host nations.

21 (3) DESCRIPTION OF CONTRIBUTIONS IN  
22 UNITED STATES DOLLARS.—The report required by  
23 paragraph (1) shall describe the direct, indirect, and  
24 burden-sharing contributions made by host nations  
25 in United States dollars and shall specify the ex-

1 change rates used to determine the United States  
2 dollar value of such host nation contributions.

3 (b) FORM.—The report required by subsection (a)  
4 shall be submitted in unclassified form, but may include  
5 a classified annex if necessary.

6 (c) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
8 TEES.—The term “appropriate congressional com-  
9 mittees” means—

10 (A) the congressional defense committees;

11 and

12 (B) the Committee on Foreign Relations of  
13 the Senate and the Committee on Foreign Af-  
14 fairs of the House of Representatives.

15 (2) HOST NATION.—The term “host nation”  
16 means any country that hosts a permanent or tem-  
17 porary United States military installation or a per-  
18 manent or rotational deployment of United States  
19 Armed Forces located outside of the borders of the  
20 United States.

21 (3) CONTRIBUTIONS.—The term “contribu-  
22 tions” means cash and in-kind contributions made  
23 by a host nation that replace expenditures that  
24 would otherwise be made by the Secretary of De-

1 fense using funds appropriated or otherwise made  
2 available in defense appropriations Acts.

3 **SEC. 1294. REPORT ON MILITARY ACTIVITIES TO DENY OR**  
4 **SIGNIFICANTLY DEGRADE THE USE OF AIR**  
5 **POWER AGAINST CIVILIAN AND OPPOSITION**  
6 **GROUPS IN SYRIA.**

7 (a) REPORT REQUIRED.—Not later than 90 days  
8 after the date of the enactment of this Act, the Secretary  
9 of Defense shall, in consultation with the Chairman of the  
10 Joint Chiefs of Staff, submit to the congressional defense  
11 committees a report identifying the limited military activi-  
12 ties that could deny or significantly degrade the ability of  
13 President Bashar al-Assad of Syria, and forces loyal to  
14 him, to use air power against civilians and opposition  
15 groups in Syria.

16 (b) NATURE OF MILITARY ACTIVITIES.—

17 (1) PRINCIPAL PURPOSE.—The principal pur-  
18 pose of the military activities identified for purposes  
19 of the report required by subsection (a) shall be to  
20 advance the goals of President Obama of stopping  
21 the killing of civilians in Syria and creating condi-  
22 tions for a transition to a democratic, pluralistic po-  
23 litical system in Syria.

1           (2) ADDITIONAL GOALS.—The military activi-  
2 ties identified for purposes of the report shall also  
3 meet the goals as follows:

4           (A) That the United States Armed Forces  
5 conduct such activities with foreign allies or  
6 partners.

7           (B) That United States ground troops not  
8 be deployed onto Syrian territory.

9           (C) That the risk to civilians on the  
10 ground in Syria be limited.

11           (D) That the risks to United States mili-  
12 tary personnel be limited.

13           (E) That the financial costs to the United  
14 States be limited.

15       (c) ELEMENTS ON POTENTIAL MILITARY ACTIVI-  
16 TIES.—The report required by subsection (a) shall include  
17 a comprehensive description, evaluation, and assessment  
18 of the potential effectiveness of the following military ac-  
19 tivities, as required by subsection (a):

20           (1) The deployment of air defense systems,  
21 such as Patriot missile batteries, to neighboring  
22 countries for the purpose of denying or significantly  
23 degrading the operational capability of Syria air-  
24 craft.

1           (2) The establishment of one or more no-fly  
2           zones over key population centers in Syria.

3           (3) Limited air strikes to destroy or signifi-  
4           cantly degrade Syria aircraft.

5           (4) Such other military activities as the Sec-  
6           retary considers appropriate to achieve the goals  
7           stated in subsection (b).

8           (d) ELEMENTS IN DESCRIPTION OF POTENTIAL  
9           MILITARY ACTIVITIES.—For each military activity that  
10          the Secretary identifies in subsection (c), the comprehen-  
11          sive description of such activities under that subsection  
12          shall include, but not be limited to, the type and the num-  
13          ber of United States military personnel and assets to be  
14          involved in such activities, the anticipated duration of such  
15          activities, and the anticipated cost of such activities. The  
16          report shall also identify what elements would be required  
17          to maximize the effectiveness of such military activities.

18          (e) NO AUTHORIZATION FOR USE OF MILITARY  
19          FORCE.—Nothing in this section shall be construed as a  
20          declaration of war or an authorization for the use of force.

21          (f) FORM.—The report required by subsection (a)  
22          shall be submitted in classified form.

1 **SEC. 1295. REPORT ON MILITARY ASSISTANCE PROVIDED**  
2 **BY RUSSIA TO SYRIA.**

3 (a) REPORT.—Not later than 90 days after the date  
4 of the enactment of this Act, the Secretary of Defense,  
5 in coordination with the Secretary of State, shall provide  
6 to the appropriate congressional committees a report on  
7 military assistance provided by the Russian Federation to  
8 Syria.

9 (b) MATTERS TO BE INCLUDED.—The report re-  
10 quired by subsection (a) shall include the following:

11 (1) An analysis of whether Russia is providing  
12 direct or indirect military support for the Govern-  
13 ment of Syria's actions to forcefully act against  
14 groups opposing the Government of Syria, including  
15 a description of the types of support.

16 (2) A description and analysis of Russia's mili-  
17 tary interests in Syria.

18 (3) A description and analysis of Russia's mili-  
19 tary presence in Syria.

20 (c) FORM.—The report required by subsection (a)  
21 shall be submitted in unclassified form, but may include  
22 a classified annex.

23 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
24 DEFINED.—In this section, the term “appropriate con-  
25 gressional committees” means—

1 (1) the Committee on Armed Services and the  
2 Committee on Foreign Relations of the Senate; and

3 (2) the Committee on Armed Services and the  
4 Committee on Foreign Affairs of the House of Rep-  
5 resentatives.

6 **TITLE XIII—COOPERATIVE**  
7 **THREAT REDUCTION**

Sec. 1301. Specification of cooperative threat reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Report on Cooperative Threat Reduction Programs in Russia.

8 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**  
9 **DUCTION PROGRAMS AND FUNDS.**

10 (a) SPECIFICATION OF COOPERATIVE THREAT RE-  
11 Duction PROGRAMS.—For purposes of section 301 and  
12 other provisions of this Act, Cooperative Threat Reduction  
13 programs are the programs specified in section 1501 of  
14 the National Defense Authorization Act for Fiscal Year  
15 1997 (50 U.S.C. 2362 note).

16 (b) FISCAL YEAR 2013 COOPERATIVE THREAT RE-  
17 Duction FUNDS DEFINED.—As used in this title, the  
18 term “fiscal year 2013 Cooperative Threat Reduction  
19 funds” means the funds appropriated pursuant to the au-  
20 thorization of appropriations in section 301 and made  
21 available by the funding table in section 4301 for Coopera-  
22 tive Threat Reduction programs.

23 (c) AVAILABILITY OF FUNDS.—Funds appropriated  
24 pursuant to the authorization of appropriations in section

1 301 and made available by the funding table in section  
2 4301 for Cooperative Threat Reduction programs shall be  
3 available for obligation for fiscal years 2013, 2014, and  
4 2015.

5 **SEC. 1302. FUNDING ALLOCATIONS.**

6 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
7 \$519,111,000 authorized to be appropriated to the De-  
8 partment of Defense for fiscal year 2013 in section 301  
9 and made available by the funding table in section 4301  
10 for Cooperative Threat Reduction programs, the following  
11 amounts may be obligated for the purposes specified:

12 (1) For strategic offensive arms elimination,  
13 \$68,271,000.

14 (2) For chemical weapons destruction,  
15 \$14,630,000.

16 (3) For global nuclear security, \$99,789,000.

17 (4) For cooperative biological engagement,  
18 \$276,399,000.

19 (5) For proliferation prevention, \$32,402,000.

20 (6) For threat reduction engagement,  
21 \$2,375,000.

22 (7) For activities designated as Other Assess-  
23 ments/Administrative Costs, \$25,245,000.

24 (b) REPORT ON OBLIGATION OR EXPENDITURE OF  
25 FUNDS FOR OTHER PURPOSES.—No fiscal year 2013 Co-

1 operative Threat Reduction funds may be obligated or ex-  
2 pended for a purpose other than a purpose listed in para-  
3 graphs (1) through (7) of subsection (a) until 15 days  
4 after the date that the Secretary of Defense submits to  
5 Congress a report on the purpose for which the funds will  
6 be obligated or expended and the amount of funds to be  
7 obligated or expended. Nothing in the preceding sentence  
8 shall be construed as authorizing the obligation or expend-  
9 iture of fiscal year 2013 Cooperative Threat Reduction  
10 funds for a purpose for which the obligation or expendi-  
11 ture of such funds is specifically prohibited under this title  
12 or any other provision of law.

13 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
14 AMOUNTS.—

15 (1) IN GENERAL.—Subject to paragraph (2), in  
16 any case in which the Secretary of Defense deter-  
17 mines that it is necessary to do so in the national  
18 interest, the Secretary may obligate amounts appro-  
19 priated for fiscal year 2013 for a purpose listed in  
20 paragraphs (1) through (7) of subsection (a) in ex-  
21 cess of the specific amount authorized for that pur-  
22 pose.

23 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-  
24 tion of funds for a purpose stated in paragraphs (1)  
25 through (7) of subsection (a) in excess of the specific

1 amount authorized for such purpose may be made  
2 using the authority provided in paragraph (1) only  
3 after—

4 (A) the Secretary submits to Congress no-  
5 tification of the intent to do so together with a  
6 complete discussion of the justification for  
7 doing so; and

8 (B) 15 days have elapsed following the  
9 date of the notification.

10 **SEC. 1303. REPORT ON COOPERATIVE THREAT REDUCTION**  
11 **PROGRAMS IN RUSSIA.**

12 (a) REPORT.—Not later than 90 days after the date  
13 of the enactment of this Act, the Secretary of Defense,  
14 in coordination with the Secretary of State, the Secretary  
15 of Energy, and the Director of National Intelligence, shall  
16 submit to the appropriate congressional committees a re-  
17 port on Cooperative Threat Reduction Programs in the  
18 Russian Federation.

19 (b) MATTERS INCLUDED.—The report under sub-  
20 section (a) shall include the following:

21 (1) Identification of nonproliferation programs  
22 in Russia that—

23 (A) have accomplished their long-term ob-  
24 jectives in reducing the threat of proliferation  
25 of weapons of mass destruction; and

1 (B) will be phased out during the five-year  
2 period beginning on the date of the enactment  
3 of this Act.

4 (2) Identification of—

5 (A) nonproliferation programs in Russia  
6 that—

7 (i) reduce the threat of the prolifera-  
8 tion of weapons of mass destruction; and

9 (ii) will not be phased out during such  
10 five-year period; and

11 (B) the metrics to evaluate the success of  
12 such programs.

13 (3) Identification of—

14 (A) the nature of the threat of the pro-  
15 liferation of weapons of mass destruction that  
16 underpin the programs described in paragraphs  
17 (1) and (2); and

18 (B) the current and foreseeable threats  
19 that are addressed by such programs.

20 (4) The impact on nonproliferation programs in  
21 Russia and the risks and benefits to national secu-  
22 rity if the current agreement regarding such pro-  
23 grams (commonly referred to as the “umbrella  
24 agreement”) is amended or not renewed.





1 (b) USE.—Amounts authorized to be appropriated  
2 under subsection (a) are authorized for—

3 (1) the destruction of lethal chemical agents  
4 and munitions in accordance with section 1412 of  
5 the Department of Defense Authorization Act, 1986  
6 (50 U.S.C. 1521); and

7 (2) the destruction of chemical warfare materiel  
8 of the United States that is not covered by section  
9 1412 of such Act.

10 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
11 **TIVITIES, DEFENSE-WIDE.**

12 Funds are hereby authorized to be appropriated for  
13 the Department of Defense for fiscal year 2013 for ex-  
14 penses, not otherwise provided for, for Drug Interdiction  
15 and Counter-Drug Activities, Defense-wide, as specified in  
16 the funding table in section 4501.

17 **SEC. 1405. DEFENSE INSPECTOR GENERAL.**

18 Funds are hereby authorized to be appropriated for  
19 the Department of Defense for fiscal year 2013 for ex-  
20 penses, not otherwise provided for, for the Office of the  
21 Inspector General of the Department of Defense, as speci-  
22 fied in the funding table in section 4501.

23 **SEC. 1406. DEFENSE HEALTH PROGRAM.**

24 Funds are hereby authorized to be appropriated for  
25 fiscal year 2013 for the Defense Health Program, as spec-

1 ified in the funding table in section 4501, for use of the  
2 Armed Forces and other activities and agencies of the De-  
3 partment of Defense in providing for the health of eligible  
4 beneficiaries.

5           **Subtitle B—National Defense**  
6                           **Stockpile**

7 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**  
8                           **STOCKPILE FUNDS.**

9           (a) **OBLIGATION OF STOCKPILE FUNDS.**—During fis-  
10 cal year 2013, the National Defense Stockpile Manager  
11 may obligate up to \$44,899,227 of the funds in the Na-  
12 tional Defense Stockpile Transaction Fund established  
13 under subsection (a) of section 9 of the Strategic and Crit-  
14 ical Materials Stock Piling Act (50 U.S.C. 98h) for the  
15 authorized uses of such funds under subsection (b)(2) of  
16 such section, including the disposal of hazardous materials  
17 that are environmentally sensitive.

18           (b) **ADDITIONAL OBLIGATIONS.**—The National De-  
19 fense Stockpile Manager may obligate amounts in excess  
20 of the amount specified in subsection (a) if the National  
21 Defense Stockpile Manager notifies Congress that extraor-  
22 dinary or emergency conditions necessitate the additional  
23 obligations. The National Defense Stockpile Manager may  
24 make the additional obligations described in the notifica-

1 tion after the end of the 45-day period beginning on the  
2 date on which Congress receives the notification.

3 (c) LIMITATIONS.—The authorities provided by this  
4 section shall be subject to such limitations as may be pro-  
5 vided in appropriations Acts.

6 **SEC. 1412. ADDITIONAL SECURITY OF STRATEGIC MATE-**  
7 **RIALS SUPPLY CHAINS.**

8 Section 2(b) of the Strategic and Critical Materials  
9 Stock Piling Act (50 U.S.C. 98a(b)) is amended by insert-  
10 ing “or a single point of failure” after “foreign sources”.

11 **SEC. 1413. RELEASE OF MATERIALS NEEDED FOR NA-**  
12 **TIONAL DEFENSE PURPOSES FROM THE**  
13 **STRATEGIC AND CRITICAL MATERIALS**  
14 **STOCKPILE.**

15 (a) AUTHORITY FOR PRESIDENT TO DELEGATE SPE-  
16 CIAL DISPOSAL AUTHORITY OF PRESIDENT FOR RELEASE  
17 FOR NATIONAL DEFENSE PURPOSES.—Section 7(a) of  
18 the Strategic and Critical Materials Stock Piling Act (50  
19 U.S.C. 98f(a)) is amended—

20 (1) in paragraph (1), by striking “and” at the  
21 end;

22 (2) in paragraph (2), by striking the period at  
23 the end and inserting “; and”; and

24 (3) by adding at the end the following new  
25 paragraph:



1 used at Pueblo Chemical Depot, Colorado, and Blue  
2 Grass Army Depot, Kentucky, during the period cov-  
3 ered by the report, including explosive destruction  
4 technologies and any technologies developed for the  
5 treatment and disposal of energetic or agent  
6 hydrolystates.”;

7 (2) in subsection (j)(2), by adding at the end  
8 the following new subparagraph:

9 “(E) A description and justification for the use  
10 of any supplemental chemical agent and munitions  
11 destruction technologies used at Pueblo Chemical  
12 Depot, Colorado, and Blue Grass Army Depot, Ken-  
13 tucky, during the period covered by the report, in-  
14 cluding explosive destruction technologies and any  
15 technologies developed for the treatment and dis-  
16 posal of energetic or agent hydrolysates. Such de-  
17 scription and justification shall outline—

18 “(i) the need for the use of supplemental  
19 destruction technologies and technologies devel-  
20 oped for the treatment and disposal of energetic  
21 or agent hydrolystates;

22 “(ii) site-by-site descriptions of the prob-  
23 lematic aspects of the stockpile requiring the  
24 use of supplemental technologies;

1           “(iii) the type of supplemental destruction  
2 technologies used at each site; and

3           “(iv) any planned future use of other sup-  
4 plemental destruction technologies for each  
5 site.”;

6           (3) by redesignating subsection (o) as sub-  
7 section (p); and

8           (4) by inserting after subsection (n) the fol-  
9 lowing new subsection (o):

10       “(o) SUPPLEMENTAL DESTRUCTION TECH-  
11 NOLOGIES.—In determining the technologies to supple-  
12 ment the neutralization destruction of the stockpile of le-  
13 thal chemical agents and munitions at Pueblo Chemical  
14 Depot, Colorado, and Blue Grass Army Depot, Kentucky,  
15 the Secretary of Defense may consider the following:

16           “(1) Explosive Destruction Technologies.

17           “(2) Any technologies developed for the treat-  
18 ment and disposal of energetic or agent hydroly-  
19 sates, if problems with the current on-site treatment  
20 of hydrolysates are encountered.”.

21       (b) REPEAL OF SUPERSEDED PROVISION.—Section  
22 151 of the Floyd D. Spence National Defense Authoriza-  
23 tion Act for Fiscal Year 2001 (as enacted into law by Pub-  
24 lic Law 106–398; 114 Stat. 1645A–30) is repealed.

1                   **Subtitle D—Other Matters**

2   **SEC. 1431. REDUCTION OF UNOBLIGATED BALANCES WITH-**  
3                   **IN THE PENTAGON RESERVATION MAINTEN-**  
4                   **NANCE REVOLVING FUND.**

5           Not later than 60 days after the date of the enact-  
6   ment of this Act, the Secretary of Defense shall transfer  
7   \$5,000,000 from the unobligated balances of the Pentagon  
8   Reservation Maintenance Revolving Fund established  
9   under section 2674(e) of title 10, United States Code, to  
10  the Miscellaneous Receipts Fund of the United States  
11  Treasury.

12   **SEC. 1432. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**  
13                   **DEPARTMENT OF DEFENSE-DEPARTMENT OF**  
14                   **VETERANS AFFAIRS MEDICAL FACILITY DEM-**  
15                   **ONSTRATION FUND FOR CAPTAIN JAMES A.**  
16                   **LOVELL HEALTH CARE CENTER, ILLINOIS.**

17           (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the  
18  funds authorized to be appropriated for section 1406 and  
19  available for the Defense Health Program for operation  
20  and maintenance, \$139,204,000 may be transferred by the  
21  Secretary of Defense to the Joint Department of Defense—  
22  Department of Veterans Affairs Medical Facility Dem-  
23  onstration Fund established by subsection (a)(1) of sec-  
24  tion 1704 of the National Defense Authorization Act for  
25  Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).

1 For purposes of subsection (a)(2) of such section 1704,  
2 any funds so transferred shall be treated as amounts au-  
3 thorized and appropriated specifically for the purpose of  
4 such a transfer.

5 (b) USE OF TRANSFERRED FUNDS.—For the pur-  
6 poses of subsection (b) of such section 1704, facility oper-  
7 ations for which funds transferred under subsection (a)  
8 may be used are operations of the Captain James A.  
9 Lovell Federal Health Care Center, consisting of the  
10 North Chicago Veterans Affairs Medical Center, the Navy  
11 Ambulatory Care Center, and supporting facilities des-  
12 ignated as a combined Federal medical facility under an  
13 operational agreement covered by section 706 of the Dun-  
14 can Hunter National Defense Authorization Act for Fiscal  
15 Year 2009 (Public Law 110–417; 122 Stat. 4500).

16 **SEC. 1433. AUTHORIZATION OF APPROPRIATIONS FOR**  
17 **ARMED FORCES RETIREMENT HOME.**

18 There is hereby authorized to be appropriated for fis-  
19 cal year 2013 from the Armed Forces Retirement Home  
20 Trust Fund the sum of \$67,590,000 for the operation of  
21 the Armed Forces Retirement Home.

22 **SEC. 1434. CEMETERIAL EXPENSES.**

23 Funds are hereby authorized to be appropriated for  
24 the Department of the Army for fiscal year 2013 for

1 cemeterial expenses, not otherwise provided for, in the  
2 amount of \$173,800,000.

3 **SEC. 1435. ADDITIONAL WEAPONS OF MASS DESTRUCTION**  
4 **CIVIL SUPPORT TEAMS.**

5 (a) IN GENERAL.—Section 1403 of the Bob Stump  
6 National Defense Authorization Act for Fiscal Year 2003  
7 (Public Law 107–314; 116 Stat. 2676; 10 U.S.C. 12310  
8 note) is amended—

9 (1) by striking subsection (b);

10 (2) by redesignating subsection (c) as sub-  
11 section (e); and

12 (3) by inserting after subsection (a) the fol-  
13 lowing new subsections (b), (c), and (d):

14 “(b) ESTABLISHMENT OF FURTHER ADDITIONAL  
15 TEAMS.—The Secretary of Defense is authorized to have  
16 established two additional teams designated as Weapons  
17 of Mass Destruction Civil Support Teams, beyond the 55  
18 teams required in subsection (a), if—

19 “(1) the Secretary of Defense has made the cer-  
20 tification provided for in section 12310(c)(5) of title  
21 10, United States Code, with respect to each of such  
22 additional teams before December 31, 2011; and

23 “(2) the establishment of such additional teams  
24 does not require an increase in authorized personnel  
25 levels above the numbers authorized as of the date

1 of the enactment of the National Defense Authoriza-  
2 tion Act for Fiscal Year 2013.

3 “(c) LIMITATION OF ESTABLISHMENT OF FURTHER  
4 TEAMS.—No Weapons of Mass Destruction Civil Support  
5 Team may be established beyond the number authorized  
6 by subsections (a) and (b) unless—

7 “(1) the Secretary submits to Congress a re-  
8 quest for authority to establish such team, including  
9 a detailed justification for its establishment; and

10 “(2) the establishment of such team is specifi-  
11 cally authorized by a law enacted after the date of  
12 the enactment of the National Defense Authoriza-  
13 tion Act for Fiscal Year 2013.

14 “(d) NOTIFICATION OF DISESTABLISHMENT OF  
15 TEAMS.—No Weapons of Mass Destruction Civil Support  
16 Team established pursuant to this section may be dis-  
17 established unless, by not later than 90 days before the  
18 date on which such team is disestablished, the Secretary  
19 submits to the congressional defense committees notice of  
20 the proposed disestablishment of the team and the date  
21 on which the disestablishment is proposed to take place.”.

22 (b) REPORT.—Not later than 180 days after the date  
23 of the enactment of this Act, the Secretary of Defense  
24 shall submit to the congressional defense committees a re-

1 port on the Weapons of Mass Destruction Civil Support  
2 Teams. The report shall include the following:

3 (1) A detailed description of risk management  
4 criteria and considerations to be used in determining  
5 the optimal number and location of Weapons of  
6 Mass Destruction Civil Support Teams.

7 (2) A description of the operational and train-  
8 ing activities conducted by the Weapons of Mass De-  
9 struction Civil Support Teams during each of fiscal  
10 years 2010, 2011, and 2012, and of such activities  
11 planned for fiscal year 2013.

12 (3) An assessment of the optimal number and  
13 location of Weapons of Mass Destruction Civil Sup-  
14 port Teams in light of the information under para-  
15 graphs (1) and (2).

16 (4) A comparative analysis of the cost of estab-  
17 lishing Weapons of Mass Destruction Civil Support  
18 Teams in the reserve components of the Armed  
19 Forces (other than the National Guard) with the  
20 cost of establishing Weapons of Mass Destruction  
21 Civil Support Teams in the National Guard.

22 (5) A description of the portion of the costs of  
23 Weapons of Mass Destruction Civil Support Teams  
24 that is currently borne by the States.

1 (6) Any other matter that the Secretary deter-  
2 mines is appropriate.

3 **TITLE XV—AUTHORIZATION OF**  
4 **ADDITIONAL APPROPRIA-**  
5 **TIONS FOR OVERSEAS CON-**  
6 **TINGENCY OPERATIONS**

Subtitle A—Authorization of Additional Appropriations

- Sec. 1501. Purpose.
- Sec. 1502. Procurement.
- Sec. 1503. Research, development, test, and evaluation.
- Sec. 1504. Operation and maintenance.
- Sec. 1505. Military personnel.
- Sec. 1506. Working capital funds.
- Sec. 1507. Defense Health Program.
- Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1509. Defense Inspector General.

Subtitle B—Financial Matters

- Sec. 1521. Treatment as additional authorizations.
- Sec. 1522. Special transfer authority.

Subtitle C—Limitations and Other Matters

- Sec. 1531. Afghanistan Security Forces Fund.
- Sec. 1532. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1533. One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan.
- Sec. 1534. Plan for transition in funding of United States Special Operations Command from supplemental funding for overseas contingency operations to recurring funding under the future-years defense program.
- Sec. 1535. Assessment of counter-improvised explosive device training and intelligence activities of the Joint Improvised Explosive Device Defeat Organization and national and military intelligence Organizations.

7 **Subtitle A—Authorization of**  
8 **Additional Appropriations**

9 **SEC. 1501. PURPOSE.**

10 The purpose of this subtitle is to authorize appropria-  
11 tions for the Department of Defense for fiscal year 2013

1 to provide additional funds for overseas contingency oper-  
2 ations being carried out by the Armed Forces.

3 **SEC. 1502. PROCUREMENT.**

4 Funds are hereby authorized to be appropriated for  
5 fiscal year 2013 for procurement accounts for the Army,  
6 the Navy and the Marine Corps, the Air Force, and De-  
7 fense-wide activities, as specified in the funding table in  
8 section 4102.

9 **SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
10 **TION.**

11 Funds are hereby authorized to be appropriated for  
12 fiscal year 2013 for the use of the Department of Defense  
13 for research, development, test, and evaluation, as speci-  
14 fied in the funding table in section 4202.

15 **SEC. 1504. OPERATION AND MAINTENANCE.**

16 Funds are hereby authorized to be appropriated for  
17 fiscal year 2013 for the use of the Armed Forces and other  
18 activities and agencies of the Department of Defense for  
19 expenses, not otherwise provided for, for operation and  
20 maintenance, as specified in the funding table in section  
21 4302.

22 **SEC. 1505. MILITARY PERSONNEL.**

23 Funds are hereby authorized to be appropriated for  
24 fiscal year 2013 for the use of the Armed Forces and other  
25 activities and agencies of the Department of Defense for

1 expenses, not otherwise provided for, for military per-  
2 sonnel, as specified in the funding table in section 4402.

3 **SEC. 1506. WORKING CAPITAL FUNDS.**

4 Funds are hereby authorized to be appropriated for  
5 fiscal year 2013 for the use of the Armed Forces and other  
6 activities and agencies of the Department of Defense for  
7 providing capital for working capital and revolving funds,  
8 as specified in the funding table in section 4502.

9 **SEC. 1507. DEFENSE HEALTH PROGRAM.**

10 Funds are hereby authorized to be appropriated for  
11 the Department of Defense for fiscal year 2013 for ex-  
12 penses, not otherwise provided for, for the Defense Health  
13 Program, as specified in the funding table in section 4502.

14 **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
15 **TIVITIES, DEFENSE-WIDE.**

16 Funds are hereby authorized to be appropriated for  
17 the Department of Defense for fiscal year 2013 for ex-  
18 penses, not otherwise provided for, for Drug Interdiction  
19 and Counter-Drug Activities, Defense-wide, as specified in  
20 the funding table in section 4502.

21 **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

22 Funds are hereby authorized to be appropriated for  
23 the Department of Defense for fiscal year 2013 for ex-  
24 penses, not otherwise provided for, for the Office of the

1 Inspector General of the Department of Defense, as speci-  
2 fied in the funding table in section 4502.

### 3 **Subtitle B—Financial Matters**

#### 4 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

5 The amounts authorized to be appropriated by this  
6 title are in addition to amounts otherwise authorized to  
7 be appropriated by this Act.

#### 8 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

9 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

10 (1) **AUTHORITY.**—Upon determination by the  
11 Secretary of Defense that such action is necessary in  
12 the national interest, the Secretary may transfer  
13 amounts of authorizations made available to the De-  
14 partment of Defense in this title for fiscal year 2013  
15 between any such authorizations for that fiscal year  
16 (or any subdivisions thereof). Amounts of authoriza-  
17 tions so transferred shall be merged with and be  
18 available for the same purposes as the authorization  
19 to which transferred.

20 (2) **LIMITATION.**—The total amount of author-  
21 izations that the Secretary may transfer under the  
22 authority of this subsection may not exceed  
23 \$3,000,000,000.

1 (b) TERMS AND CONDITIONS.—Transfers under this  
2 section shall be subject to the same terms and conditions  
3 as transfers under section 1001.

4 (c) ADDITIONAL AUTHORITY.—The transfer author-  
5 ity provided by this section is in addition to the transfer  
6 authority provided under section 1001.

## 7 **Subtitle C—Limitations and Other** 8 **Matters**

### 9 **SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-  
11 gress that—

12 (1) it is the responsibility of the Commander,  
13 International Security Assistance Force/Commander,  
14 United States Forces—Afghanistan to ensure the se-  
15 curity of members of the Armed Forces deployed to  
16 Afghanistan and to mitigate internal threats to such  
17 forces to the greatest extent possible, while con-  
18 tinuing to meet the objectives of the International  
19 Security Assistance Force mission in Afghanistan,  
20 including the training and equipping of the Afghan  
21 National Security Forces so that they may provide  
22 for their own security;

23 (2) the Afghan Public Protection Force must  
24 meet and maintain key standards to provide force  
25 protection for members of the Armed Forces; and

1           (3) if the Secretary of Defense determines that  
2           the Afghan Public Protection Force is not meeting  
3           such standards, the Secretary should take all appro-  
4           priate actions to provide force protection for mem-  
5           bers of the Armed Forces, including, if necessary,  
6           having the Armed Forces provide for their own force  
7           protection.

8           (b) CONTINUATION OF EXISTING LIMITATIONS ON  
9           USE OF FUNDS IN FUND.—Funds available to the De-  
10          partment of Defense for the Afghanistan Security Forces  
11          Fund for fiscal year 2013 shall be subject to the condi-  
12          tions contained in subsections (b) through (g) of section  
13          1513 of the National Defense Authorization Act for Fiscal  
14          Year 2008 (Public Law 110–181; 122 Stat. 428), as  
15          amended by section 1531(b) of the Ike Skelton National  
16          Defense Authorization Act for Fiscal Year 2011 (Public  
17          Law 111–383; 124 Stat. 4424).

18          (c) AFGHAN PUBLIC PROTECTION FORCE.—

19               (1) SEMI-ANNUAL CERTIFICATIONS.—Not later  
20               than 90 days after the date of the enactment of this  
21               Act, and semiannually thereafter through December  
22               31, 2014, the Secretary of Defense shall certify in  
23               writing to the congressional defense committees the  
24               elements specified in paragraph (3).

1           (2) REPORT FOLLOWING INABILITY TO CERTIFY  
2 ANY ELEMENT.—If the Secretary determines that an  
3 element specified in paragraph (3) cannot be cer-  
4 tified in a report required by paragraph (1), the Sec-  
5 retary shall submit to the congressional defense com-  
6 mittees a report setting forth the following:

7           (A) An explanation why such element can-  
8 not be certified.

9           (B) A description of the actions, if any,  
10 that are being taken to mitigate the risk associ-  
11 ated with such element.

12           (C) A description of the specific actions  
13 being taken to achieve the certification of such  
14 element, to the extent practicable.

15           (3) CERTIFICATION ELEMENTS.—The elements  
16 of each certification specified in this paragraph are  
17 the following:

18           (A) That each agreement between the  
19 United States and the Government of Afghani-  
20 stan, or any contract between the Department  
21 of Defense and a contractor that subcontracts  
22 to the Afghan Public Protection Force, con-  
23 tains—

24                   (i) uniform standards that ensure a  
25 consistent level of security;

1 (ii) standard procedures and institu-  
2 tional mechanisms for dispute resolution;

3 (iii) requirements for the Afghan Pub-  
4 lic Protection Force to adhere to the Af-  
5 ghan Public Protection Force Code of Con-  
6 duct and applicable international stand-  
7 ards, such as the Montreux Document, and  
8 the International Code of Conduct for pri-  
9 vate security service providers; and

10 (iv) provisions for the United States,  
11 or the contractor, to take actions to ad-  
12 dress the failure of the Afghan Public Pro-  
13 tection Force to perform in a manner con-  
14 sistent with the Afghan Public Protection  
15 Force Code of Conduct and applicable  
16 international standards.

17 (B) That all Afghan Public Protection  
18 Force recruits and personnel are vetted under  
19 procedures consistent with the vetting stand-  
20 ards of the United States for the Afghan Na-  
21 tional Security Forces as of the date of the en-  
22 actment of this Act.

23 (C) That all Afghan Public Protection  
24 Force recruits and personnel are biometrically

1 screened in an independent fashion by the  
2 United States or contractors.

3 (D) In the case of contracts to provide  
4 force protection at installations in Afghanistan  
5 where the Armed Forces are garrisoned or  
6 housed, that the Commander, International Se-  
7 curity and Assistance Force/Commander,  
8 United States Forces—Afghanistan, or des-  
9 ignees, are provided the ability to—

10 (i) approve or disapprove arming au-  
11 thorization for Afghan Public Protection  
12 Force personnel performing activities at  
13 such installations; and

14 (ii) account for and maintain records  
15 of Afghan Public Protection Force per-  
16 sonnel authorized to perform activities at  
17 such installations.

18 (E) That the International Security and  
19 Assistance Force Command has designated a  
20 centralized entity within that Command author-  
21 ized to provide oversight of coalition activities  
22 relating to the Afghan Public Protection Force,  
23 including consultations with the Afghanistan  
24 Ministry of Interior regarding rules on the use

1 of force, violations of contract, and other per-  
2 formance issues.

3 (F) That there is a mechanism in place  
4 sufficient to—

5 (i) account for the transfer of any  
6 United States Government-owned, con-  
7 tractor-acquired defense articles to the Af-  
8 ghan Public Protection Force; and

9 (ii) conduct end-use monitoring, of  
10 such defense articles, including an inven-  
11 tory of the existence and completeness of  
12 any such defense articles.

13 (d) REPORTS.—

14 (1) INITIAL ASSESSMENT.—Not later than 90  
15 days after the date of the enactment of this Act, the  
16 Secretary of Defense shall submit to the congress-  
17 sional defense committees a report setting forth an  
18 assessment of the Afghan Public Protection Force.

19 (2) SUBSEQUENT ASSESSMENTS.—On a semi-  
20 annual basis following the submittal of the report re-  
21 quired by paragraph (1) through September 30,  
22 2014, the Secretary shall submit to the congress-  
23 sional defense committees an assessment of the  
24 progress in the development of the Afghan Public  
25 Protection Force during the preceding six months.

1           (3) ELEMENTS.—Each report under this sub-  
2 section shall include the following:

3           (A) A description of the size and composi-  
4 tion of the Afghan Public Protection Force.

5           (B) An assessment of the recruiting and  
6 training for the Afghan Public Protection  
7 Force.

8           (C) An assessment of the ability of the Af-  
9 ghan Public Protection Force to perform its  
10 tasks and missions.

11           (D) A description of measures of effective-  
12 ness for evaluating the Afghan Public Protec-  
13 tion Force.

14           (E) Any recommendations provided by the  
15 United States to the Afghanistan Ministry of  
16 Interior to improve the performance of the Af-  
17 ghan Public Protection Force.

18           (F) A description of any instances of ter-  
19 mination of contracts with the Afghan Public  
20 Protection Force.

21           (G) An assessment of the ability of the  
22 United States, or contractors, to hold the Af-  
23 ghan Public Protection Force accountable for  
24 gross or repeated violations.

1 (H) A description of the status of United  
2 States Government-owned, contractor-acquired  
3 defense articles provided to the Afghan Public  
4 Protection Force.

5 (4) ADDITIONAL ELEMENTS DURING FISCAL  
6 YEAR 2014 REPORTS.—Each report under paragraph  
7 (2) submitted during fiscal year 2014 shall include  
8 a plan, and any updates, on the post-2014 dispo-  
9 sition of the Afghan Public Protection Force.

10 (5) SUBMITTAL WITH OTHER REPORTS.—Each  
11 report under paragraph (2) may be submitted as  
12 part of the report on progress toward security and  
13 stability in Afghanistan that is submitted under sec-  
14 tions 1230 and 1231 of the National Defense Au-  
15 thorization Act for Fiscal Year 2008 (Public Law  
16 110–181; 122 Stat. 385, 390).

17 (e) PLAN FOR USE OF AFGHANISTAN SECURITY  
18 FORCES FUND THROUGH FISCAL YEAR 2017.—Not later  
19 than 90 days after the date of the enactment of this Act,  
20 the Secretary of Defense shall submit to the congressional  
21 defense committees a plan for using funds available to the  
22 Department of Defense to provide assistance to the secu-  
23 rity forces of Afghanistan through the Afghanistan Secu-  
24 rity Forces Fund through September 30, 2017.

1 (f) AGREEMENTS.—The Secretary of Defense shall  
2 submit to the congressional committees a copy of each  
3 agreement entered into by the United States and Afghani-  
4 stan for services of the Afghan Public Protection Force  
5 for the Department of Defense not later than 30 days  
6 after entry into such agreement.

7 **SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
8 **FUND.**

9 (a) USE AND TRANSFER OF FUNDS.—Subsections  
10 (b) and (c) of section 1514 of the John Warner National  
11 Defense Authorization Act for Fiscal Year 2007 (Public  
12 Law 109–364; 120 Stat. 2439), as in effect before the  
13 amendments made by section 1503 of the Duncan Hunter  
14 National Defense Authorization Act for Fiscal Year 2009  
15 (Public Law 110–417; 122 Stat. 4649), shall apply to the  
16 funds made available to the Department of Defense for  
17 the Joint Improvised Explosive Device Defeat Fund for  
18 fiscal year 2013. In providing prior notice to the congres-  
19 sional defense committees of the obligation of funds from  
20 the Joint Improvised Explosive Device Defeat Fund for  
21 such fiscal year, as required by paragraph (4) of such sub-  
22 section (c), the Secretary of Defense shall include the as-  
23 sociated analysis of alternatives conducted in the process  
24 of taking action to initiate any project for which the total

1 obligation of funds from the Fund will exceed  
2 \$10,000,000.

3 (b) MONTHLY OBLIGATIONS AND EXPENDITURE RE-  
4 PORTS.—Not later than 15 days after the end of each  
5 month of fiscal year 2013, the Secretary of Defense shall  
6 provide to the congressional defense committees a report  
7 on the Joint Improvised Explosive Device Defeat Fund ex-  
8 plaining monthly commitments, obligations, and expendi-  
9 tures by line of operation.

10 (c) INTERDICTION OF IMPROVISED EXPLOSIVE DE-  
11 VICE PRECURSOR CHEMICALS.—

12 (1) AVAILABILITY OF CERTAIN FISCAL YEAR  
13 2013 FUNDS.—Of the funds made available to the  
14 Department of Defense for the Joint Improvised Ex-  
15 plosive Device Defeat Fund for fiscal year 2013,  
16 \$15,000,000 may be available to the Secretary of  
17 Defense to provide training, equipment, supplies,  
18 and services to ministries and other entities of the  
19 Government of Pakistan that the Secretary has iden-  
20 tified as critical for countering the flow of impro-  
21 vised explosive device precursor chemicals from  
22 Pakistan to locations in Afghanistan.

23 (2) PROVISION THROUGH OTHER US AGEN-  
24 CIES.—If jointly agreed upon by the Secretary of  
25 Defense and the head of another department or

1 agency of the United States Government, the Sec-  
2 retary of Defense may transfer funds available  
3 under paragraph (1) to such department or agency  
4 for the provision by such department or agency of  
5 training, equipment, supplies, and services to min-  
6 istries and other entities of the Government of Paki-  
7 stan as described in that paragraph.

8 (3) NOTICE TO CONGRESS.—Funds may not be  
9 used under the authority in paragraph (1) until 15  
10 days after the date on which the Secretary of De-  
11 fense submits to the congressional defense commit-  
12 tees a notice—

13 (A) describing the training, equipment,  
14 supplies, and services to be provided using such  
15 funds; and

16 (B) evaluating the effectiveness of the ef-  
17 forts by the Government of Pakistan to counter  
18 the flow of improvised explosive device pre-  
19 cursor chemicals from Pakistan to locations in  
20 Afghanistan.

21 (4) EXPIRATION.—The authority provided by  
22 this subsection expires on December 31, 2013.

1 **SEC. 1533. ONE-YEAR EXTENSION OF PROJECT AUTHORITY**  
2 **AND RELATED REQUIREMENTS OF TASK**  
3 **FORCE FOR BUSINESS AND STABILITY OPER-**  
4 **ATIONS IN AFGHANISTAN.**

5 (a) **EXTENSION.**—Subsection (a) of section 1535 of  
6 the Ike Skelton National Defense Authorization Act for  
7 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426),  
8 as amended by section 1534 of the National Defense Au-  
9 thorization Act for Fiscal Year 2012 (Public Law 112–  
10 81; 125 Stat. 1658), is further amended—

11 (1) in paragraph (6), by striking “October 31,  
12 2011, and October 31, 2012” and inserting “Octo-  
13 ber 31, 2011, October 31, 2012, and October 31,  
14 2013”; and

15 (2) in paragraph (7)—

16 (A) by striking “provided in” and inserting  
17 “to obligate funds for projects under”; and

18 (B) by striking “September 30, 2012” and  
19 inserting “September 30, 2013”.

20 (b) **SCOPE OF PROJECTS.**—Paragraph (3) of such  
21 subsection, as so amended, is further amended by striking  
22 “focus on improving the commercial viability of” and in-  
23 serting “complement”.

24 (c) **FUNDING.**—Paragraph (4) of such subsection, as  
25 so amended, is further amended—

1           (1) by striking “The Secretary” and inserting  
2           the following:

3                   “(A) IN GENERAL.—The Secretary”;

4           (2) by striking “The amount” and all that fol-  
5           lows through “appropriate congressional commit-  
6           tees.” and inserting the following:

7                   “(B) LIMITATION.—The amount of funds  
8           obligated under the authority of subparagraph  
9           (A)—

10                   “(i) may not exceed \$150,000,000 for  
11           fiscal year 2012, except that not more than  
12           50 percent of such amount of funds may  
13           be obligated until the Secretary of Defense  
14           submits to the appropriate congressional  
15           committees the plan required by subsection  
16           (b); and

17                   “(ii) may not exceed \$93,000,000 for  
18           fiscal year 2013, except that not more than  
19           \$50,000,000 of such amount of funds may  
20           be obligated until the Secretary of Defense  
21           submits to the appropriate congressional  
22           committees the report required by para-  
23           graph (7) of this subsection.”; and

24           (3) by striking “The funds” and inserting the  
25           following:

1 “(C) AVAILABILITY.—The funds”.

2 (d) REPORT ON IMPLEMENTATION OF TRANSITION  
3 ACTION PLAN.—Subsection (a) of section 1535 of the Ike  
4 Skelton National Defense Authorization Act for Fiscal  
5 Year 2011, as amended by section 1534 of the National  
6 Defense Authorization Act for Fiscal Year 2012 and as  
7 amended by this section, is further amended—

8 (1) by redesignating paragraph (7) as para-  
9 graph (8); and

10 (2) by inserting after paragraph (6) the fol-  
11 lowing new paragraph (7):

12 “(7) REPORT ON IMPLEMENTATION OF TRANSI-  
13 TION ACTION PLAN.—

14 “(A) IN GENERAL.—The Secretary of De-  
15 fense, in consultation with the Secretary of  
16 State, shall submit to the appropriate congres-  
17 sional committees a report on the progress in  
18 implementing the Transition Action Plan of the  
19 Task Force for Business and Stability Oper-  
20 ations in Afghanistan.

21 “(B) UPDATES.—The Secretary of De-  
22 fense, in consultation with the Secretary of  
23 State, shall submit to the appropriate congres-  
24 sional committees an update of the report re-

1           required by subparagraph (A) every 90 days after  
2           the submission of such report.”.

3 **SEC. 1534. PLAN FOR TRANSITION IN FUNDING OF UNITED**  
4           **STATES SPECIAL OPERATIONS COMMAND**  
5           **FROM SUPPLEMENTAL FUNDING FOR OVER-**  
6           **SEAS CONTINGENCY OPERATIONS TO RECUR-**  
7           **RING FUNDING UNDER THE FUTURE-YEARS**  
8           **DEFENSE PROGRAM.**

9           Not later than 90 days after the date of the enact-  
10          ment of this Act, the Secretary of Defense shall submit  
11          to the congressional defense committees a plan for the  
12          transition of funding of the United States Special Oper-  
13          ations Command from funds authorized to be appro-  
14          priated for overseas contingency operations (commonly re-  
15          ferred to as the “overseas contingency operations budget”)  
16          to funds authorized to be appropriated for recurring oper-  
17          ations of the Department of Defense in accordance with  
18          applicable future-years defense programs under section  
19          221 of title 10, United States Code (commonly referred  
20          to as the “base budget”).

1 **SEC. 1535. ASSESSMENT OF COUNTER-IMPROVISED EXPL-**  
2 **SIVE DEVICE TRAINING AND INTELLIGENCE**  
3 **ACTIVITIES OF THE JOINT IMPROVISED EX-**  
4 **PLOSIVE DEVICE DEFEAT ORGANIZATION**  
5 **AND NATIONAL AND MILITARY INTEL-**  
6 **LIGENCE ORGANIZATIONS.**

7 (a) ASSESSMENT OF TRAINING ACTIVITIES.—

8 (1) ASSESSMENT REQUIRED.—The Secretary of  
9 Defense shall prepare an assessment of the training-  
10 related activities of the Joint Improvised Explosive  
11 Device Defeat Organization (JIEDDO).

12 (2) ELEMENTS.—The assessment required by  
13 paragraph (1) shall—

14 (A) include all training programs and func-  
15 tions, both enduring and non-enduring, exe-  
16 cuted by the Joint Improvised Explosive Device  
17 Defeat Organization in support of the United  
18 States Armed Forces;

19 (B) identify any program or function that  
20 is similar to or duplicates other training activi-  
21 ties conducted elsewhere within the Department  
22 of Defense; and

23 (C) assess the value of maintaining such  
24 similarity or duplication.

25 (3) CONSULTATION.—The Secretary of Defense  
26 shall prepare the assessment required by paragraph

1 (1) in consultation with the Chairman of the Joint  
2 Chiefs of Staff and the other chiefs of staff of the  
3 Armed Forces.

4 (4) SUBMISSION AND FORM.—Not later than  
5 180 days after the date of the enactment of this Act,  
6 the Secretary of Defense shall submit a report con-  
7 taining the results of the assessment required by  
8 paragraph (1) to the congressional defense commit-  
9 tees. The report shall be submitted in unclassified  
10 form, but may include a classified annex.

11 (b) ASSESSMENT OF INTELLIGENCE ACTIVITIES.—

12 (1) ASSESSMENT REQUIRED.—The Secretary of  
13 Defense shall prepare an assessment of the intel-  
14 ligence activities carried out in support of the  
15 counter-improvised explosive device mission of the  
16 Department of Defense.

17 (2) ELEMENTS.—The assessment required by  
18 paragraph (1) shall—

19 (A) consider the activities of the Counter-  
20 Improved Explosive Device Operations Integra-  
21 tion Center of the Joint Improvised Explosive  
22 Device Defeat Organization, including—

23 (i) identification of all intelligence  
24 analysis programs and functions executed  
25 by the Counter-Improvised Explosive De-

1 vice Operations Integration Center in sup-  
2 port of United States combatant com-  
3 mands and United States military activi-  
4 ties in Afghanistan;

5 (ii) identification of any program or  
6 function which is duplicated elsewhere in  
7 the intelligence components of the Depart-  
8 ment of Defense or the intelligence com-  
9 munity of the United States;

10 (iii) an assessment of the value of  
11 maintaining such duplication; and

12 (iv) identification of any opportunities  
13 to eliminate unnecessary duplication;

14 (B) consider the activities of the national  
15 and military intelligence communities to counter  
16 improvised explosive devices, including an as-  
17 sessment of—

18 (i) the sufficiency, adequacy, and ef-  
19 fectiveness of these efforts in support of  
20 the commanders of combatant commands;

21 (ii) the prioritization of collection ef-  
22 forts and resource allocation within the in-  
23 telligence components of the Department  
24 of Defense toward countering improvised  
25 explosive devices; and

1 (iii) opportunities for improvement of  
2 these efforts, including how these compo-  
3 nents would support a broader counter im-  
4 proved explosive device effort beyond op-  
5 erations in Afghanistan; and

6 (C) consider the enduring need for a  
7 Counter-Improvised Explosive Device Oper-  
8 ations Integration Center and, if determined to  
9 be necessary, how this center could be most ef-  
10 ficiently and effectively integrated into the  
11 broader Department of Defense intelligence  
12 community.

13 (3) CONSULTATION.—The Secretary of Defense  
14 shall prepare the assessment required by paragraph  
15 (1) in consultation with the Director of National In-  
16 telligence and the Chairman of the Joint Chiefs of  
17 Staff.

18 (4) SUBMISSION AND FORM.—Not later than  
19 180 days after the date of the enactment of this Act,  
20 the Secretary of Defense shall submit a report con-  
21 taining the results of the assessment required by  
22 paragraph (1) to the congressional defense commit-  
23 tees, the Permanent Select Committee on Intel-  
24 ligence of the House of Representatives, and the Se-  
25 lect Committee on Intelligence of the Senate. The re-

1 port shall be submitted in unclassified form, but  
2 may include a classified annex.

3 **TITLE XVI—INDUSTRIAL BASE**  
4 **MATTERS**

Subtitle A—Defense Industrial Base Matters

- Sec. 1601. Disestablishment of Defense Materiel Readiness Board.
- Sec. 1602. Assessment of effects of foreign boycotts.
- Sec. 1603. National security strategy for national technology and industrial base.

Subtitle B—Department of Defense Activities Related to Small Business Matters

- Sec. 1611. Role of the directors of small business programs in acquisition processes of the Department of Defense.
- Sec. 1612. Small Business Ombudsman for defense audit agencies.
- Sec. 1613. Independent assessment of Federal procurement contracting performance of the Department of Defense.
- Sec. 1614. Additional responsibilities of Inspector General of the Department of Defense.
- Sec. 1615. Restoration of 1 percent funding for administrative expenses of Commercialization Readiness Program of Department of Defense.

Subtitle C—Matters Relating to Small Business Concerns

PART I—PROCUREMENT CENTER REPRESENTATIVES

- Sec. 1621. Procurement center representatives.
- Sec. 1622. Small Business Act contracting requirements training.
- Sec. 1623. Acquisition planning.

PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

- Sec. 1631. Goals for procurement contracts awarded to small business concerns.
- Sec. 1632. Reporting on goals for procurement contracts awarded to small business concerns.
- Sec. 1633. Senior executives.

PART III—MENTOR-PROTEGE PROGRAMS

- Sec. 1641. Mentor-Protege programs.

PART IV—TRANSPARENCY IN SUBCONTRACTING

- Sec. 1651. Limitations on subcontracting.
- Sec. 1652. Penalties.
- Sec. 1653. Subcontracting plans.
- Sec. 1654. Notices of subcontracting opportunities.
- Sec. 1655. Publication of certain documents.

PART V—SMALL BUSINESS CONCERN SIZE STANDARDS

Sec. 1661. Small business concern size standards.

PART VI—CONTRACT BUNDLING

Sec. 1671. Contract bundling.

PART VII—INCREASED PENALTIES FOR FRAUD

- Sec. 1681. Safe harbor for good faith compliance efforts.
- Sec. 1682. Requirement that fraudulent businesses be suspended or debarred.
- Sec. 1683. Annual report on suspensions and debarments proposed by Small Business Administration.

PART VIII—OFFICES OF SMALL AND DISADVANTAGED BUSINESS UNITS

- Sec. 1691. Offices of Small and Disadvantaged Business Utilization.
- Sec. 1692. Small Business Procurement Advisory Council.

PART IX—OTHER MATTERS

- Sec. 1695. Surety bonds.
- Sec. 1696. Conforming Amendments; Repeal of redundant provisions; Regulations.
- Sec. 1697. Contracting with small business concerns owned and controlled by women.
- Sec. 1698. Small business HUBZones.
- Sec. 1699. National Veterans Business Development Corporation.
- Sec. 1699a. State Trade and Export Promotion Grant Program.

1           **Subtitle A—Defense Industrial**  
 2   **Base Matters**

3   **SEC. 1601. DISESTABLISHMENT OF DEFENSE MATERIEL**  
 4   **READINESS BOARD.**

5           (a) DISESTABLISHMENT OF BOARD.—The Defense  
 6 Materiel Readiness Board established pursuant to section  
 7 871 of the National Defense Authorization Act for Fiscal  
 8 Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is  
 9 hereby disestablished.

10          (b) TERMINATION OF DEFENSE STRATEGIC READI-  
 11 NESS FUND.—The Department of Defense Strategic  
 12 Readiness Fund established by section 872(d) of the Na-

1 tional Defense Authorization Act for Fiscal Year 2008  
2 (Public Law 110–181; 10 U.S.C. 117 note) is hereby  
3 closed.

4 (c) REPEAL.—Subtitle G of title VIII of the National  
5 Defense Authorization Act for Fiscal Year 2008 (Public  
6 Law 110–181; 10 U.S.C. 117 note) is repealed.

7 **SEC. 1602. ASSESSMENT OF EFFECTS OF FOREIGN BOY-**  
8 **COTTS.**

9 Section 2505 of title 10, United States Code, is  
10 amended—

11 (1) by redesignating subsection (d) as sub-  
12 section (e); and

13 (2) by inserting after subsection (c) the fol-  
14 lowing new subsection (d):

15 “(d) ASSESSMENT OF EXTENT OF EFFECTS OF FOR-  
16 EIGN BOYCOTTS.—Each assessment under subsection (a)  
17 shall include an examination of the extent to which the  
18 national technology and industrial base is affected by for-  
19 eign boycotts. If it is determined that a foreign boycott  
20 (other than a boycott addressed in a previous assessment)  
21 is subjecting the national technology and industrial base  
22 to significant harm, the assessment shall include a sepa-  
23 rate discussion and presentation regarding that foreign  
24 boycott that shall, at a minimum—

1           “(1) identify the sectors that are subject to  
2 such harm;

3           “(2) describe the harm resulting from such boy-  
4 cott; and

5           “(3) identify actions necessary to minimize the  
6 effects of such boycott on the national technology  
7 and industrial base.”.

8 **SEC. 1603. NATIONAL SECURITY STRATEGY FOR NATIONAL**  
9 **TECHNOLOGY AND INDUSTRIAL BASE.**

10 (a) REQUIREMENT FOR STRATEGY.—

11           (1) IN GENERAL.—Section 2501 of title 10,  
12 United States Code, is amended as follows:

13           (A) The section heading is amended by  
14 striking “**objectives concerning**” and in-  
15 serting “**strategy for**”.

16           (B) Subsection (a) is amended—

17           (i) in the subsection heading, by strik-  
18 ing “OBJECTIVES” and inserting “STRAT-  
19 EGY”;

20           (ii) by striking “It is the policy of”  
21 and all that follows through “objectives:”  
22 and inserting the following: “The Secretary  
23 of Defense shall develop a national security  
24 strategy for the national technology and  
25 industrial base. Such strategy shall be

1 based on a prioritized assessment of risks  
2 and challenges to the defense supply chain  
3 and shall ensure that the national tech-  
4 nology and industrial base is capable of  
5 achieving the following national security  
6 objectives:”; and

7 (iii) by adding at the end the fol-  
8 lowing new paragraphs:

9 “(9) Ensuring reliable sources of materials that  
10 are critical to national security, such as specialty  
11 metals, essential minerals, armor plate, and rare  
12 earth elements.

13 “(10) Reducing, to the maximum extent prac-  
14 ticable, the presence of counterfeit parts in the sup-  
15 ply chain and the risk associated with such parts.”.

16 (2) CLERICAL AMENDMENT.—The item relating  
17 to section 2501 in the table of sections at the begin-  
18 ning of subchapter II of chapter 148 of such title is  
19 amended to read as follows:

“2501. National security strategy for national technology and industrial base.”.

20 (b) AMENDMENT TO ANNUAL REPORT RELATING TO  
21 DEFENSE INDUSTRIAL BASE.—Section 2504 of such title  
22 is amended—

23 (1) by striking paragraph (2);

24 (2) by redesignating paragraph (3) as para-  
25 graph (2); and

1           (3) by inserting after paragraph (2) (as so re-  
2 designated) the following new paragraph (3):

3           “(3) Based on the strategy required by section  
4 2501 of this title and on the assessments prepared  
5 pursuant to section 2505 of this title—

6                   “(A) a description of any mitigation strate-  
7 gies necessary to address any gaps or  
8 vulnerabilities in the national technology and  
9 industrial base; and

10                   “(B) any other steps necessary to foster  
11 and safeguard the national technology and in-  
12 dustrial base.”.

13           (c) REQUIREMENT FOR CONSIDERATION OF STRAT-  
14 EGY IN ACQUISITION PLANS.—Section 2440 of such title  
15 is amended by inserting after “base” the following: “, in  
16 accordance with the strategy required by section 2501 of  
17 this title,”.

18           (d) CONFORMING AMENDMENTS.—Section 852 of the  
19 National Defense Authorization Act for Fiscal Year 2012  
20 (Public Law 112–81; 125 Stat. 1517; 10 U.S.C. 2504  
21 note) is amended—

22                   (1) by striking subsection (c); and

23                   (2) by redesignating subsection (d) as sub-  
24 section (c), and in that subsection by striking “sub-

1 section (c).” in the first sentence and inserting “sec-  
2 tion 2501 of title 10, United States Code.”.

3 **Subtitle B—Department of Defense**  
4 **Activities Related to Small Busi-**  
5 **ness Matters**

6 **SEC. 1611. ROLE OF THE DIRECTORS OF SMALL BUSINESS**  
7 **PROGRAMS IN ACQUISITION PROCESSES OF**  
8 **THE DEPARTMENT OF DEFENSE.**

9 (a) **GUIDANCE REQUIRED.**—The Secretary of De-  
10 fense shall develop and issue guidance to ensure that the  
11 head of each Office of Small Business Programs of the  
12 Department of Defense is a participant as early as prac-  
13 ticable in the acquisition processes—

14 (1) of the Department, in the case of the Direc-  
15 tor of Small Business Programs in the Department  
16 of Defense; and

17 (2) of the military department concerned, in the  
18 case of the Director of Small Business Programs in  
19 the Department of the Army, in the Department of  
20 the Navy, and in the Department of the Air Force.

21 (b) **MATTERS TO BE INCLUDED.**—Such guidance  
22 shall, at a minimum—

23 (1) require the Director of Small Business Pro-  
24 grams in the Department of Defense—

1 (A) to provide advice to the Defense Acqui-  
2 sition Board; and

3 (B) to provide advice to the Information  
4 Technology Acquisition Board; and

5 (2) require coordination between the chiefs of  
6 staff of the Armed Forces and the service acquisi-  
7 tion executives, as appropriate (or their designees),  
8 and the Director of Small Business Programs in  
9 each military department as early as practical in the  
10 relevant acquisition processes.

11 **SEC. 1612. SMALL BUSINESS OMBUDSMAN FOR DEFENSE**  
12 **AUDIT AGENCIES.**

13 (a) SMALL BUSINESS OMBUDSMAN.—Subchapter II  
14 of chapter 8 of title 10, United States Code, is amended  
15 by adding at the end the following new section:

16 **“§ 204. Small Business Ombudsman for defense audit**  
17 **agencies**

18 “(a) SMALL BUSINESS OMBUDSMAN.—The Secretary  
19 of Defense shall designate within each defense audit agen-  
20 cy an official as the Small Business Ombudsman to have  
21 the duties described in subsection (b) and such other re-  
22 sponsibilities as may be determined by the Secretary.

23 “(b) DUTIES.—The Small Business Ombudsman of  
24 a defense audit agency shall—

1           “(1) advise the Director of the defense audit  
2 agency on policy issues related to small business  
3 concerns;

4           “(2) serve as the defense audit agency’s pri-  
5 mary point of contact and source of information for  
6 small business concerns;

7           “(3) collect and monitor relevant data regard-  
8 ing the defense audit agency’s conduct of audits of  
9 small business concerns, including—

10                   “(A) data regarding the timeliness of audit  
11 closeouts for small business concerns; and

12                   “(B) data regarding the responsiveness of  
13 the defense audit agency to issues or other mat-  
14 ters raised by small business concerns; and

15           “(4) make recommendations to the Director re-  
16 garding policies, processes, and procedures related to  
17 the timeliness of audits of small business concerns  
18 and the responsiveness of the defense audit agency  
19 to issues or other matters raised by small business  
20 concerns.

21           “(c) AUDIT INDEPENDENCE.—The Small Business  
22 Ombudsman of a defense audit agency shall be segregated  
23 from ongoing audits in the field and shall not engage in  
24 activities with regard to particular audits that could com-

1 promise the independence of the defense audit agency or  
2 undermine compliance with applicable audit standards.

3 “(d) DEFENSE AUDIT AGENCY DEFINED.—In this  
4 section, the term ‘defense audit agency’ means the De-  
5 fense Contract Audit Agency and the Defense Contract  
6 Management Agency.”.

7 (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of subchapter II of chapter 8 of such  
9 title is amended by inserting after the item relating to sec-  
10 tion 203 the following new item:

“204. Small Business Ombudsman for defense audit agencies.”.

11 **SEC. 1613. INDEPENDENT ASSESSMENT OF FEDERAL PRO-**  
12 **CUREMENT CONTRACTING PERFORMANCE**  
13 **OF THE DEPARTMENT OF DEFENSE.**

14 (a) ASSESSMENT REQUIRED.—Not later than 60  
15 days after the date of the enactment of this Act, the Sec-  
16 retary of Defense shall select an appropriate entity to con-  
17 duct an independent assessment of the procurement per-  
18 formance of the Department of Defense related to small  
19 business concerns.

20 (b) MATTERS COVERED.—The assessment under  
21 subsection (a) shall, at a minimum, include an examina-  
22 tion of—

23 (1) the industrial composition of companies re-  
24 ceiving subcontracts pursuant to the test program  
25 for the negotiation of comprehensive small business

1 subcontracting plans pursuant to section 834 of the  
2 National Defense Authorization Act for Fiscal Years  
3 1990 and 1991 (Public Law 101-189; 15 U.S.C.  
4 637 note), compared to the industrial composition of  
5 other contractors in the defense industrial base;

6 (2) the quality and reliability of data on small  
7 business prime contracting and subcontracting by  
8 the Department, and the reliability of the informa-  
9 tion technology systems that the Department uses to  
10 track such data;

11 (3) the negotiation and execution of small busi-  
12 ness subcontracting plans, and the degree to which  
13 proposed teaming agreements are or are not main-  
14 tained through the performance of contracts;

15 (4) the extent to which the Department adheres  
16 to current policies and guidelines relating to small  
17 business prime contracting and subcontracting goals;

18 (5) the extent to which the Department bun-  
19 dles, consolidates, or otherwise groups requirements  
20 into contracts that are unsuitable for award to small  
21 business concerns, the extent to which such bun-  
22 dling, consolidation, or grouping of requirements is  
23 justified, and the effects that such practices have on  
24 small business participation in contracting opportu-  
25 nities with the Department;

1           (6) the degree to which abuses of small busi-  
2           ness contracting and subcontracting programs result  
3           in contracts and subcontracts intended for small  
4           business concerns not being awarded to small busi-  
5           ness concerns; and

6           (7) an examination of the transition challenges  
7           faced by businesses that graduate from small busi-  
8           ness programs or grow to exceed the size standards  
9           for participation in such programs, along with spe-  
10          cific recommendations on steps that should be taken  
11          to help ensure the continued health and growth of  
12          such businesses.

13          (c) REPORT.—Not later than January 1, 2014, the  
14          Secretary of Defense shall submit to the congressional de-  
15          fense committees a report on the independent assessment  
16          conducted under this section. The report shall include the  
17          findings and recommendations of the assessment, together  
18          with any recommendations that the Secretary may have  
19          for improving the Department’s small business con-  
20          tracting practices and addressing any shortcomings identi-  
21          fied by the assessment.

1 **SEC. 1614. ADDITIONAL RESPONSIBILITIES OF INSPECTOR**  
2 **GENERAL OF THE DEPARTMENT OF DE-**  
3 **FENSE.**

4 (a) REQUIREMENT FOR EXTERNAL PEER RE-  
5 VIEWS.—Section 8(c) of the Inspector General Act of  
6 1978 (5 U.S.C. App.) is amended—

7 (1) by striking “and” at the end of paragraph  
8 (8);

9 (2) by striking the period and inserting “; and”  
10 at the end of paragraph (9); and

11 (3) by adding at the end the following new  
12 paragraph:

13 “(10) conduct, or approve arrangements for the  
14 conduct of, external peer reviews of Department of  
15 Defense audit agencies in accordance with and in  
16 such frequency as provided by Government auditing  
17 standards as established by the Comptroller General  
18 of the United States.”.

19 (b) REQUIREMENT FOR ADDITIONAL INFORMATION  
20 IN SEMIANNUAL REPORTS.—Section 8(f) of such Act is  
21 amended by striking paragraph (1) and inserting the fol-  
22 lowing:

23 “(1) Each semiannual report prepared by the Inspec-  
24 tor General of the Department of Defense under section  
25 5(a) shall be transmitted by the Secretary of Defense to  
26 the Committees on Armed Services and on Homeland Se-

1 curity and Governmental Affairs of the Senate and the  
2 Committees on Armed Services and on Oversight and Gov-  
3 ernment Reform of the House of Representatives and to  
4 other appropriate committees or subcommittees of Con-  
5 gress. Each such report shall include—

6 “(A) information concerning the numbers and  
7 types of contract audits conducted by the Depart-  
8 ment during the reporting period; and

9 “(B) information concerning any Department of  
10 Defense audit agency that, during the reporting pe-  
11 riod, has either received a failed opinion from an ex-  
12 ternal peer review or is overdue for an external peer  
13 review required to be conducted in accordance with  
14 subsection (c)(10).”.

15 **SEC. 1615. RESTORATION OF 1 PERCENT FUNDING FOR AD-**  
16 **MINISTRATIVE EXPENSES OF COMMER-**  
17 **CIALIZATION READINESS PROGRAM OF DE-**  
18 **PARTMENT OF DEFENSE.**

19 (a) RESTORATION.—Section 9(y) of the Small Busi-  
20 ness Act (15 U.S.C. 638(y)), as amended by section  
21 5141(b)(1)(B) of the National Defense Authorization Act  
22 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
23 1853) is amended—

24 (1) by redesignating paragraphs (4) and (5) as  
25 paragraphs (5) and (6), respectively; and

1           (2) by inserting after paragraph (3) the fol-  
2           lowing new paragraph (4):

3           “(4) FUNDING.—For payment of expenses in-  
4           curred to administer the Commercialization Readiness  
5           Program under this subsection, the Secretary  
6           of Defense and each Secretary of a military depart-  
7           ment is authorized to use not more than an amount  
8           equal to 1 percent of the funds available to the De-  
9           partment of Defense or the military department pur-  
10          suant to the Small Business Innovation Research  
11          Program. Such funds shall not be used to make  
12          Phase III awards.”.

13          (b)           TECHNICAL            AMENDMENT.—Section  
14          5141(b)(3)(B) of the National Defense Authorization Act  
15          for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
16          1854) is amended by striking “subsection (y)—” and all  
17          that follows through “the following:” and inserting “sub-  
18          section (y), by amending paragraph (4) to read as fol-  
19          lows:”.

20          (c) EFFECTIVE DATE.—The amendments made by  
21          this section shall take effect as of January 1, 2012.

1       **Subtitle C—Matters Relating to**  
2                   **Small Business Concerns**

3                   **PART I—PROCUREMENT CENTER**

4                   **REPRESENTATIVES**

5       **SEC. 1621. PROCUREMENT CENTER REPRESENTATIVES.**

6           (a) IN GENERAL.—Section 15(l) of the Small Busi-  
7       ness Act (15 U.S.C. 644(l)) is amended by striking the  
8       subsection enumerator and inserting the following:

9           “(1) PROCUREMENT CENTER REPRESENTATIVES.—  
10       ”.

11          (b) ASSIGNMENT AND ROLE.—Paragraph (1) of sec-  
12       tion 15(l) of such Act (15 U.S.C. 644(l)) is amended to  
13       read as follows:

14               “(1) ASSIGNMENT AND ROLE.—The Adminis-  
15       trator shall assign to each major procurement center  
16       a procurement center representative with such as-  
17       sistance as may be appropriate.”.

18          (c) ACTIVITIES.—Section 15(l)(2) of such Act (15  
19       U.S.C. 644(l)(2)) is amended—

20               (1) in the matter preceding subparagraph (A),  
21       by striking “(2) In addition to carrying out the re-  
22       sponsibilities assigned by the Administration, a  
23       breakout” and inserting the following:

24               “(2) ACTIVITIES.—A”;

25               (2) in subparagraph (B)—

1 (A) by striking “(B) review, at any time,  
2 restrictions on competition” and inserting the  
3 following:

4 “(B) review, at any time, barriers to small  
5 business participation in Federal contracting”;

6 (B) by striking “items” and inserting  
7 “goods and services”; and

8 (C) by striking “limitations” and inserting  
9 “barriers”;

10 (3) in subparagraph (C), by striking “(C) re-  
11 view restrictions on competition” and inserting the  
12 following:

13 “(C) review barriers to small business par-  
14 ticipation in Federal contracting”;

15 (4) by striking subparagraph (D) and inserting  
16 the following:

17 “(D) review any bundled or consolidated  
18 solicitation or contract in accordance with this  
19 Act;”;

20 (5) by striking subparagraph (E) and inserting  
21 the following:

22 “(E) have access to procurement records  
23 and other data of the procurement center com-  
24 mensurate with the level of such representa-  
25 tive’s approved security clearance classification,

1 with such data provided upon request in elec-  
2 tronic format, when available;” and

3 (6) by striking subparagraphs (F) and (G) and  
4 inserting the following:

5 “(F) receive unsolicited proposals from  
6 small business concerns and transmit such pro-  
7 posals to personnel of the activity responsible  
8 for reviewing such proposals, who shall furnish  
9 the procurement center representative with in-  
10 formation regarding the disposition of any such  
11 proposal;

12 “(G) consult with the Director the Office  
13 of Small and Disadvantaged Business Utiliza-  
14 tion of that agency and the agency personnel  
15 described in paragraph (7) and (8) of sub-  
16 section (k) with regard to agency insourcing de-  
17 cisions covered by subsection (k)(11);

18 “(H) be an advocate for the maximum  
19 practicable utilization of small business con-  
20 cerns in Federal contracting, including by advo-  
21 cating against the consolidation or bundling of  
22 contract requirements when not justified; and

23 “(I) carry out any other responsibility as-  
24 signed by the Administrator.”.

1 (d) APPEALS.—Section 15(l)(3) of such Act (15  
2 U.S.C. 644(l)(3)) is amended by striking “(3) A breakout  
3 procurement center representative” and inserting the fol-  
4 lowing:

5 “(3) APPEALS.—A procurement center rep-  
6 resentative”.

7 (e) ASSIGNMENT TO MAJOR PROCUREMENT CEN-  
8 TERS.—Paragraph (4) of section 15(l) of such Act (15  
9 U.S.C. 644(l)) is amended by striking “breakout procure-  
10 ment center representative” and inserting “procurement  
11 center representative”.

12 (f) POSITION REQUIREMENTS.—Section 15(l)(5) of  
13 such Act (15 U.S.C. 644(l)(5)) is amended—

14 (1) by striking the paragraph enumerator and  
15 inserting the following:

16 “(5) POSITION REQUIREMENTS.—”;

17 (2) by striking subparagraphs (A) and (B) and  
18 inserting the following:

19 “(A) IN GENERAL.—A procurement center  
20 representative assigned under this subsection  
21 shall—

22 “(i) be a full-time employee of the Ad-  
23 ministration;

24 “(ii) be fully qualified, technically  
25 trained, and familiar with the goods and

1 services procured by the major procure-  
2 ment center to which that representative is  
3 assigned; and

4 “(iii) have a Level III Federal Acqui-  
5 sition Certification in Contracting (or any  
6 successor certification) or the equivalent  
7 Department of Defense certification, ex-  
8 cept that any person serving in such a po-  
9 sition on the date of enactment of this  
10 clause may continue to serve in that posi-  
11 tion for a period of 5 years without the re-  
12 quired certification.”; and

13 (3) in subparagraph (C) by striking “(C) The  
14 Administration shall establish personnel positions for  
15 breakout procurement representatives and advisers  
16 assigned pursuant to” and inserting the following:

17 “(B) COMPENSATION.—The Administrator  
18 shall establish personnel positions for procure-  
19 ment center representatives assigned under”.

20 (g) MAJOR PROCUREMENT CENTER DEFINED.—Sec-  
21 tion 15(l)(6) of such Act (15 U.S.C. 644(l)(6)) is amend-  
22 ed—

23 (1) by striking “(6) For purposes” and insert-  
24 ing the following:

1           “(6) MAJOR PROCUREMENT CENTER DE-  
2 FINED.—For purposes”; and

3           (2) by striking “other than commercial items  
4 and which has the potential to incur significant sav-  
5 ings as the result of the placement of a breakout  
6 procurement center representative” and inserting  
7 “goods or services, including goods or services that  
8 are commercially available”.

9           (h) TRAINING.—Section 15(l)(7) of such Act (15  
10 U.S.C. 644(l)(7)) is amended—

11           (1) by striking the paragraph enumerator and  
12 inserting the following:

13           “(7) TRAINING.—”;

14           (2) in subparagraph (A) by striking “(A) At  
15 such times” and inserting the following:

16           “(A) AUTHORIZATION.—At such times”.

17           (3) in subparagraph (B)—

18           (A) by striking “(B) The breakout pro-  
19 curement center representative” and inserting  
20 the following:

21           “(8) ANNUAL BRIEFING AND REPORT.—A pro-  
22 curement center representative”; and

23           (B) by striking “sixty” and inserting “60”;

24           and

1 (4) by inserting after subparagraph (A) the fol-  
2 lowing:

3 “(B) LIMITATION.—A procurement center  
4 representative may provide training under sub-  
5 paragraph (A) only to the extent that the train-  
6 ing does not interfere with the representative  
7 carrying out other activities under this sub-  
8 section.”.

9 **SEC. 1622. SMALL BUSINESS ACT CONTRACTING REQUIRE-**  
10 **MENTS TRAINING.**

11 (a) ESTABLISHMENT.—Not later than 1 year after  
12 the date of enactment of this part, the Defense Acquisition  
13 University and the Federal Acquisition Institute shall each  
14 provide a course on contracting requirements under the  
15 Small Business Act, including the requirements for small  
16 business concerns owned and controlled by service-disabled  
17 veterans, qualified HUBZone small business concerns,  
18 small business concerns owned and controlled by socially  
19 and economically disadvantaged individuals, and small  
20 business concerns owned and controlled by women.

21 (b) COURSE REQUIRED.—To have a Federal Acquisi-  
22 tion Certification in Contracting (or any successor certifi-  
23 cation) or the equivalent Department of Defense certifi-  
24 cation an individual shall be required to complete the  
25 course established under subsection (a).

1           (c) REQUIREMENT THAT BUSINESS OPPORTUNITY  
2 SPECIALISTS BE CERTIFIED.—Section 7(j)(10)(D)(i) of  
3 the Small Business Act (15 U.S.C. 636(j)(10)(D)(i)) is  
4 amended by inserting after “to assist such Program Par-  
5 ticipant.” the following: “The Business Opportunity Spe-  
6 cialist shall have a Level I Federal Acquisition Certifi-  
7 cation in Contracting (or any successor certification) or  
8 the equivalent Department of Defense certification, except  
9 that a Business Opportunity Specialist serving at the time  
10 of the date of enactment of the National Defense Author-  
11 ization Act for Fiscal Year 2013 may continue to serve  
12 as a Business Opportunity Specialist for a period of 5  
13 years beginning on that date of enactment without such  
14 a certification.”.

15 **SEC. 1623. ACQUISITION PLANNING.**

16           Section 15(e)(1) of the Small Business Act (15  
17 U.S.C. 644(e)(1)) is amended—

18           (1) by striking “the various agencies” and in-  
19           serting “a Federal department or agency”; and

20           (2) by striking the period and inserting “, and  
21           each such Federal department or agency shall—

22                   “(A) provide opportunities for the partici-  
23                   pation of small business concerns during acqui-  
24                   sition planning processes and in acquisition  
25                   plans; and

1           “(B) invite the participation of the appro-  
2           priate Director of Small and Disadvantaged  
3           Business Utilization in acquisition planning  
4           processes and provide that Director access to  
5           acquisition plans.”.

6 **PART II—GOALS FOR PROCUREMENT CON-**  
7 **TRACTS AWARDED TO SMALL BUSINESS**  
8 **CONCERNS**

9 **SEC. 1631. GOALS FOR PROCUREMENT CONTRACTS AWARD-**  
10 **ED TO SMALL BUSINESS CONCERNS.**

11       (a) GOVERNMENTWIDE GOALS.—Paragraph (1) of  
12 section 15(g) of the Small Business Act (15 U.S.C.  
13 644(g)) is amended to read as follows:

14           “(1) GOVERNMENTWIDE GOALS.—

15           “(A) ESTABLISHMENT.—The President  
16           shall annually establish Governmentwide goals  
17           for procurement contracts awarded to small  
18           business concerns, small business concerns  
19           owned and controlled by service-disabled vet-  
20           erans, qualified HUBZone small business con-  
21           cerns, small business concerns owned and con-  
22           trolled by socially and economically disadvan-  
23           taged individuals, and small business concerns  
24           owned and controlled by women in accordance  
25           with the following:

1           “(i) The Governmentwide goal for  
2 participation by small business concerns  
3 shall be established at not less than 23  
4 percent of the total value of all prime con-  
5 tract awards for each fiscal year.

6           “(ii) The Governmentwide goal for  
7 participation by small business concerns  
8 owned and controlled by service-disabled  
9 veterans shall be established at not less  
10 than 3 percent of the total value of all  
11 prime contract and subcontract awards for  
12 each fiscal year.

13           “(iii) The Governmentwide goal for  
14 participation by qualified HUBZone small  
15 business concerns shall be established at  
16 not less than 3 percent of the total value  
17 of all prime contract and subcontract  
18 awards for each fiscal year.

19           “(iv) The Governmentwide goal for  
20 participation by small business concerns  
21 owned and controlled by socially and eco-  
22 nomically disadvantaged individuals shall  
23 be established at not less than 5 percent of  
24 the total value of all prime contract and  
25 subcontract awards for each fiscal year.

1           “(v) The Governmentwide goal for  
2           participation by small business concerns  
3           owned and controlled by women shall be  
4           established at not less than 5 percent of  
5           the total value of all prime contract and  
6           subcontract awards for each fiscal year.

7           “(B) ACHIEVEMENT OF GOVERNMENTWIDE  
8           GOALS.—Each agency shall have an annual goal  
9           that presents, for that agency, the maximum  
10          practicable opportunity for small business con-  
11          cerns, small business concerns owned and con-  
12          trolled by service-disabled veterans, qualified  
13          HUBZone small business concerns, small busi-  
14          ness concerns owned and controlled by socially  
15          and economically disadvantaged individuals, and  
16          small business concerns owned and controlled  
17          by women to participate in the performance of  
18          contracts let by such agency. The Small Busi-  
19          ness Administration and the Administrator for  
20          Federal Procurement Policy shall, when exer-  
21          cising their authority pursuant to paragraph  
22          (2), insure that the cumulative annual prime  
23          contract goals for all agencies meet or exceed  
24          the annual Governmentwide prime contract goal

1           established by the President pursuant to this  
2           paragraph.”.

3           (b) AMENDMENTS TO THE SMALL BUSINESS ACT.—

4 Paragraph (2) of section 15(g) of the Small Business Act  
5 (15 U.S.C. 644(g)) is amended—

6           (1) in subparagraph (A), by adding at the end  
7           the following: “Such goals shall separately address  
8           prime contract awards and subcontract awards for  
9           each category of small business covered.”;

10           (2) in subparagraph (D), by striking “For the  
11           purpose of establishing goals under this subsection”  
12           and all that follows through the end of that subpara-  
13           graph, and inserting the following: “After estab-  
14           lishing goals under this paragraph for a fiscal year,  
15           the head of each Federal agency shall develop a plan  
16           for achieving such goals at both the prime contract  
17           and the subcontract level, which shall apportion re-  
18           sponsibilities among the agency’s acquisition execu-  
19           tives and officials. In establishing goals under this  
20           paragraph, the head of each Federal agency shall  
21           make a consistent effort to annually expand partici-  
22           pation by small business concerns from each indus-  
23           try category in procurement contracts and sub-  
24           contracts of such agency, including participation by  
25           small business concerns owned and controlled by

1 service-disabled veterans, qualified HUBZone small  
2 business concerns, small business concerns owned  
3 and controlled by socially and economically disadvan-  
4 taged individuals, and small business concerns  
5 owned and controlled by women.”; and

6 (3) by striking subparagraphs (E) and (F) and  
7 inserting the following:

8 “(E) The head of each Federal agency, in  
9 attempting to attain expanded participation  
10 under subparagraph (D), shall consider—

11 “(i) contracts awarded as the result of  
12 unrestricted competition; and

13 “(ii) contracts awarded after competi-  
14 tion restricted to eligible small business  
15 concerns under this section and under the  
16 program established under section 8(a).

17 “(F)(i) Each procurement employee or  
18 program manager described in clause (ii) shall  
19 communicate to the subordinates of the pro-  
20 curement employee or program manager the im-  
21 portance of achieving goals established under  
22 subparagraph (A).

23 “(ii) A procurement employee or program  
24 manager described in this clause is a senior  
25 procurement executive, senior program man-

1           ager, or Director of Small and Disadvantaged  
2           Business Utilization of a Federal agency having  
3           contracting authority.”.

4           (c) ADDITIONAL REQUIREMENTS.—Not later than  
5 180 days after the date of the enactment of this part, the  
6 Administrator of the Small Business Administration shall  
7 review and revise the Goaling Guidelines for the Small  
8 Business Preference Programs for Prime and Subcontract  
9 Federal Procurement Goals and Achievements to the ex-  
10 tent necessary to ensure that—

11           (1) agency subcontracting goals are established  
12           on the basis of realistically achievable improvements  
13           to levels of subcontracting rather than on the basis  
14           of an average of previous years’ subcontracting per-  
15           formance;

16           (2) agency contracting and subcontracting goals  
17           are established in a manner that does not exclude  
18           categories of contracts on the basis of—

19           (A) the type of goods or services for which  
20           the agency contracts;

21           (B) in the case of contracts subject to  
22           competitive procedures under chapter 33 of title  
23           41, United States Code—

24           (i) whether or not funding for the  
25           contracts is made directly available to the

1 agency by an Appropriations Act or is  
2 made available by reimbursement from an-  
3 other agency or account; or

4 (ii) whether or not the contract is sub-  
5 ject to the Federal Acquisition Regulation;  
6 and

7 (3) whenever an agency contracting or subcon-  
8 tracting goal is established at a level lower than the  
9 Governmentwide goal for small business concerns or  
10 the relevant category of small business concerns, the  
11 Administration is required to document the basis for  
12 the decision to establish such lower goal.

13 (d) ASSESSMENT REQUIRED.—Not later than 60  
14 days after the date of the enactment of this part, the Chief  
15 Counsel for Advocacy of the Small Business Administra-  
16 tion shall enter into a contract with an appropriate entity  
17 to conduct an independent assessment of the small busi-  
18 ness procurement goals established in section 15(g) of the  
19 Small Business Act.

20 (1) COORDINATION WITH DEPARTMENT OF DE-  
21 FENSE.—To the extent practicable, the Adminis-  
22 trator shall coordinate this assessment with the Sec-  
23 retary of Defense, to avoid unnecessary duplication  
24 with the assessment required by section 1613 of this  
25 title.

1           (2) MATTERS COVERED.—The assessment  
2           under this subsection shall, at a minimum, include—

3                   (A) a description of the industrial composi-  
4                   tion of companies receiving prime contracts and  
5                   subcontracts with the Federal Government;

6                   (B) a description of the industrial composi-  
7                   tion of domestic small business concerns, small  
8                   business concerns owned and controlled by serv-  
9                   ice-disabled veterans, qualified HUBZone small  
10                  business concerns, small business concerns  
11                  owned and controlled by socially and economi-  
12                  cally disadvantaged individuals, and small busi-  
13                  ness concerns owned and controlled by women;

14                  (C) a comparison of the industrial com-  
15                  position of prime contractors and subcontract-  
16                  ors participating in Federal contracting and  
17                  the industrial composition of domestic small  
18                  business concerns, small business concerns  
19                  owned and controlled by service-disabled vet-  
20                  erans, qualified HUBZone small business con-  
21                  cerns, small business concerns owned and con-  
22                  trolled by socially and economically disadvan-  
23                  taged individuals, and small business concerns  
24                  owned and controlled by women;

1 (D) a determination of barriers to accu-  
2 rately capturing data on small business prime  
3 contracting and subcontracting, including an  
4 examination of the reliability of information  
5 technology systems used by more than one Fed-  
6 eral agency to track such data;

7 (E) recommendations for improving the  
8 quality and availability of data regarding small  
9 business prime contracting and subcontracting  
10 performance;

11 (F) recommendations to improve and in-  
12 form the establishment of the goals in section  
13 15(g) of the Small Business Act, including:

14 (i) alternate methodologies for estab-  
15 lishing the goals;

16 (ii) determining which contracts  
17 should be subject to the goals;

18 (iii) methods for improving the cor-  
19 relation of current goaling practices with  
20 the health of the industrial base; and

21 (iv) methods of allocating goals be-  
22 tween Federal agencies; and

23 (G) barriers within Federal procurement  
24 practices that inhibit the maximum practicable  
25 utilization of domestic small business concerns,

1 small business concerns owned and controlled  
2 by service-disabled veterans, qualified  
3 HUBZone small business concerns, small busi-  
4 ness concerns owned and controlled by socially  
5 and economically disadvantaged individuals, and  
6 small business concerns owned and controlled  
7 by women.

8 **SEC. 1632. REPORTING ON GOALS FOR PROCUREMENT**  
9 **CONTRACTS AWARDED TO SMALL BUSINESS**  
10 **CONCERNS.**

11 Subsection (h) of section 15 of the Small Business  
12 Act (15 U.S.C. 644) is amended to read as follows:

13 “(h) REPORTING ON GOALS FOR PROCUREMENT  
14 CONTRACTS AWARDED TO SMALL BUSINESS CON-  
15 CERNS.—

16 “(1) AGENCY REPORTS.—At the conclusion of  
17 each fiscal year, the head of each Federal agency  
18 shall submit to the Administrator a report describ-  
19 ing—

20 “(A) the extent of the participation by  
21 small business concerns, small business con-  
22 cerns owned and controlled by veterans (includ-  
23 ing service-disabled veterans), qualified  
24 HUBZone small business concerns, small busi-  
25 ness concerns owned and controlled by socially

1 and economically disadvantaged individuals, and  
2 small business concerns owned and controlled  
3 by women in the procurement contracts of such  
4 agency during such fiscal year;

5 “(B) whether the agency achieved the  
6 goals established for the agency under sub-  
7 section (g)(2) with respect to such fiscal year;  
8 and

9 “(C) any justifications for a failure to  
10 achieve such goals.

11 “(2) REPORTS BY ADMINISTRATOR.—Not later  
12 than 60 days after receiving a report from each Fed-  
13 eral agency under paragraph (1) with respect to a  
14 fiscal year, the Administrator shall submit to the  
15 President and Congress, and to make available on a  
16 public Web site, a report that includes—

17 “(A) a copy of each report submitted to  
18 the Administrator under paragraph (1);

19 “(B) a determination of whether each goal  
20 established by the President under subsection  
21 (g)(1) for such fiscal year was achieved;

22 “(C) a determination of whether each goal  
23 established by the head of a Federal agency  
24 under subsection (g)(2) for such fiscal year was  
25 achieved;

1           “(D) the reasons for any failure to achieve  
2 a goal established under paragraph (1) or (2)  
3 of subsection (g) for such fiscal year and a de-  
4 scription of actions planned by the applicable  
5 agency to address such failure, including the  
6 Administrator’s comments and recommenda-  
7 tions on the proposed remediation plan; and

8           “(E) for the Federal Government and each  
9 Federal agency, an analysis of the number and  
10 dollar amount of prime contracts awarded dur-  
11 ing such fiscal year to—

12                   “(i) small business concerns—

13                           “(I) in the aggregate;

14                           “(II) through sole source con-  
15 tracts;

16                           “(III) through competitions re-  
17 stricted to small business concerns;

18                           and

19                           “(IV) through unrestricted com-  
20 petition;

21                           “(ii) small business concerns owned  
22 and controlled by service-disabled vet-  
23 erans—

24                           “(I) in the aggregate;

- 1                   “(II) through sole source con-
- 2                   tracts;
- 3                   “(III) through competitions re-
- 4                   stricted to small business concerns;
- 5                   “(IV) through competitions re-
- 6                   stricted to small business concerns
- 7                   owned and controlled by service-dis-
- 8                   abled veterans; and
- 9                   “(V) through unrestricted com-
- 10                  petition;
- 11                  “(iii) qualified HUBZone small busi-
- 12                  ness concerns—
- 13                  “(I) in the aggregate;
- 14                  “(II) through sole source con-
- 15                  tracts;
- 16                  “(III) through competitions re-
- 17                  stricted to small business concerns;
- 18                  “(IV) through competitions re-
- 19                  stricted to qualified HUBZone small
- 20                  business concerns;
- 21                  “(V) through unrestricted com-
- 22                  petition where a price evaluation pref-
- 23                  erence was used; and

1                   “(VI) through unrestricted com-  
2                   petition where a price evaluation pref-  
3                   erence was not used;

4                   “(iv) small business concerns owned  
5                   and controlled by socially and economically  
6                   disadvantaged individuals—

7                   “(I) in the aggregate;

8                   “(II) through sole source con-  
9                   tracts;

10                  “(III) through competitions re-  
11                  stricted to small business concerns;

12                  “(IV) through competitions re-  
13                  stricted to small business concerns  
14                  owned and controlled by socially and  
15                  economically disadvantaged individ-  
16                  uals;

17                  “(V) through unrestricted com-  
18                  petition; and

19                  “(VI) by reason of that concern’s  
20                  certification as a small business  
21                  owned and controlled by socially and  
22                  economically disadvantaged individ-  
23                  uals;

24                  “(v) small business concerns owned by  
25                  an Indian tribe (as such term is defined in

1 section 8(a)(13)) other than an Alaska Na-  
2 tive Corporation—

3 “(I) in the aggregate;

4 “(II) through sole source con-  
5 tracts;

6 “(III) through competitions re-  
7 stricted to small business concerns;

8 “(IV) through competitions re-  
9 stricted to small business concerns  
10 owned and controlled by socially and  
11 economically disadvantaged individ-  
12 uals; and

13 “(V) through unrestricted com-  
14 petition;

15 “(vi) small business concerns owned  
16 by a Native Hawaiian Organization—

17 “(I) in the aggregate;

18 “(II) through sole source con-  
19 tracts;

20 “(III) through competitions re-  
21 stricted to small business concerns;

22 “(IV) through competitions re-  
23 stricted to small business concerns  
24 owned and controlled by socially and

1 economically disadvantaged individ-  
2 uals; and

3 “(V) through unrestricted com-  
4 petition;

5 “(vii) small business concerns owned  
6 by an Alaska Native Corporation—

7 “(I) in the aggregate;

8 “(II) through sole source con-  
9 tracts;

10 “(III) through competitions re-  
11 stricted to small business concerns;

12 “(IV) through competitions re-  
13 stricted to small business concerns  
14 owned and controlled by socially and  
15 economically disadvantaged individ-  
16 uals; and

17 “(V) through unrestricted com-  
18 petition; and

19 “(viii) small business concerns owned  
20 and controlled by women—

21 “(I) in the aggregate;

22 “(II) through competitions re-  
23 stricted to small business concerns;

1                   “(III) through competitions re-  
2                   stricted using the authority under sec-  
3                   tion 8(m)(2);

4                   “(IV) through competitions re-  
5                   stricted using the authority under sec-  
6                   tion 8(m)(2) and in which the waiver  
7                   authority under section 8(m)(3) was  
8                   used; and

9                   “(V) through unrestricted com-  
10                  petition; and

11                  “(F) for the Federal Government, the  
12                  number, dollar amount, and distribution with  
13                  respect to the North American Industry Classi-  
14                  fication System of subcontracts awarded during  
15                  such fiscal year to small business concerns,  
16                  small business concerns owned and controlled  
17                  by service-disabled veterans, qualified  
18                  HUBZone small business concerns, small busi-  
19                  ness concerns owned and controlled by socially  
20                  and economically disadvantaged individuals, and  
21                  small business concerns owned and controlled  
22                  by women, provided that such information is  
23                  publicly available through data systems devel-  
24                  oped pursuant to the Federal Funding Account-  
25                  ability and Transparency Act of 2006 (Public

1 Law 109–282), or otherwise available as pro-  
2 vided in paragraph (3).

3 “(3) ACCESS TO DATA.—

4 “(A) FEDERAL PROCUREMENT DATA SYS-  
5 TEM.—To assist in the implementation of this  
6 section, the Administration shall have access to  
7 information collected through the Federal Pro-  
8 curement Data System, Federal Subcontracting  
9 Reporting System, or any new or successor sys-  
10 tem.

11 “(B) AGENCY PROCUREMENT DATA  
12 SOURCES.—To assist in the implementation of  
13 this section, the head of each contracting agen-  
14 cy shall provide, upon request of the Adminis-  
15 tration, procurement information collected  
16 through agency data collection sources in exist-  
17 ence at the time of the request. Contracting  
18 agencies shall not be required to establish new  
19 data collection systems to provide such data.”.

20 **SEC. 1633. SENIOR EXECUTIVES.**

21 (a) TRAINING.—Programs established for the devel-  
22 opment of senior executives under section 3396(a) of title  
23 5, United States Code, shall include training with respect  
24 to Federal procurement requirements, including con-

1 tracting requirements under the Small Business Act (15  
2 U.S.C. 631 et seq.).

3 (b) RESPONSIBILITY FOR ACHIEVING SMALL BUSI-  
4 NESS GOALS.—The head of an agency shall take steps to  
5 ensure that members of the senior executive service, as  
6 defined under section 3396(a) of title 5, United States  
7 Code, responsible for acquisition, other senior officials re-  
8 sponsible for acquisition, and other members of the senior  
9 executive service, as appropriate, assume responsibility for  
10 of the agency’s success in achieving small business con-  
11 tracting goals and percentages by—

12 (1) promoting a climate or environment that is  
13 responsive to small business concerns;

14 (2) communicating the importance of achieving  
15 the agency’s small business contracting goals; and

16 (3) encouraging small business awareness, out-  
17 reach, and support.

18 (c) DEFINITIONS.—In this section the term “respon-  
19 sible for acquisition”, with respect to a member of the sen-  
20 ior executive service or other senior official, means such  
21 a member or official who acquires services or supplies, di-  
22 rects agency organizations to acquire services or supplies,  
23 oversees acquisition officials, including program managers,  
24 contracting officers, and other acquisition workforce per-

1 sonnel responsible for formulating and approving acquisi-  
2 tion strategies and plans.

3 **PART III—MENTOR-PROTEGE PROGRAMS**

4 **SEC. 1641. MENTOR-PROTEGE PROGRAMS.**

5 The Small Business Act (15 U.S.C. 631 et seq.) is  
6 amended—

7 (1) by redesignating section 45 as section 47;

8 and

9 (2) by inserting after section 44 the following:

10 **“SEC. 45. MENTOR-PROTEGE PROGRAMS.**

11 **“(a) ADMINISTRATION PROGRAM.—**

12 **“(1) AUTHORITY.—**The Administrator is au-  
13 thORIZED to establish a mentor-protege program for  
14 all small business concerns.

15 **“(2) MODEL FOR PROGRAM.—**The mentor-pro-  
16 tege program established under paragraph (1) shall  
17 be identical to the mentor-protege program of the  
18 Administration for small business concerns that par-  
19 ticipate in the program under section 8(a) (as in ef-  
20 fect on the date of enactment of this section), except  
21 that the Administrator may modify the program to  
22 the extent necessary given the types of small busi-  
23 ness concerns included as proteges.

24 **“(b) PROGRAMS OF OTHER AGENCIES.—**

1           “(1) APPROVAL REQUIRED.—Except as pro-  
2           vided in paragraph (4), a Federal department or  
3           agency may not carry out a mentor-protege program  
4           for small business concerns unless—

5                   “(A) the head of the department or agency  
6                   submits a plan to the Administrator for the  
7                   program; and

8                   “(B) the Administrator approves such  
9                   plan.

10           “(2) BASIS FOR APPROVAL.—The Adminis-  
11           trator shall approve or disapprove a plan submitted  
12           under paragraph (1) based on whether the program  
13           proposed—

14                   “(A) will assist proteges to compete for  
15                   Federal prime contracts and subcontracts; and

16                   “(B) complies with the regulations issued  
17                   under paragraph (3).

18           “(3) REGULATIONS.—Not later than 270 days  
19           after the date of enactment of this section, the Ad-  
20           ministrator shall issue, subject to notice and com-  
21           ment, regulations with respect to mentor-protege  
22           programs, which shall ensure that such programs  
23           improve the ability of proteges to compete for Fed-  
24           eral prime contracts and subcontracts and which  
25           shall address, at a minimum, the following:

1           “(A) Eligibility criteria for program par-  
2           ticipants, including any restrictions on the num-  
3           ber of mentor-protege relationships permitted  
4           for each participant.

5           “(B) The types of developmental assistance  
6           to be provided by mentors, including how the  
7           assistance provided shall improve the competi-  
8           tive viability of the proteges.

9           “(C) Whether any developmental assist-  
10          ance provided by a mentor may affect the sta-  
11          tus of a program participant as a small busi-  
12          ness concern due to affiliation.

13          “(D) The length of mentor-protege rela-  
14          tionships.

15          “(E) The effect of mentor-protege relation-  
16          ships on contracting.

17          “(F) Benefits that may accrue to a mentor  
18          as a result of program participation.

19          “(G) Reporting requirements during pro-  
20          gram participation.

21          “(H) Postparticipation reporting require-  
22          ments.

23          “(I) The need for a mentor-protege pair, if  
24          accepted to participate as a pair in a mentor-  
25          protege program of any Federal department or

1 agency, to be accepted to participate as a pair  
2 in all Federal mentor-protege programs.

3 “(J) Actions to be taken to ensure benefits  
4 for proteges and to protect a protege against  
5 actions by a mentor that—

6 “(i) may adversely affect the protege’s  
7 status as a small business concern; or

8 “(ii) provide disproportionate eco-  
9 nomic benefits to the mentor relative to  
10 those provided the protege.

11 “(4) LIMITATION ON APPLICABILITY.—Para-  
12 graph (1) does not apply to the following:

13 “(A) Any mentor-protege program of the  
14 Department of Defense.

15 “(B) Any mentoring assistance provided  
16 under a Small Business Innovation Research  
17 Program or a Small Business Technology  
18 Transfer Program.

19 “(C) Until the date that is 1 year after the  
20 date on which the Administrator issues regula-  
21 tions under paragraph (3), any Federal depart-  
22 ment or agency operating a mentor-protege pro-  
23 gram in effect on the date of enactment of this  
24 section.

25 “(c) REPORTING.—

1           “(1) IN GENERAL.—Not later than 2 years  
2 after the date of enactment of this section, and an-  
3 nually thereafter, the Administrator shall submit to  
4 the Committee on Small Business of the House of  
5 Representatives and the Committee on Small Busi-  
6 ness and Entrepreneurship of the Senate a report  
7 that—

8           “(A) identifies each Federal mentor-pro-  
9 tege program;

10           “(B) specifies the number of participants  
11 in each such program, including the number of  
12 participants that are—

13           “(i) small business concerns;

14           “(ii) small business concerns owned  
15 and controlled by service-disabled veterans;

16           “(iii) qualified HUBZone small busi-  
17 ness concerns;

18           “(iv) small business concerns owned  
19 and controlled by socially and economically  
20 disadvantaged individuals; or

21           “(v) small business concerns owned  
22 and controlled by women;

23           “(C) describes the type of assistance pro-  
24 vided to proteges under each such program;

1           “(D) describes the benefits provided to  
2           mentors under each such program; and

3           “(E) describes the progress of proteges  
4           under each such program with respect to com-  
5           peting for Federal prime contracts and sub-  
6           contracts.

7           “(2) PROVISION OF INFORMATION.—The head  
8           of each Federal department or agency carrying out  
9           a mentor-protege program shall provide to the Ad-  
10          ministrator, on an annual basis, the information nec-  
11          essary for the Administrator to submit a report re-  
12          quired under paragraph (1).

13          “(d) DEFINITIONS.—In this section, the following  
14          definitions apply:

15               “(1) MENTOR.—The term ‘mentor’ means a  
16               for-profit business concern, of any size, that—

17                       “(A) has the ability to assist and commits  
18                       to assisting a protege to compete for Federal  
19                       prime contracts and subcontracts; and

20                       “(B) satisfies any other requirements im-  
21                       posed by the Administrator.

22               “(2) MENTOR-PROTEGE PROGRAM.—The term  
23               ‘mentor-protege program’ means a program that  
24               pairs a mentor with a protege for the purpose of as-

1       sisting the protege to compete for Federal prime  
2       contracts and subcontracts.

3               “(3) PROTEGE.—The term ‘protege’ means a  
4       small business concern that—

5                       “(A) is eligible to enter into Federal prime  
6       contracts and subcontracts; and

7                       “(B) satisfies any other requirements im-  
8       posed by the Administrator.

9       “(e) CURRENT MENTOR PROTEGE AGREEMENTS.—  
10       Mentors and proteges with approved agreement in a pro-  
11       gram operating pursuant to subsection (b)(4)(C) shall be  
12       permitted to continue their relationship according to the  
13       terms specified in their agreement until the expiration  
14       date specified in the agreement.

15       “(f) SUBMISSION OF AGENCY PLANS.—Agencies op-  
16       erating mentor protege programs pursuant to subsection  
17       (b)(4)(C) shall submit the plans specified in subsection  
18       (b)(1)(A) to the Administrator within 6 months of the pro-  
19       mulgation of rules required by subsection (b)(3). The Ad-  
20       ministrator shall provide initial comments on each plan  
21       within 60 days of receipt, and final approval or denial of  
22       each plan within 180 days after receipt.”.

1 **PART IV—TRANSPARENCY IN SUBCONTRACTING**

2 **SEC. 1651. LIMITATIONS ON SUBCONTRACTING.**

3 The Small Business Act (15 U.S.C. 631 et seq.) is  
4 amended by inserting before section 47 (as redesignated  
5 by section 1641 of this subtitle) the following:

6 **“SEC. 46. LIMITATIONS ON SUBCONTRACTING.**

7 “(a) IN GENERAL.—If awarded a contract under sec-  
8 tion 8(a), 8(m), 15(a), 31, or 36, a covered small business  
9 concern—

10 “(1) in the case of a contract for services, may  
11 not expend on subcontractors more than 50 percent  
12 of the amount paid to the concern under the con-  
13 tract;

14 “(2) in the case of a contract for supplies  
15 (other than from a regular dealer in such supplies),  
16 may not expend on subcontractors more than 50  
17 percent of the amount, less the cost of materials,  
18 paid to the concern under the contract;

19 “(3) in the case of a contract described in para-  
20 graphs (1) and (2)—

21 “(A) shall determine for which category,  
22 services (as described in paragraph (1)) or sup-  
23 plies (as described in paragraph (2)), the great-  
24 est percentage of the contract is awarded;

1           “(B) shall determine the amount awarded  
2           under the contract for that category of services  
3           or supplies; and

4           “(C) may not expend on subcontractors,  
5           with respect to the amount determined under  
6           subparagraph (B), more than 50 percent of  
7           that amount; and

8           “(4) in the case of a contract for supplies from  
9           a regular dealer in such supplies, shall supply the  
10          product of a domestic small business manufacturer  
11          or processor, unless a waiver of such requirement is  
12          granted—

13          “(A) by the Administrator, after reviewing  
14          a determination by the applicable contracting  
15          officer that no small business manufacturer or  
16          processor can reasonably be expected to offer a  
17          product meeting the specifications (including  
18          period for performance) required by the con-  
19          tract; or

20          “(B) by the Administrator for a product  
21          (or class of products), after determining that no  
22          small business manufacturer or processor is  
23          available to participate in the Federal procure-  
24          ment market.

1       “(b) SIMILARLY SITUATED ENTITIES.—Contract  
2 amounts expended by a covered small business concern on  
3 a subcontractor that is a similarly situated entity shall not  
4 be considered subcontracted for purposes of determining  
5 whether the covered small business concern has violated  
6 a requirement established under subsection (a) or (d).

7       “(c) MODIFICATIONS OF PERCENTAGES.—The Ad-  
8 ministrator may change, by rule (after providing notice  
9 and an opportunity for public comment), a percentage  
10 specified in paragraphs (1) through (4) of subsection (a)  
11 if the Administrator determines that such change is nec-  
12 essary to reflect conventional industry practices among  
13 business concerns that are below the numerical size stand-  
14 ard for businesses in that industry category.

15       “(d) OTHER CONTRACTS.—

16           “(1) IN GENERAL.—With respect to a category  
17 of contracts to which a requirement under sub-  
18 section (a) does not apply, the Administrator is au-  
19 thorized to establish, by rule (after providing notice  
20 and an opportunity for public comment), a require-  
21 ment that a covered small business concern may not  
22 expend on subcontractors more than a specified per-  
23 centage of the amount paid to the concern under a  
24 contract in that category.

1           “(2) UNIFORMITY.—A requirement established  
2           under paragraph (1) shall apply to all covered small  
3           business concerns.

4           “(3) CONSTRUCTION PROJECTS.—The Adminis-  
5           trator shall establish, through public rulemaking, re-  
6           quirements similar to those specified in paragraph  
7           (1) to be applicable to contracts for general and spe-  
8           cialty construction and to contracts for any other in-  
9           dustry category not otherwise subject to the require-  
10          ments of such paragraph. The percentage applicable  
11          to any such requirement shall be determined in ac-  
12          cordance with paragraph (1).

13          “(e) DEFINITIONS.—In this section, the following  
14          definitions apply:

15                 “(1) COVERED SMALL BUSINESS CONCERN.—  
16                 The term ‘covered small business concern’ means a  
17                 business concern that—

18                         “(A) with respect to a contract awarded  
19                         under section 8(a), is a small business concern  
20                         eligible to receive contracts under that section;

21                         “(B) with respect to a contract awarded  
22                         under section 8(m)—

23                                 “(i) is a small business concern owned  
24                                 and controlled by women (as defined in  
25                                 that section); or

1           “(ii) is a small business concern  
2           owned and controlled by women (as de-  
3           fined in that section) that is not less than  
4           51 percent owned by 1 or more women  
5           who are economically disadvantaged (and  
6           such ownership is determined without re-  
7           gard to any community property law);

8           “(C) with respect to a contract awarded  
9           under section 15(a), is a small business con-  
10          cern;

11          “(D) with respect to a contract awarded  
12          under section 31, is a qualified HUBZone small  
13          business concern; or

14          “(E) with respect to a contract awarded  
15          under section 36, is a small business concern  
16          owned and controlled by service-disabled vet-  
17          erans.

18          “(2) SIMILARLY SITUATED ENTITY.—The term  
19          ‘similarly situated entity’ means a subcontractor  
20          that—

21                 “(A) if a subcontractor for a small busi-  
22                 ness concern, is a small business concern;

23                 “(B) if a subcontractor for a small busi-  
24                 ness concern eligible to receive contracts under  
25                 section 8(a), is such a concern;

1           “(C) if a subcontractor for a small busi-  
2           ness concern owned and controlled by women  
3           (as defined in section 8(m)), is such a concern;

4           “(D) if a subcontractor for a small busi-  
5           ness concern owned and controlled by women  
6           (as defined in section 8(m)) that is not less  
7           than 51 percent owned by 1 or more women  
8           who are economically disadvantaged (and such  
9           ownership is determined without regard to any  
10          community property law), is such a concern;

11          “(E) if a subcontractor for a qualified  
12          HUBZone small business concern, is such a  
13          concern; or

14          “(F) if a subcontractor for a small busi-  
15          ness concern owned and controlled by service-  
16          disabled veterans, is such a concern.”.

17 **SEC. 1652. PENALTIES.**

18          Section 16 of the Small Business Act (15 U.S.C. 645)  
19 is amended by adding at the end the following:

20          “(g) SUBCONTRACTING LIMITATIONS.—

21                 “(1) IN GENERAL.—Whoever violates a require-  
22                 ment established under section 46 shall be subject to  
23                 the penalties prescribed in subsection (d), except  
24                 that, for an entity that exceeded a limitation on sub-  
25                 contracting under such section, the fine described in

1 subsection (d)(2)(A) shall be treated as the greater  
2 of—

3 “(A) \$500,000; or

4 “(B) the dollar amount expended, in excess  
5 of permitted levels, by the entity on subcontractors.  
6

7 “(2) MONITORING.—Not later than 1 year after  
8 the date of enactment of this subsection, the Administrator shall take such actions as are necessary to  
9 ensure that an existing Federal subcontracting reporting system is modified to notify the Administrator, the appropriate Director of the Office of  
10 Small and Disadvantaged Business Utilization, and  
11 the appropriate contracting officer if a requirement  
12 established under section 46 is violated.”  
13  
14  
15

16 **SEC. 1653. SUBCONTRACTING PLANS.**

17 (a) AMENDMENTS TO SMALL BUSINESS ACT REQUIREMENTS.—Section 8(d) of the Small Business Act  
18 (15 U.S.C. 637(d)) is amended by—  
19

20 (1) redesignating paragraphs (7), (8), (9), (10),  
21 (11), and (12) as paragraphs (8), (9), (10), (11),  
22 (12), and (13) respectively;

23 (2) inserting after paragraph (6) the following:

24 “(7) The head of the contracting agency shall  
25 ensure that—

1           “(A) the agency collects and reports data  
2           on the extent to which contractors of the agen-  
3           cy meet the goals and objectives set forth in  
4           subcontracting plans submitted pursuant to this  
5           subsection; and

6           “(B) the agency periodically reviews data  
7           collected and reported pursuant to subpara-  
8           graph (A) for the purpose of ensuring that such  
9           contractors comply in good faith with the re-  
10          quirements of this subsection and subcon-  
11          tracting plans submitted by the contractors  
12          pursuant to this subsection.”;

13          (3) in paragraph (9), as redesignated by para-  
14          graph (1) of this subsection, striking “shall be a ma-  
15          terial breach of such contract or subcontract” and  
16          inserting “shall be a material breach of such con-  
17          tract or subcontract and may be considered in any  
18          past performance evaluation of the contractor”;

19          (4) in subparagraph (C) of paragraph (11), as  
20          redesignated by paragraph (1) of this subsection, by  
21          striking “, either on a contract-by-contract basis, or  
22          in the case contractors” and inserting “as a supple-  
23          ment to evaluations performed by the contracting  
24          agency, either on a contract-by-contract basis or, in  
25          the case of contractors”; and

1 (5) by adding at the end the following:

2 “(14) An offeror for a covered contract that in-  
3 tends to identify a small business concern as a po-  
4 tential subcontractor in a bid or proposal for the  
5 contract, or in a plan submitted pursuant to this  
6 subsection in connection with the contract, shall no-  
7 tify the small business concern prior to making such  
8 identification.

9 “(15) The Administrator shall establish a re-  
10 porting mechanism that allows a subcontractor or  
11 potential subcontractor to report fraudulent activity  
12 or bad faith by a contractor with respect to a sub-  
13 contracting plan submitted pursuant to this sub-  
14 section.”.

15 (b) ADDITIONAL REQUIREMENTS.—

16 (1) REPORTING REQUIREMENTS.—Not later  
17 than 1 year after the date of the enactment of this  
18 part, the Administrator of the Small Business Ad-  
19 ministration shall take such actions as are necessary  
20 to ensure that the electronic subcontracting report-  
21 ing system established by the Administration to  
22 carry out the requirement of section 8(d)(6)(E) of  
23 the Small Business Act is modified to ensure that it  
24 can identify entities that fail to submit required re-  
25 ports.

1           (2) ANNUAL REPORT.—Not later than March  
2           31 of each year, the Administrator of the Small  
3           Business Administration shall provide the Com-  
4           mittee on Small Business of the House of Rep-  
5           resentatives and the Committee on Small Business  
6           and Entrepreneurship of the Senate a report, based  
7           on data available through existing systems, that sets  
8           forth, by agency (and to the extent practicable, by  
9           type of goal or plan), the following information:

10                   (A) the percentage of entities required to  
11                   submit reports pursuant to section 8(d)(6) of  
12                   the Small Business Act that filed such reports  
13                   and that failed to file such reports during the  
14                   prior fiscal year;

15                   (B) the percentage of entities filing such  
16                   reports that met, exceeded, or failed to meet  
17                   goals set forth in their subcontracting plans  
18                   during the prior fiscal year; and

19                   (C) the aggregate value by which such en-  
20                   tities exceeded, or failed to meet, their subcon-  
21                   tracting goals during the prior fiscal year.

22 **SEC. 1654. NOTICES OF SUBCONTRACTING OPPORTUNI-**  
23 **TIES.**

24           Section 8(k)(1) of the Small Business Act (15 U.S.C.  
25 637(k)(1)) is amended by striking “in the Commerce

1 Business Daily” and inserting “on the appropriate Fed-  
2 eral Web site (as determined by the Administrator)”.

3 **SEC. 1655. PUBLICATION OF CERTAIN DOCUMENTS.**

4 Not later than 270 days after the date of the enact-  
5 ment of this part, the Director of the Office of Manage-  
6 ment and Budget shall publish procedures and methodolo-  
7 gies to be used by Federal agencies with respect to deci-  
8 sions to convert a function being performed by a small  
9 business concern to performance by a Federal employee,  
10 including procedures and methodologies for determining  
11 which contracts will be studied for potential conversion;  
12 procedures and methodologies by which a contract is eval-  
13 uated as inherently governmental or as a critical agency  
14 function; and procedures and methodologies for estimating  
15 and comparing costs. Should a Federal agency develop any  
16 agency-specific methodologies for identifying critical agen-  
17 cy functions or supplemental implementation guidance,  
18 such methodologies and guidance shall be published upon  
19 implementation.

20 **PART V—SMALL BUSINESS CONCERN SIZE**

21 **STANDARDS**

22 **SEC. 1661. SMALL BUSINESS CONCERN SIZE STANDARDS.**

23 Section 3 of the Small Business Act (15 U.S.C. 632)  
24 is amended—

1 (1) by striking “SEC. 3.” and inserting the fol-  
2 lowing:

3 **“SEC. 3. DEFINITIONS.”;**

4 and

5 (2) in subsection (a)—

6 (A) by striking the subsection enumerator  
7 and inserting the following:

8 “(a) SMALL BUSINESS CONCERNS.—”;

9 (B) in paragraph (1), by striking “(1) For  
10 the purposes” and inserting the following:

11 “(1) IN GENERAL.—For the purposes”;

12 (C) in paragraph (3), by striking “(3)  
13 When establishing” and inserting the following:

14 “(3) VARIATION BY INDUSTRY AND CONSIDER-  
15 ATION OF OTHER FACTORS.—When establishing”;

16 (D) by moving paragraph (5), including  
17 each subparagraph and clause therein, 2 ems to  
18 the right; and

19 (E) by adding at the end the following:

20 “(6) PROPOSED RULEMAKING.—In conducting  
21 rulemaking to revise, modify or establish size stand-  
22 ards pursuant to this section, the Administrator  
23 shall consider, and address, and make publicly avail-  
24 able as part of the notice of proposed rulemaking  
25 and notice of final rule each of the following:

1           “(A) a detailed description of the industry  
2           for which the new size standard is proposed;

3           “(B) an analysis of the competitive envi-  
4           ronment for that industry;

5           “(C) the approach the Administrator used  
6           to develop the proposed standard including the  
7           source of all data used to develop the proposed  
8           rule making; and

9           “(D) the anticipated effect of the proposed  
10          rulemaking on the industry, including the num-  
11          ber of concerns not currently considered small  
12          that would be considered small under the pro-  
13          posed rule making and the number of concerns  
14          currently considered small that would be  
15          deemed other than small under the proposed  
16          rulemaking.

17          “(7) COMMON SIZE STANDARDS.—In carrying  
18          out this subsection, the Administrator may establish  
19          or approve a single size standard for a grouping of  
20          4-digit North American Industry Classification Sys-  
21          tem codes only if the Administrator makes publicly  
22          available, not later than the date on which such size  
23          standard is established or approved, a justification  
24          demonstrating that such size standard is appropriate

1 for each individual industry classification included in  
2 the grouping.

3 “(8) NUMBER OF SIZE STANDARDS.—The Ad-  
4 ministrator shall not limit the number of size stand-  
5 ards established pursuant to paragraph (2), and  
6 shall assign the appropriate size standard to each  
7 North American Industry Classification System  
8 Code.”.

9 **PART VI—CONTRACT BUNDLING**

10 **SEC. 1671. CONTRACT BUNDLING.**

11 (a) CONSTRUCTION CONTRACTS.—Section 44 of the  
12 Small Business Act (15 U.S.C. 657q) is amended in sub-  
13 section (a)(2) by striking “or a multiple award contract  
14 to satisfy 2 or more requirements of the Federal agency  
15 for goods or services that have been provided to or per-  
16 formed for the Federal agency under 2 or more separate  
17 contracts lower in cost than the total cost of the contract  
18 for which the offers are solicited; and” and inserting the  
19 following: “or a multiple award contract—

20 “(A) to satisfy 2 or more requirements of  
21 the Federal agency for goods or services that  
22 have been provided to or performed for the  
23 Federal agency under 2 or more separate con-  
24 tracts lower in cost than the total cost of the  
25 contract for which the offers are solicited; or

1           “(B) to satisfy requirements of the Federal  
2           agency for construction projects to be per-  
3           formed at 2 or more discrete sites; and”.

4           (b) CLARIFICATION OF CERTAIN REQUIREMENTS.—  
5 Section 44 of such Act is further amended in subsection  
6 (c)(1)(E), by striking “certifies to the head of the Federal  
7 agency” and inserting “ensures”.

8           (c) REPEAL OF SUPERSEDED LAW AND CONFORMING  
9 CHANGE.—

10           (1) CONSOLIDATION OF CONTRACT REQUIRE-  
11 MENTS: POLICY AND RESTRICTIONS.—Section 2382  
12 of title 10, United States Code is repealed. The table  
13 of sections for chapter 141 of such title is amended  
14 by striking the item relating to section 2382.

15           (2) CONSOLIDATION OF CONTRACT REQUIRE-  
16 MENTS; DEPARTMENT OF DEFENSE.—Section 44 of  
17 the Small Business Act, as amended by subsections  
18 (a) and (b) of this section, is further amended in  
19 subsection (c) by striking paragraph (4).

20           (d) COMPTROLLER GENERAL REVIEW.—Not later  
21 than 270 days after the date of the enactment of this sub-  
22 section, the Comptroller General of the United States shall  
23 review data and information regarding consolidated con-  
24 tracts awarded by Federal agencies. The review shall in-  
25 clude an assessment of—

1 (1) the extent to which written determinations  
2 that the consolidation of contract requirements was  
3 necessary and justified meet the requirements of ap-  
4 plicable provisions of law and regulation;

5 (2) the amount of savings and benefits realized  
6 pursuant to such contracts, in comparison with—

7 (A) the performance of similar require-  
8 ments under previous contracts; and

9 (B) the savings and benefits anticipated by  
10 the analysis required prior to the contract  
11 award pursuant to applicable provisions of law  
12 and regulation;

13 (3) the extent to which the consolidation of con-  
14 tract requirements was consistent with the con-  
15 tracting agency's small business subcontracting  
16 plans; and

17 (4) the adequacy of data collected pursuant to  
18 section 15 of the Small Business Act relating to con-  
19 tract bundling.

## 20 **PART VII—INCREASED PENALTIES FOR FRAUD**

### 21 **SEC. 1681. SAFE HARBOR FOR GOOD FAITH COMPLIANCE**

#### 22 **EFFORTS.**

23 (a) **SMALL BUSINESS FRAUD.**—Section 16(d) of the  
24 Small Business Act (15 U.S.C. 645(d)) is amended by in-  
25 serting after paragraph (2) the following:

1           “(3) LIMITATION ON LIABILITY.—This sub-  
2           section shall not apply to any conduct in violation of  
3           subsection (a) if the defendant acted in good faith  
4           reliance on a written advisory opinion from a Small  
5           Business Development Center (as defined in this  
6           Act), or an entity participating in the Procurement  
7           Technical Assistance Cooperative Agreement Pro-  
8           gram defined in chapter 142 of title 10, United  
9           States Code; however nothing in this Act shall obli-  
10          gate either entity to provide such a letter nor shall  
11          the provision of such a letter in any way render the  
12          providing entity liable to the business concern should  
13          the Administrator later determine that the concern  
14          is not a small business concern. Upon issuance of an  
15          advisory opinion under this paragraph, the entity  
16          issuing the advisory opinion shall remit a copy of the  
17          opinion to the General Counsel of the Administra-  
18          tion, who may reject the advisory opinion. If the  
19          General Counsel of the Administration rejects the  
20          advisory opinion, the Administration shall notify the  
21          entity issuing the advisory opinion and the recipient  
22          of the opinion, after which time the business concern  
23          may not rely upon the opinion.”.

24          (b) REGULATIONS.—Not later than 270 days after  
25          the date of enactment of this part, the Administrator of

1 the Small Business Administration shall issue rules defin-  
2 ing what constitutes an adequate advisory opinion for pur-  
3 poses of section 16(d)(3) of the Small Business Act.

4 (c) **SMALL BUSINESS COMPLIANCE GUIDE.**—Not  
5 later than 270 days after the date of enactment of this  
6 part, the Administrator of the Small Business Administra-  
7 tion shall issue (pursuant to section 212 of the Small  
8 Business Regulatory Enforcement Fairness Act of 1996)  
9 a compliance guide to assist business concerns in accu-  
10 rately determining their status as a small business con-  
11 cern.

12 **SEC. 1682. REQUIREMENT THAT FRAUDULENT BUSINESSES**  
13 **BE SUSPENDED OR DEBARRED.**

14 (a) **IN GENERAL.**—Section 16(d)(2)(C) of the Small  
15 Business Act (15 U.S.C. 645(d)(2)(C)) is amended by  
16 striking “on the basis that such misrepresentation indi-  
17 cates a lack of business integrity that seriously and di-  
18 rectly affects the present responsibility to perform any  
19 contract awarded by the Federal Government or a sub-  
20 contract under such a contract”.

21 (b) **DEVELOPMENT AND PROMULGATION OF GUID-**  
22 **ANCE.**—Not later than 270 days after the date of enact-  
23 ment of this part, the Administrator of the Small Business  
24 Administration shall develop and promulgate guidance im-  
25 plementing this section.

1 (c) PUBLICATION OF PROCEDURES REGARDING SUS-  
2 PENSION AND DEBARMENT.—Not later than 270 days  
3 after the date of enactment of this part, the Administrator  
4 shall publish and maintain on the Administration’s Web  
5 site the current standard operating procedures of the Ad-  
6 ministration for suspension and debarment, and the name  
7 and contact information for the individual designated by  
8 the Administrator as the senior individual responsible for  
9 suspension and debarment proceedings.

10 **SEC. 1683. ANNUAL REPORT ON SUSPENSIONS AND**  
11 **DEBARMENTS PROPOSED BY SMALL BUSI-**  
12 **NESS ADMINISTRATION.**

13 (a) REPORT REQUIREMENT.—The Administrator of  
14 the Small Business Administration shall submit each year  
15 to the Committee on Small Business and Entrepreneur-  
16 ship of the Senate, and the Committee on Small Business  
17 of the House of Representatives a report on the suspen-  
18 sion and debarment actions taken by the Administrator  
19 during the year preceding the year of submission of the  
20 report.

21 (b) MATTERS COVERED.—The report required by  
22 subsection (a) shall include the following information for  
23 the year covered by the report:

24 (1) NUMBER.—The number of contractors pro-  
25 posed for suspension or debarment.

1           (2) SOURCE.—The office within a Federal  
2 agency that originated each proposal for suspension  
3 or debarment.

4           (3) REASONS.—The reason for each proposal  
5 for suspension or debarment.

6           (4) RESULTS.—The result of each proposal for  
7 suspension or debarment, and the reason for such  
8 result.

9           (5) REFERRALS.—The number of suspensions  
10 or debarments referred to the Inspector General of  
11 the Small Business Administration or another agen-  
12 cy, or to the Attorney General (for purposes of this  
13 paragraph, the Administrator may redact identifying  
14 information on names of companies or other infor-  
15 mation in order to protect the integrity of any ongo-  
16 ing criminal or civil investigation).

17           **PART VIII—OFFICES OF SMALL AND**  
18           **DISADVANTAGED BUSINESS UNITS**

19           **SEC. 1691. OFFICES OF SMALL AND DISADVANTAGED BUSI-**  
20           **NESS UTILIZATION.**

21           (a) APPOINTMENT AND POSITION OF DIRECTOR.—  
22 Section 15(k)(2) of the Small Business Act (15 U.S.C.  
23 644(k)(2)) is amended by striking “such agency,” and in-  
24 serting “such agency to a position that is a Senior Execu-  
25 tive Service position (as such term is defined under section

1 3132(a) of title 5, United States Code), except that, for  
2 any agency in which the positions of Chief Acquisition Of-  
3 ficer and senior procurement executive (as such terms are  
4 defined under section 44(a) of this Act) are not Senior  
5 Executive Service positions, the Director of Small and Dis-  
6 advantaged Business Utilization may be appointed to a  
7 position compensated at not less than the minimum rate  
8 of basic pay payable for grade GS-15 of the General  
9 Schedule under section 5332 of such title (including com-  
10 parability payments under section 5304 of such title);”.

11 (b) PERFORMANCE APPRAISALS.—Section 15(k)(3)  
12 of such Act (15 U.S.C. 644(k)(3)) is amended—

13 (1) by striking “be responsible only to, and re-  
14 port directly to, the head” and inserting “shall be  
15 responsible only to (including with respect to per-  
16 formance appraisals), and report directly and exclu-  
17 sively to, the head”; and

18 (2) by striking “be responsible only to, and re-  
19 port directly to, such Secretary” and inserting “be  
20 responsible only to (including with respect to per-  
21 formance appraisals), and report directly and exclu-  
22 sively to, such Secretary”.

23 (c) ADDITIONAL REQUIREMENTS.—Section 15(k) of  
24 such Act (15 U.S.C. 644(k)) is amended by inserting after  
25 paragraph (10) the following:

1           “(11) shall review and advise such agency on  
2 any decision to convert an activity performed by a  
3 small business concern to an activity performed by  
4 a Federal employee;

5           “(12) shall provide to the Chief Acquisition Of-  
6 ficer and senior procurement executive of such agen-  
7 cy advice and comments on acquisition strategies,  
8 market research, and justifications related to section  
9 44 of this Act;

10           “(13) may provide training to small business  
11 concerns and contract specialists, except that such  
12 training may only be provided to the extent that the  
13 training does not interfere with the Director car-  
14 rying out other responsibilities under this subsection;

15           “(14) shall receive unsolicited proposals and,  
16 when appropriate, forward such proposals to per-  
17 sonnel of the activity responsible for reviewing such  
18 proposals;

19           “(15) shall carry out exclusively the duties enu-  
20 merated in this Act, and shall, while the Director,  
21 not hold any other title, position, or responsibility,  
22 except as necessary to carry out responsibilities  
23 under this subsection; and

24           “(16) shall submit, each fiscal year, to the  
25 Committee on Small Business of the House of Rep-

1       representatives and the Committee on Small Business  
2       and Entrepreneurship of the Senate a report de-  
3       scribing—

4               “(A) the training provided by the Director  
5       under paragraph (13) in the most recently com-  
6       pleted fiscal year;

7               “(B) the percentage of the budget of the  
8       Director used for such training in the most re-  
9       cently completed fiscal year; and

10              “(C) the percentage of the budget of the  
11       Director used for travel in the most recently  
12       completed fiscal year.”.

13       (d) REQUIREMENT OF ACQUISITION EXPERIENCE  
14       FOR OSDBU DIRECTOR.—Section 15(k) of the Small  
15       Business Act (15 U.S.C. 644(k)), as amended by this part,  
16       is further amended, in the matter preceding paragraph  
17       (1), by striking “who shall” and inserting the following:  
18       “, with experience serving in any combination of the fol-  
19       lowing roles: program manager, deputy program manager,  
20       or assistant program manager for Federal acquisition pro-  
21       gram; chief engineer, systems engineer, assistant engineer,  
22       or product support manager for Federal acquisition pro-  
23       gram; Federal contracting officer; small business technical  
24       advisor; contracts administrator for Federal Government  
25       contracts; attorney specializing in Federal procurement

1 law; small business liaison officer; officer or employee who  
2 managed Federal Government contracts for a small busi-  
3 ness; or individual whose primary responsibilities were for  
4 the functions and duties of section 8, 15 or 44 of this  
5 Act. Such officer or employee”.

6 (e) TECHNICAL AMENDMENTS.—Section 15(k) of  
7 such Act (15 U.S.C. 644(k)), as amended, is further  
8 amended—

9 (1) in paragraph (1)—

10 (A) by striking “be known” and inserting  
11 “shall be known”; and

12 (B) by striking “such agency,” and insert-  
13 ing “such agency;”;

14 (2) in paragraph (2) by striking “be appointed  
15 by” and inserting “shall be appointed by”;

16 (3) in paragraph (3)—

17 (A) by striking “director” and inserting  
18 “Director”; and

19 (B) by striking “Secretary’s designee,” and  
20 inserting “Secretary’s designee;”;

21 (4) in paragraph (4)—

22 (A) by striking “be responsible” and in-  
23 serting “shall be responsible”; and

24 (B) by striking “such agency,” and insert-  
25 ing “such agency;”;

1 (5) in paragraph (5) by striking “identify pro-  
2 posed” and inserting “shall identify proposed”;

3 (6) in paragraph (6) by striking “assist small”  
4 and inserting “shall assist small”;

5 (7) in paragraph (7)—

6 (A) by striking “have supervisory” and in-  
7 serting “shall have supervisory”; and

8 (B) by striking “this Act,” and inserting  
9 “this Act;”;

10 (8) in paragraph (8)—

11 (A) in the matter preceding subparagraph  
12 (A), by striking “assign a” and inserting “shall  
13 assign a”; and

14 (B) in subparagraph (A), by striking “the  
15 activity, and” and inserting “the activity; and”;

16 (9) in paragraph (9)—

17 (A) by striking “cooperate, and” and in-  
18 serting “shall cooperate, and”; and

19 (B) by striking “subsection, and” and in-  
20 serting “subsection;”; and

21 (10) in paragraph (10)—

22 (A) by striking “make recommendations”  
23 and inserting “shall make recommendations”;

24 (B) by striking “subsection (a), or section”  
25 and inserting “subsection (a), section”;

1 (C) by striking “Act or section 2323” and  
2 inserting “Act, or section 2323”;

3 (D) by striking “Code. Such recommenda-  
4 tions shall” and inserting “Code, which shall”;  
5 and

6 (E) by striking “contract file.” and insert-  
7 ing “contract file;”.

8 **SEC. 1692. SMALL BUSINESS PROCUREMENT ADVISORY**  
9 **COUNCIL.**

10 (a) DUTIES.—Section 7104(b) of the Federal Acqui-  
11 sition Streamlining Act of 1994 (15 U.S.C. 644 note) is  
12 amended—

13 (1) in paragraph (1) by striking “and” at the  
14 end;

15 (2) in paragraph (2) by striking “authorities.”  
16 and inserting “authorities;”; and

17 (3) by adding at the end the following:

18 “(3) to conduct reviews of each Office of Small  
19 and Disadvantaged Business Utilization established  
20 under section 15(k) of the Small Business Act (15  
21 U.S.C. 644(k)) to determine the compliance of each  
22 Office with requirements under such section;

23 “(4) to identify best practices for maximizing  
24 small business utilization in Federal contracting that

1       may be implemented by Federal agencies having pro-  
2       curement powers; and

3           “(5) to submit, annually, to the Committee on  
4       Small Business of the House of Representatives and  
5       the Committee on Small Business and Entrepre-  
6       neurship of the Senate a report describing—

7           “(A) the comments submitted under para-  
8       graph (2) during the 1-year period ending on  
9       the date on which the report is submitted, in-  
10      cluding any outcomes related to the comments;

11          “(B) the results of reviews conducted  
12      under paragraph (3) during such 1-year period;  
13      and

14          “(C) best practices identified under para-  
15      graph (4) during such 1-year period.”.

16      (b) MEMBERSHIP.—Section 7104(c)(3) of such Act  
17      (15 U.S.C. 644 note) is amended by striking “(established  
18      under section 15(k) of the Small Business Act (15 U.S.C.  
19      644(k))”.

20      (c) CHAIRMAN.—Section 7104(d) of such Act (15  
21      U.S.C. 644 note) is amended by inserting after “Small  
22      Business Administration” the following: “(or the designee  
23      of the Administrator)”.

1 **PART IX—OTHER MATTERS**

2 **SEC. 1695. SURETY BONDS.**

3 (a) **MAXIMUM BOND AMOUNT.**—Section 411(a)(1) of  
4 the Small Business Investment Act of 1958 (15 U.S.C.  
5 694b(a)(1)) is amended—

6 (1) by inserting “(A)” after “(1)”;

7 (2) by striking “does not exceed” and all that  
8 follows through the period at the end, and inserting  
9 “does not exceed \$6,500,000, as adjusted for infla-  
10 tion in accordance with section 1908 of title 41,  
11 United States Code.”; and

12 (3) by adding at the end the following:

13 “(B) The Administrator may guarantee a surety  
14 under subparagraph (A) for a total work order or contract  
15 amount that does not exceed \$10,000,000, if a contracting  
16 officer of a Federal agency certifies that such a guarantee  
17 is necessary.”.

18 (b) **DENIAL OF LIABILITY.**—Section 411 of the Small  
19 Business Investment Act of 1958 (15 U.S.C. 694b) is  
20 amended—

21 (1) by striking subsection (e) and inserting the  
22 following:

23 “(e) **REIMBURSEMENT OF SURETY; CONDITIONS.**—  
24 Pursuant to any such guarantee or agreement, the Admin-  
25 istration shall reimburse the surety, as provided in sub-  
26 section (e) of this section, except that the Administration

1 shall be relieved of liability (in whole or in part within  
2 the discretion of the Administration) if—

3 “(1) the surety obtained such guarantee or  
4 agreement, or applied for such reimbursement, by  
5 fraud or material misrepresentation,

6 “(2) the total contract amount at the time of  
7 execution of the bond or bonds exceeds \$6,500,000,

8 “(3) the surety has breached a material term or  
9 condition of such guarantee agreement, or

10 “(4) the surety has substantially violated the  
11 regulations promulgated by the Administration pur-  
12 suant to subsection (d).”; and

13 (2) by inserting after subsection (i) the fol-  
14 lowing:

15 “(j) For bonds made or executed with the prior ap-  
16 proval of the Administration, the Administration shall not  
17 deny liability to a surety based upon material information  
18 that was provided as part of the guarantee application.”.

19 (c) SIZE STANDARDS.—Section 410 of the Small  
20 Business Investment Act of 1958 (15 U.S.C. 694a) is  
21 amended by inserting after paragraph (8) the following:

22 “(9) Notwithstanding any other provision of law or  
23 any rule, regulation, or order of the Administration, for  
24 purpose of sections 410, 411, and 412 the term ‘small  
25 business concern’ means a business concern that meets the

1 size standard for the primary industry in which such busi-  
2 ness concern, and the affiliates of such business concern,  
3 is engaged, as determined by the Administrator in accord-  
4 ance with the North American Industry Classification Sys-  
5 tem.”.

6 **SEC. 1696. CONFORMING AMENDMENTS; REPEAL OF RE-**  
7 **DUNDANT PROVISIONS; REGULATIONS.**

8 (a) TECHNICAL AMENDMENTS.—Section 15 of the  
9 Small Business Act (15 U.S.C. 644) is amended—

10 (1) in the heading of subsection (p), to read as  
11 follows: “ACCESS TO DATA.—”; and

12 (2) in the heading of subsection (q), to read as  
13 follows: “REPORTS RELATED TO PROCUREMENT  
14 CENTER REPRESENTATIVES.—”.

15 (b) CONFORMING AMENDMENTS PERTAINING TO  
16 LIMITATIONS ON SUBCONTRACTING.—

17 (1) HUBZONES.—Section 3(p)(5) of the Small  
18 Business Act (15 U.S.C. 632(p)(5)) is amended—

19 (A) in subparagraph (A)(i) by striking sub-  
20 clause (III) and inserting the following:

21 “(III) with respect to any sub-  
22 contract entered into by the small  
23 business concern pursuant to a con-  
24 tract awarded to the small business  
25 concern under section 31, the small

1 business concern will ensure that the  
2 requirements of section 46 are satis-  
3 fied; and”;

4 (B) by striking subparagraphs (B) and  
5 (C); and

6 (C) by redesignating subparagraph (D) as  
7 subparagraph (B).

8 (2) ENTITIES ELIGIBLE FOR CONTRACTS  
9 UNDER SECTION 8(a).—Section 8(a) of such Act (15  
10 U.S.C. 637(a)) is amended by striking paragraph  
11 (14) and inserting the following:

12 “(14) LIMITATIONS ON SUBCONTRACTING.—A  
13 concern may not be awarded a contract under this  
14 subsection as a small business concern unless the  
15 concern agrees to satisfy the requirements of section  
16 46.”.

17 (3) SMALL BUSINESS CONCERNS.—Section 15  
18 of such Act (15 U.S.C. 644) is amended by striking  
19 subsection (o) and inserting the following:

20 “(o) LIMITATIONS ON SUBCONTRACTING.—A concern  
21 may not be awarded a contract under subsection (a) as  
22 a small business concern unless the concern agrees to sat-  
23 isfy the requirements of section 46.”.

24 (c) REGULATIONS.—Not later than 180 days after  
25 the date of enactment of this part, the Administrator of

1 the Small Business Administration shall issue guidance  
2 with respect to the changes made to the Small Business  
3 Act by the amendments in this subtitle, with opportunities  
4 for notice and comment.

5 **SEC. 1697. CONTRACTING WITH SMALL BUSINESS CON-**  
6 **CERNS OWNED AND CONTROLLED BY**  
7 **WOMEN.**

8 (a) **PROCUREMENT PROGRAM FOR WOMEN-OWNED**  
9 **SMALL BUSINESS CONCERNS.**—Section 8(m)(2) of the  
10 Small Business Act (15 U.S.C. 637(m)(2)) is amended—

11 (1) by striking subparagraph (D); and

12 (2) by redesignating subparagraphs (E) and  
13 (F) as subparagraphs (D) and (E), respectively.

14 (b) **STUDY AND REPORT ON REPRESENTATION OF**  
15 **WOMEN.**—Section 29 of the Small Business Act (15  
16 U.S.C. 656) is amended by adding at the end the fol-  
17 lowing:

18 “(o) **STUDY AND REPORT ON REPRESENTATION OF**  
19 **WOMEN.**—

20 “(1) **STUDY.**—The Administrator shall periodi-  
21 cally conduct a study to identify industries, as de-  
22 fined under the North American Industry Classifica-  
23 tion System, underrepresented by small business  
24 concerns owned and controlled by women.

1           “(2) REPORT.—Not later than 5 years after the  
2           date of enactment of this subsection, and every 5  
3           years thereafter, the Administrator shall submit to  
4           the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small  
5           Business of the House of Representatives a report  
6           on the results of each study under paragraph (1)  
7           conducted during the 5-year period ending on the  
8           date of the report.”.

10 **SEC. 1698. SMALL BUSINESS HUBZONES.**

11           (a) DEFINITION.—In this section, the term “covered  
12           base closure area” means a base closure area that, on or  
13           before the date of enactment of this Act, was treated as  
14           a HUBZone for purposes of the Small Business Act (15  
15           U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the  
16           Small Business Reauthorization and Manufacturing As-  
17           sistance Act of 2004 (15 U.S.C. 632 note).

18           (b) TREATMENT AS HUBZONE.—

19           (1) IN GENERAL.—Subject to paragraph (2), a  
20           covered base closure area shall be treated as a  
21           HUBZone for purposes of the Small Business Act  
22           (15 U.S.C. 631 et seq.) during the 5-year period be-  
23           ginning on the date of enactment of this Act.

24           (2) LIMITATION.—The total period of time that  
25           a covered base closure area is treated as a

1 HUBZone for purposes of the Small Business Act  
2 (15 U.S.C. 631 et seq.) pursuant to this section and  
3 section 152(a)(2) of the Small Business Reauthor-  
4 ization and Manufacturing Assistance Act of 2004  
5 (15 U.S.C. 632 note) may not exceed 5 years.

6 **SEC. 1699. NATIONAL VETERANS BUSINESS DEVELOPMENT**  
7 **CORPORATION.**

8 (a) IN GENERAL.—The Small Business Act (15  
9 U.S.C. 631 et seq.) is amended by striking section 33 (15  
10 U.S.C. 657c).

11 (b) CORPORATION.—On and after the date of enact-  
12 ment of this Act, the National Veterans Business Develop-  
13 ment Corporation and any successor thereto may not rep-  
14 resent that the corporation is federally chartered or in any  
15 other manner authorized by the Federal Government.

16 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

17 (1) TITLE 10.—Section 1142(b)(13) of title 10,  
18 United States Code, is amended by striking “and  
19 the National Veterans Business Development Cor-  
20 poration”.

21 (2) TITLE 38.—Section 3452(h) of title 38,  
22 United States Code, is amended by striking “any of  
23 the” and all that follows and inserting “any small  
24 business development center described in section 21  
25 of the Small Business Act (15 U.S.C. 648), insofar

1 as such center offers, sponsors, or cosponsors an en-  
2 trepreneurship course, as that term is defined in sec-  
3 tion 3675(c)(2).”.

4 (3) VETERANS ENTREPRENEURSHIP AND  
5 SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Sec-  
6 tion 203(c)(5) of the Veterans Entrepreneurship and  
7 Small Business Development Act of 1999 (15 U.S.C.  
8 657b note) is amended by striking “In cooperation  
9 with the National Veterans Business Development  
10 Corporation, develop” and inserting “Develop”.

11 **SEC. 1699a. STATE TRADE AND EXPORT PROMOTION GRANT**  
12 **PROGRAM.**

13 Section 1207(a)(5) of the Small Business Jobs Act  
14 of 2010 (15 U.S.C. 649b note) is amended by inserting  
15 after “Guam,” the following: “the Commonwealth of the  
16 Northern Mariana Islands,”.

17 **TITLE XVII—ENDING TRAF-**  
18 **FICKING IN GOVERNMENT**  
19 **CONTRACTING**

Sec. 1701. Definitions.

Sec. 1702. Contracting requirements.

Sec. 1703. Compliance plan and certification requirement.

Sec. 1704. Monitoring and investigation of trafficking in persons.

Sec. 1705. Notification to inspectors general and cooperation with Government.

Sec. 1706. Expansion of penalties for fraud in foreign labor contracting to in-  
clude attempted fraud and work outside the United States.

Sec. 1707. Improving Department of Defense accountability for reporting traf-  
ficking in persons claims and violations.

Sec. 1708. Rules of construction; effective date.

1 **SEC. 1701. DEFINITIONS.**

2 In this title:

3 (1) EXECUTIVE AGENCY.—The term “executive  
4 agency” has the meaning given the term in section  
5 133 of title 41, United States Code.

6 (2) SUBCONTRACTOR.—The term “subcon-  
7 tractor” means a recipient of a contract at any tier  
8 under a grant, contract, or cooperative agreement.

9 (3) SUBGRANTEE.—The term “subgrantee”  
10 means a recipient of a grant at any tier under a  
11 grant or cooperative agreement.

12 (4) UNITED STATES.—The term “United  
13 States” has the meaning provided in section 103(12)  
14 of the Trafficking Victims Protection Act of 2000  
15 (22 U.S.C. 7102(12)).

16 **SEC. 1702. CONTRACTING REQUIREMENTS.**

17 Section 106(g) of the Trafficking Victims Protection  
18 Act of 2000 (22 U.S.C. 7104(g)) is amended by striking  
19 “without penalty” and all that follows through the period  
20 at the end and inserting the following: “or take any of  
21 the other remedial actions authorized under section  
22 1704(c) of the National Defense Authorization Act for  
23 Fiscal Year 2013, without penalty, if the grantee or any  
24 subgrantee, or the contractor or any subcontractor, en-  
25 gages in, or uses labor recruiters, brokers, or other agents  
26 who engage in—

1 “(i) severe forms of trafficking in per-  
2 sons;

3 “(ii) the procurement of a commercial  
4 sex act during the period of time that the  
5 grant, contract, or cooperative agreement  
6 is in effect;

7 “(iii) the use of forced labor in the  
8 performance of the grant, contract, or co-  
9 operative agreement; or

10 “(iv) acts that directly support or ad-  
11 vance trafficking in persons, including the  
12 following acts:

13 “(I) Destroying, concealing, re-  
14 moving, confiscating, or otherwise de-  
15 denying an employee access to that em-  
16 ployee’s identity or immigration docu-  
17 ments.

18 “(II) Failing to provide return  
19 transportation or pay for return  
20 transportation costs to an employee  
21 from a country outside the United  
22 States to the country from which the  
23 employee was recruited upon the end  
24 of employment if requested by the em-  
25 ployee, unless—

1           “(aa) exempted from the re-  
2           quirement to provide or pay for  
3           such return transportation by the  
4           Federal department or agency  
5           providing or entering into the  
6           grant, contract, or cooperative  
7           agreement; or

8           “(bb) the employee is a vic-  
9           tim of human trafficking seeking  
10          victim services or legal redress in  
11          the country of employment or a  
12          witness in a human trafficking  
13          enforcement action.

14          “(III) Soliciting a person for the  
15          purpose of employment, or offering  
16          employment, by means of materially  
17          false or fraudulent pretenses, rep-  
18          resentations, or promises regarding  
19          that employment.

20          “(IV) Charging recruited employ-  
21          ees unreasonable placement or recruit-  
22          ment fees, such as fees equal to or  
23          greater than the employee’s monthly  
24          salary, or recruitment fees that violate

1 the laws of the country from which an  
2 employee is recruited.

3 “(V) Providing or arranging  
4 housing that fails to meet the host  
5 country housing and safety stand-  
6 ards.”.

7 **SEC. 1703. COMPLIANCE PLAN AND CERTIFICATION RE-**  
8 **QUIREMENT.**

9 (a) REQUIREMENT.—The head of an executive agen-  
10 cy may not provide or enter into a grant, contract, or coop-  
11 erative agreement if the estimated value of the services  
12 required to be performed under the grant, contract, or co-  
13 operative agreement outside the United States exceeds  
14 \$500,000, unless a duly designated representative of the  
15 recipient of such grant, contract, or cooperative agreement  
16 certifies to the contracting or grant officer prior to receiv-  
17 ing an award and on an annual basis thereafter, after hav-  
18 ing conducted due diligence, that—

19 (1) the recipient has implemented a plan to pre-  
20 vent the activities described in section 106(g) of the  
21 Trafficking Victims Protection Act of 2000 (22  
22 U.S.C. 7104(g)), as amended by section 1702, and  
23 is in compliance with that plan;

24 (2) the recipient has implemented procedures to  
25 prevent any activities described in such section

1 106(g) and to monitor, detect, and terminate any  
2 subcontractor, subgrantee, or employee of the recipi-  
3 ent engaging in any activities described in such sec-  
4 tion; and

5 (3) to the best of the representative's knowl-  
6 edge, neither the recipient, nor any subcontractor or  
7 subgrantee of the recipient or any agent of the re-  
8 cipient or of such a subcontractor or subgrantee, is  
9 engaged in any of the activities described in such  
10 section.

11 (b) LIMITATION.—Any plan or procedures imple-  
12 mented pursuant to subsection (a) shall be appropriate to  
13 the size and complexity of the grant, contract, or coopera-  
14 tive agreement and to the nature and scope of its activi-  
15 ties, including the number of non-United States citizens  
16 expected to be employed.

17 (c) DISCLOSURE.—The recipient shall provide a copy  
18 of the plan to the contracting or grant officer upon re-  
19 quest, and as appropriate, shall post the useful and rel-  
20 evant contents of the plan or related materials on its  
21 website and at the workplace.

22 (d) GUIDANCE.—The President, in consultation with  
23 the Secretary of State, the Attorney General, the Sec-  
24 retary of Defense, the Secretary of Labor, the Secretary  
25 of Homeland Security, the Administrator for the United

1 States Agency for International Development, and the  
2 heads of such other executive agencies as the President  
3 deems appropriate, shall establish minimum requirements  
4 for contractor plans and procedures to be implemented  
5 pursuant to this section.

6 **SEC. 1704. MONITORING AND INVESTIGATION OF TRAF-**  
7 **FICKING IN PERSONS.**

8 (a) REFERRAL AND INVESTIGATION.—

9 (1) REFERRAL.—If the contracting or grant of-  
10 ficer of an executive agency for a grant, contract, or  
11 cooperative agreement receives credible information  
12 that a recipient of the grant, contract, or cooperative  
13 agreement; any subgrantee or subcontractor of the  
14 recipient; or any agent of the recipient or of such a  
15 subgrantee or subcontractor, has engaged in an ac-  
16 tivity described in section 106(g) of the Trafficking  
17 Victims Protection Act of 2000 (22 U.S.C. 7104(g)),  
18 as amended by section 1702, including a report from  
19 a contracting officer representative, an auditor, an  
20 alleged victim or victim's representative, or any  
21 other credible source, the contracting or grant offi-  
22 cer shall promptly refer the matter to the agency's  
23 Office of Inspector General for investigation. The  
24 contracting officer may also direct the contractor to  
25 take specific steps to abate an alleged violation or

1 enforce the requirements of a compliance plan imple-  
2 mented pursuant to section 1703.

3 (2) INVESTIGATION.—An Inspector General  
4 who receives a referral under paragraph (1) or oth-  
5 erwise receives credible information that a recipient  
6 of the grant, contract, or cooperative agreement; any  
7 subgrantee or subcontractor of the recipient; or any  
8 agent of the recipient or of such a subgrantee or  
9 subcontractor, has engaged in an activity described  
10 in section 106(g) of the Trafficking Victims Protec-  
11 tion Act of 2000 (22 U.S.C. 7104(g)), as amended  
12 by section 1702, shall promptly review the referral  
13 or information and determine whether to initiate an  
14 investigation of the matter. In the event that an In-  
15 spector General does not initiate an investigation,  
16 the Inspector General shall document the rationale  
17 for the decision not to investigate.

18 (3) CRIMINAL INVESTIGATION.—If the matter  
19 is referred to the Department of Justice for criminal  
20 prosecution, the Inspector General may suspend any  
21 investigation under this subsection pending the out-  
22 come of the criminal prosecution. The Inspector  
23 General shall notify the head of the executive agency  
24 that awarded the contract, grant, or cooperative  
25 agreement of an indictment, information, or criminal

1 complaint against the recipient of a contract, grant,  
2 or cooperative agreement; any subgrantee or subcon-  
3 tractor of the recipient; or any agent of the recipient  
4 or of a subgrantee or subcontractor. If the criminal  
5 investigation results in a decision not to prosecute,  
6 the Inspector General shall promptly determine  
7 whether to resume any investigation that was sus-  
8 pended pursuant to this paragraph. In the event  
9 that an Inspector General does not resume an inves-  
10 tigation, the Inspector General shall document the  
11 rationale for the decision.

12 (b) REPORT.—Upon completion of an investigation  
13 under subsection (a), the Inspector General shall submit  
14 a report on the investigation to the head of the executive  
15 agency that awarded the contract, grant, or cooperative  
16 agreement. The report shall include the Inspector Gen-  
17 eral's conclusions regarding whether or not any allegations  
18 that the recipient of a grant, contract, or cooperative  
19 agreement; any subcontractor or subgrantee of the recipi-  
20 ent; or any agent of the recipient or of such a subcon-  
21 tractor or subgrantee, engaged in any of the activities de-  
22 scribed in section 106(g) of the Trafficking Victims Pro-  
23 tection Act of 2000 (22 U.S.C. 7104(g)), as amended by  
24 section 1702, are substantiated.

25 (c) REMEDIAL ACTIONS.—

1           (1) IN GENERAL.—Upon receipt of an Inspector  
2           General’s report substantiating an allegation that  
3           the recipient of a contract, grant, or cooperative  
4           agreement; any subgrantee or subcontractor of the  
5           recipient; or any agent of the recipient or of a sub-  
6           grantee or subcontractor, engaged in any of the ac-  
7           tivities described in section 106(g) of the Trafficking  
8           Victims Protection Act of 2000 (22 U.S.C. 7104(g)),  
9           as amended by section 1702, or notification of an in-  
10          dictment, information, or criminal complaint for an  
11          offense under subsection (a)(3), the head of agency  
12          shall consider taking one or more of the following re-  
13          medial actions:

14                   (A) Requiring the recipient to remove an  
15                   employee from the performance of work under  
16                   the grant, contract, or cooperative agreement.

17                   (B) Requiring the recipient to terminate a  
18                   subcontract or subgrant.

19                   (C) Suspending payments under the grant,  
20                   contract, or cooperative agreement until such  
21                   time as the recipient of the grant, contract, or  
22                   cooperative agreement has taken appropriate  
23                   remedial action.

24                   (D) Withholding award fees, consistent  
25                   with the award fee plan, for the performance

1 period in which the agency determined the con-  
2 tractor or subcontractor engaged in any of the  
3 activities described in such section 106(g).

4 (E) Declining to exercise available options  
5 under the contract.

6 (F) Terminating the contract for default  
7 or cause, in accordance with the termination  
8 clause for the contract.

9 (G) Referring the matter to the agency  
10 suspension and debarment official.

11 (2) SAVINGS CLAUSE.—Nothing in this sub-  
12 section shall be construed as limiting the scope of  
13 applicable remedies available to the Federal Govern-  
14 ment.

15 (3) MITIGATING FACTOR.—Where applicable,  
16 the head of an executive agency may consider wheth-  
17 er the contractor or grantee had a plan in place  
18 under section 1703, and was in compliance with that  
19 plan at the time of the violation, as a mitigating fac-  
20 tor in determining which remedies, if any, should  
21 apply.

22 (4) AGGRAVATING FACTOR.—Where applicable,  
23 the head of an executive agency may consider the  
24 failure of a contractor or grantee to abate an alleged  
25 violation or enforce the requirements of a compliance

1 plan when directed by a contracting officer pursuant  
2 to subsection (a)(1) as an aggravating factor in de-  
3 termining which remedies, if any, should apply.

4 (d) INCLUSION OF REPORT CONCLUSIONS IN  
5 FAPIIS.—

6 (1) IN GENERAL.—The head of an executive  
7 agency shall ensure that any substantiated allegation  
8 in the report under subsection (b) is included in the  
9 Federal Awardee Performance and Integrity Infor-  
10 mation System (FAPIIS) and that the contractor  
11 has an opportunity to respond to any such report in  
12 accordance with applicable statutes and regulations.

13 (2) AMENDMENT TO TITLE 41, UNITED STATES  
14 CODE.—Section 2313(c)(1)(E) of title 41, United  
15 States Code, is amended to read as follows:

16 “(E) In an administrative proceeding—

17 “(i) a final determination of con-  
18 tractor fault by the Secretary of Defense  
19 pursuant to section 823(d) of the National  
20 Defense Authorization Act for Fiscal Year  
21 2010 (10 U.S.C. 2302 note; Public Law  
22 111–84); or

23 “(ii) a substantiated allegation, pursu-  
24 ant to section 1704(b) of the National De-  
25 fense Authorization Act for Fiscal Year

1                   2013, that the contractor, a subcontractor,  
2                   or an agent of the contractor or subcon-  
3                   tractor engaged in any of the activities de-  
4                   scribed in section 106(g) of the Trafficking  
5                   Victims Protection Act of 2000 (22 U.S.C.  
6                   7104(g)).”.

7   **SEC. 1705. NOTIFICATION TO INSPECTORS GENERAL AND**  
8                   **COOPERATION WITH GOVERNMENT.**

9           The head of an executive agency making or awarding  
10 a grant, contract, or cooperative agreement shall require  
11 that the recipient of the grant, contract, or cooperative  
12 agreement—

13                   (1) immediately inform the Inspector General of  
14                   the executive agency of any information it receives  
15                   from any source that alleges credible information  
16                   that the recipient; any subcontractor or subgrantee  
17                   of the recipient; or any agent of the recipient or of  
18                   such a subcontractor or subgrantee, has engaged in  
19                   conduct described in section 106(g) of the Traf-  
20                   ficking in Victims Protection Act of 2000 (22 U.S.C.  
21                   7104(g)), as amended by section 1702 of this Act;  
22                   and

23                   (2) fully cooperate with any Federal agencies  
24                   responsible for audits, investigations, or corrective  
25                   actions relating to trafficking in persons.

1 **SEC. 1706. EXPANSION OF PENALTIES FOR FRAUD IN FOR-**  
2 **EIGN LABOR CONTRACTING TO INCLUDE AT-**  
3 **TEMPTED FRAUD AND WORK OUTSIDE THE**  
4 **UNITED STATES.**

5 (a) IN GENERAL.—Section 1351 of title 18, United  
6 States Code, is amended—

7 (1) by striking “Whoever knowingly and with  
8 the intent to defraud recruits, solicits or hires a per-  
9 son outside the United States” and inserting “(a)  
10 WORK INSIDE THE UNITED STATES.—Whoever  
11 knowingly and with intent to defraud recruits, solici-  
12 its, or hires a person outside the United States or  
13 causes another person to recruit, solicit, or hire a  
14 person outside the United States, or attempts to do  
15 so,”; and

16 (2) by adding at the end the following new sub-  
17 section:

18 “(b) WORK OUTSIDE THE UNITED STATES.—Who-  
19 ever knowingly and with intent to defraud recruits, solie-  
20 its, or hires a person outside the United States or causes  
21 another person to recruit, solicit, or hire a person outside  
22 the United States, or attempts to do so, for purposes of  
23 employment performed on a United States Government  
24 contract performed outside the United States, or on a  
25 United States military installation or mission outside the  
26 United States or other property or premises outside the

1 United States owned or controlled by the United States  
2 Government, by means of materially false or fraudulent  
3 pretenses, representations, or promises regarding that em-  
4 ployment, shall be fined under this title or imprisoned for  
5 not more than 5 years, or both.”.

6 (b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien  
7 may be admitted to the United States pursuant to sub-  
8 paragraph (U) of section 101(a)(15) of the Immigration  
9 and Nationality Act (8 U.S.C. 1101(a)(15)) as a result  
10 of the alien being a victim of a crime described in sub-  
11 section (b) of section 1351 of title 18, United States Code,  
12 as added by subsection (a).

13 **SEC. 1707. IMPROVING DEPARTMENT OF DEFENSE AC-**  
14 **COUNTABILITY FOR REPORTING TRAF-**  
15 **FICKING IN PERSONS CLAIMS AND VIOLA-**  
16 **TIONS.**

17 Section 105(d)(7)(H) of the Trafficking Victims Pro-  
18 tection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amend-  
19 ed—

- 20 (1) in clause (ii), by striking “and” at the end;  
21 (2) by redesignating clause (iii) as clause (iv);  
22 (3) by inserting after clause (ii) the following  
23 new clause:

1                   “(iii) all known trafficking in persons  
2                   cases reported to the Under Secretary of  
3                   Defense for Personnel and Readiness;”;

4                   (4) in clause (iv), as redesignated by paragraph  
5                   (2), by inserting “and” at the end after the semi-  
6                   colon; and

7                   (5) by adding at the end the following new  
8                   clause:

9                   “(v) all trafficking in persons activi-  
10                  ties of contractors reported to the Under  
11                  Secretary of Defense for Acquisition, Tech-  
12                  nology, and Logistics;”.

13 **SEC. 1708. RULES OF CONSTRUCTION; EFFECTIVE DATE.**

14           (a) **LIABILITY.**—Excluding section 1706, nothing in  
15 this title shall be construed to supersede, enlarge, or di-  
16 minish the common law or statutory liabilities of any  
17 grantee, subgrantee, contractor, subcontractor, or other  
18 party covered by section 106(g) of the Trafficking Victims  
19 Protection Act of 2000 (22 U.S.C. 7104(g)), as amended  
20 by section 1702.

21           (b) **AUTHORITY OF DEPARTMENT OF JUSTICE.**—  
22 Nothing in this title shall be construed as diminishing or  
23 otherwise modifying the authority of the Attorney General  
24 to investigate activities covered by this title.

25           (c) **IMPLEMENTATION AND EFFECTIVE DATES.**—

1 (1) CONTRACTING REQUIREMENTS.—

2 (A) Not later than 270 days after the date  
3 of the enactment of this Act, the Federal Acqui-  
4 sition Regulation shall be amended to carry out  
5 the requirements of sections 1702, 1703, and  
6 1704(c), and the second sentence of section  
7 1704(a)(1), of this title.

8 (B) The requirements of sections 1702,  
9 1703, and 1704(c), and the second sentence of  
10 section 1704(a)(1), of this title, shall apply to  
11 grants, contracts, and cooperative agreements  
12 entered into on or after the date that is 270  
13 days after the date of the enactment of this  
14 Act, and to task and delivery orders awarded on  
15 or after such date pursuant to contracts entered  
16 before, on, or after such date.

17 (2) INVESTIGATIVE AND PROCEDURAL RE-  
18 QUIREMENTS.—Federal agencies shall implement the  
19 requirements of sections 1704, 1705, and 1707  
20 (other than subsection (c) of section 1704) not later  
21 than 90 days after the date of the enactment of this  
22 Act.

23 (3) CRIMINAL LAW CHANGES.—The amend-  
24 ments made by section 1706 shall take effect upon

1 the date of enactment and shall apply to conduct  
2 taking place on or after such date.

3 **TITLE XVIII—FEDERAL ASSIST-**  
4 **ANCE TO FIRE DEPARTMENTS**

Subtitle A—Fire Grants Reauthorization

- Sec. 1801. Short title.
- Sec. 1802. Amendments to definitions.
- Sec. 1803. Assistance to firefighters grants.
- Sec. 1804. Staffing for adequate fire and emergency response.
- Sec. 1805. Sense of Congress on value and funding of Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.
- Sec. 1806. Report on amendments to Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.
- Sec. 1807. Studies and reports on the state of fire services.

Subtitle B—Reauthorization of United States Fire Administration

- Sec. 1811. Short title.
- Sec. 1812. Clarification of relationship between United States Fire Administration and Federal Emergency Management Agency.
- Sec. 1813. Modification of authority of Administrator to educate public about fire and fire prevention.
- Sec. 1814. Authorization of appropriations.
- Sec. 1815. Removal of limitation.

5 **Subtitle A—Fire Grants**  
6 **Reauthorization**

7 **SEC. 1801. SHORT TITLE.**

8 This subtitle may be cited as the “Fire Grants Reau-  
9 thorization Act of 2012”.

10 **SEC. 1802. AMENDMENTS TO DEFINITIONS.**

11 (a) IN GENERAL.—Section 4 of the Federal Fire Pre-  
12 vention and Control Act of 1974 (15 U.S.C. 2203) is  
13 amended—

14 (1) in paragraph (3), by inserting “, except as  
15 otherwise provided,” after “means”;

1           (2) in paragraph (4), by striking “‘Director’  
2           means” and all that follows through “Agency;” and  
3           inserting “‘Administrator of FEMA’ means the Ad-  
4           ministratoor of the Federal Emergency Management  
5           Agency;”;

6           (3) in paragraph (5)—

7                 (A) by inserting “Indian tribe,” after  
8                 “county,”; and

9                 (B) by striking “and ‘firecontrol’ ” and in-  
10                 serting “and ‘fire control’ ”;

11           (4) by redesignating paragraphs (6) through  
12           (9) as paragraphs (7) through (10), respectively;

13           (5) by inserting after paragraph (5), the fol-  
14           lowing:

15                 “(6) ‘Indian tribe’ has the meaning given that  
16                 term in section 4 of the Indian Self-Determination  
17                 and Education Assistance Act (25 U.S.C. 450b) and  
18                 ‘tribal’ means of or pertaining to an Indian tribe;”;

19           (6) by redesignating paragraphs (9) and (10),  
20           as redesignated by paragraph (4), as paragraphs  
21           (10) and (11);

22           (7) by inserting after paragraph (8), as redesign-  
23           ated by paragraph (4), the following:

24                 “(9) ‘Secretary’ means, except as otherwise pro-  
25                 vided, the Secretary of Homeland Security;” and

1 (8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

2 “(10) ‘State’ has the meaning given the term in  
3 section 2 of the Homeland Security Act of 2002 (6  
4 U.S.C. 101).”.

5  
6 (b) CONFORMING AMENDMENTS.—

7 (1) ADMINISTRATOR OF FEMA.—The Federal  
8 Fire Prevention and Control Act of 1974 (15 U.S.C.  
9 2201 et seq.) is amended by striking “Director”  
10 each place it appears and inserting “Administrator  
11 of FEMA”.

12 (2) ADMINISTRATOR OF FEMA’S AWARD.—Sec-  
13 tion 15 of such Act (15 U.S.C. 2214) is amended by  
14 striking “Director’s Award” each place it appears  
15 and inserting “Administrator’s Award”.

16 **SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.**

17 Section 33 of the Federal Fire Prevention and Con-  
18 trol Act of 1974 (15 U.S.C. 2229) is amended to read  
19 as follows:

20 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) ADMINISTRATOR OF FEMA.—The term  
23 ‘Administrator of FEMA’ means the Administrator  
24 of FEMA, acting through the Administrator.

1           “(2) AVAILABLE GRANT FUNDS.—The term  
2           ‘available grant funds’, with respect to a fiscal year,  
3           means those funds appropriated pursuant to the au-  
4           thorization of appropriations in subsection (q)(1) for  
5           such fiscal year less any funds used for administra-  
6           tive costs pursuant to subsection (q)(2) in such fis-  
7           cal year.

8           “(3) CAREER FIRE DEPARTMENT.—The term  
9           ‘career fire department’ means a fire department  
10          that has an all-paid force of firefighting personnel  
11          other than paid-on-call firefighters.

12          “(4) COMBINATION FIRE DEPARTMENT.—The  
13          term ‘combination fire department’ means a fire de-  
14          partment that has—

15                 “(A) paid firefighting personnel; and

16                 “(B) volunteer firefighting personnel.

17          “(5) FIREFIGHTING PERSONNEL.—The term  
18          ‘firefighting personnel’ means individuals, including  
19          volunteers, who are firefighters, officers of fire de-  
20          partments, or emergency medical service personnel  
21          of fire departments.

22          “(6) INSTITUTION OF HIGHER EDUCATION.—  
23          The term ‘institution of higher education’ has the  
24          meaning given such term in section 101 of the High-  
25          er Education Act of 1965 (20 U.S.C. 1001).

1           “(7) NONAFFILIATED EMS ORGANIZATION.—

2           The term ‘nonaffiliated EMS organization’ means a  
3           public or private nonprofit emergency medical serv-  
4           ices organization that is not affiliated with a hospital  
5           and does not serve a geographic area in which the  
6           Administrator of FEMA finds that emergency med-  
7           ical services are adequately provided by a fire de-  
8           partment.

9           “(8) PAID-ON-CALL.—The term ‘paid-on-call’  
10          with respect to firefighting personnel means fire-  
11          fighting personnel who are paid a stipend for each  
12          event to which they respond.

13          “(9) VOLUNTEER FIRE DEPARTMENT.—The  
14          term ‘volunteer fire department’ means a fire de-  
15          partment that has an all-volunteer force of fire-  
16          fighting personnel.

17          “(b) ASSISTANCE PROGRAM.—

18                 “(1) AUTHORITY.—In accordance with this sec-  
19                 tion, the Administrator of FEMA may award—

20                         “(A) assistance to firefighters grants under  
21                         subsection (c); and

22                         “(B) fire prevention and safety grants and  
23                         other assistance under subsection (d).

24                 “(2) ADMINISTRATIVE ASSISTANCE.—The Ad-  
25                 ministrator of FEMA shall—

1           “(A) establish specific criteria for the se-  
2           lection of grant recipients under this section;  
3           and

4           “(B) provide assistance with application  
5           preparation to applicants for such grants.

6           “(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

7           “(1) IN GENERAL.—The Administrator of  
8           FEMA may, in consultation with the chief executives  
9           of the States in which the recipients are located,  
10          award grants on a competitive basis directly to—

11          “(A) fire departments, for the purpose of  
12          protecting the health and safety of the public  
13          and firefighting personnel throughout the  
14          United States against fire, fire-related, and  
15          other hazards;

16          “(B) nonaffiliated EMS organizations to  
17          support the provision of emergency medical  
18          services; and

19          “(C) State fire training academies for the  
20          purposes described in subparagraphs (G), (H),  
21          and (I) of paragraph (3).

22          “(2) MAXIMUM GRANT AMOUNTS.—

23          “(A) POPULATION.—The Administrator of  
24          FEMA may not award a grant under this sub-  
25          section in excess of amounts as follows:

1           “(i) In the case of a recipient that  
2 serves a jurisdiction with 100,000 people  
3 or fewer, the amount of the grant awarded  
4 to such recipient shall not exceed  
5 \$1,000,000 in any fiscal year.

6           “(ii) In the case of a recipient that  
7 serves a jurisdiction with more than  
8 100,000 people but not more than 500,000  
9 people, the amount of the grant awarded  
10 to such recipient shall not exceed  
11 \$2,000,000 in any fiscal year.

12           “(iii) In the case of a recipient that  
13 serves a jurisdiction with more than  
14 500,000 but not more than 1,000,000 peo-  
15 ple, the amount of the grant awarded to  
16 such recipient shall not exceed \$3,000,000  
17 in any fiscal year.

18           “(iv) In the case of a recipient that  
19 serves a jurisdiction with more than  
20 1,000,000 people but not more than  
21 2,500,000 people, the amount of the grant  
22 awarded to such recipient shall not exceed  
23 \$6,000,000 for any fiscal year.

24           “(v) In the case of a recipient that  
25 serves a jurisdiction with more than

1           2,500,000 people, the amount of the grant  
2           awarded to such recipient shall not exceed  
3           \$9,000,000 in any fiscal year.

4           “(B) AGGREGATE.—

5                 “(i) IN GENERAL.—Notwithstanding  
6           subparagraphs (A) and (B) and except as  
7           provided under clause (ii), the Adminis-  
8           trator of FEMA may not award a grant  
9           under this subsection in a fiscal year in an  
10          amount that exceeds the amount that is  
11          one percent of the available grant funds in  
12          such fiscal year.

13                 “(ii) EXCEPTION.—The Administrator  
14          of FEMA may waive the limitation in  
15          clause (i) with respect to a grant recipient  
16          if the Administrator of FEMA determines  
17          that such recipient has an extraordinary  
18          need for a grant in an amount that exceeds  
19          the limit under clause (i).

20                 “(3) USE OF GRANT FUNDS.—Each entity re-  
21          ceiving a grant under this subsection shall use the  
22          grant for one or more of the following purposes:

23                 “(A) To train firefighting personnel in—

24                         “(i) firefighting;

1 “(ii) emergency medical services and  
2 other emergency response (including re-  
3 sponse to natural disasters, acts of ter-  
4 rorism, and other man-made disasters);

5 “(iii) arson prevention and detection;

6 “(iv) maritime firefighting; or

7 “(v) the handling of hazardous mate-  
8 rials.

9 “(B) To train firefighting personnel to  
10 provide any of the training described under sub-  
11 paragraph (A).

12 “(C) To fund the creation of rapid inter-  
13 vention teams to protect firefighting personnel  
14 at the scenes of fires and other emergencies.

15 “(D) To certify—

16 “(i) fire inspectors; and

17 “(ii) building inspectors—

18 “(I) whose responsibilities include  
19 fire safety inspections; and

20 “(II) who are employed by or  
21 serving as volunteers with a fire de-  
22 partment.

23 “(E) To establish wellness and fitness pro-  
24 grams for firefighting personnel to ensure that  
25 the firefighting personnel are able to carry out

1 their duties as firefighters, including programs  
2 dedicated to raising awareness of, and preven-  
3 tion of, job-related mental health issues.

4 “(F) To fund emergency medical services  
5 provided by fire departments and nonaffiliated  
6 EMS organizations.

7 “(G) To acquire additional firefighting ve-  
8 hicles, including fire trucks and other appa-  
9 ratus.

10 “(H) To acquire additional firefighting  
11 equipment, including equipment for—

12 “(i) fighting fires with foam in remote  
13 areas without access to water; and

14 “(ii) communications, monitoring, and  
15 response to a natural disaster, act of ter-  
16 rorism, or other man-made disaster, in-  
17 cluding the use of a weapon of mass de-  
18 struction.

19 “(I) To acquire personal protective equip-  
20 ment, including personal protective equip-  
21 ment—

22 “(i) prescribed for firefighting per-  
23 sonnel by the Occupational Safety and  
24 Health Administration of the Department  
25 of Labor; or

1                   “(ii) for responding to a natural dis-  
2                   aster or act of terrorism or other man-  
3                   made disaster, including the use of a weap-  
4                   on of mass destruction.

5                   “(J) To modify fire stations, fire training  
6                   facilities, and other facilities to protect the  
7                   health and safety of firefighting personnel.

8                   “(K) To educate the public about arson  
9                   prevention and detection.

10                  “(L) To provide incentives for the recruit-  
11                  ment and retention of volunteer firefighting  
12                  personnel for volunteer firefighting departments  
13                  and other firefighting departments that utilize  
14                  volunteers.

15                  “(M) To support such other activities, con-  
16                  sistent with the purposes of this subsection, as  
17                  the Administrator of FEMA determines appro-  
18                  priate.

19                  “(d) FIRE PREVENTION AND SAFETY GRANTS.—

20                  “(1) IN GENERAL.—For the purpose of assist-  
21                  ing fire prevention programs and supporting fire-  
22                  fighter health and safety research and development,  
23                  the Administrator of FEMA may, on a competitive  
24                  basis—

25                  “(A) award grants to fire departments;

1           “(B) award grants to, or enter into con-  
2           tracts or cooperative agreements with, national,  
3           State, local, tribal, or nonprofit organizations  
4           that are not fire departments and that are rec-  
5           ognized for their experience and expertise with  
6           respect to fire prevention or fire safety pro-  
7           grams and activities and firefighter research  
8           and development programs, for the purpose of  
9           carrying out—

10                   “(i) fire prevention programs; and

11                   “(ii) research to improve firefighter  
12                   health and life safety; and

13           “(C) award grants to institutions of higher  
14           education, national fire service organizations, or  
15           national fire safety organizations to establish  
16           and operate fire safety research centers.

17           “(2) MAXIMUM GRANT AMOUNT.—A grant  
18           awarded under this subsection may not exceed  
19           \$1,500,000 for a fiscal year.

20           “(3) USE OF GRANT FUNDS.—Each entity re-  
21           ceiving a grant under this subsection shall use the  
22           grant for one or more of the following purposes:

23                   “(A) To enforce fire codes and promote  
24                   compliance with fire safety standards.

1           “(B) To fund fire prevention programs, in-  
2           cluding programs that educate the public about  
3           arson prevention and detection.

4           “(C) To fund wildland fire prevention pro-  
5           grams, including education, awareness, and  
6           mitigation programs that protect lives, prop-  
7           erty, and natural resources from fire in the  
8           wildland-urban interface.

9           “(D) In the case of a grant awarded under  
10          paragraph (1)(C), to fund the establishment or  
11          operation of a fire safety research center for the  
12          purpose of significantly reducing the number of  
13          fire-related deaths and injuries among fire-  
14          fighters and the general public through re-  
15          search, development, and technology transfer  
16          activities.

17          “(E) To support such other activities, con-  
18          sistent with the purposes of this subsection, as  
19          the Administrator of FEMA determines appro-  
20          priate.

21          “(4) LIMITATION.—None of the funds made  
22          available under this subsection may be provided to  
23          the Association of Community Organizations for Re-  
24          form Now (ACORN) or any of its affiliates, subsidi-  
25          aries, or allied organizations.

1 “(e) APPLICATIONS FOR GRANTS.—

2 “(1) IN GENERAL.—An entity seeking a grant  
3 under this section shall submit to the Administrator  
4 of FEMA an application therefor in such form and  
5 in such manner as the Administrator of FEMA de-  
6 termines appropriate.

7 “(2) ELEMENTS.—Each application submitted  
8 under paragraph (1) shall include the following:

9 “(A) A description of the financial need of  
10 the applicant for the grant.

11 “(B) An analysis of the costs and benefits,  
12 with respect to public safety, of the use for  
13 which a grant is requested.

14 “(C) An agreement to provide information  
15 to the national fire incident reporting system  
16 for the period covered by the grant.

17 “(D) A list of other sources of funding re-  
18 ceived by the applicant—

19 “(i) for the same purpose for which  
20 the application for a grant under this sec-  
21 tion was submitted; or

22 “(ii) from the Federal Government for  
23 other fire-related purposes.

24 “(E) Such other information as the Ad-  
25 ministrator of FEMA determines appropriate.

1 “(3) JOINT OR REGIONAL APPLICATIONS.—

2 “(A) IN GENERAL.—Two or more entities  
3 may submit an application under paragraph (1)  
4 for a grant under this section to fund a joint  
5 program or initiative, including acquisition of  
6 shared equipment or vehicles.

7 “(B) NONEXCLUSIVITY.—Applications  
8 under this paragraph may be submitted instead  
9 of or in addition to any other application sub-  
10 mitted under paragraph (1).

11 “(C) GUIDANCE.—The Administrator of  
12 FEMA shall—

13 “(i) publish guidance on applying for  
14 and administering grants awarded for joint  
15 programs and initiatives described in sub-  
16 paragraph (A); and

17 “(ii) encourage applicants to apply for  
18 grants for joint programs and initiatives  
19 described in subparagraph (A) as the Ad-  
20 ministrator of FEMA determines appro-  
21 priate to achieve greater cost effectiveness  
22 and regional efficiency.

23 “(f) PEER REVIEW OF GRANT APPLICATIONS.—

24 “(1) IN GENERAL.—The Administrator of  
25 FEMA shall, after consultation with national fire

1 service and emergency medical services organiza-  
2 tions, appoint fire service personnel to conduct peer  
3 reviews of applications received under subsection  
4 (e)(1).

5 “(2) APPLICABILITY OF FEDERAL ADVISORY  
6 COMMITTEE ACT.—The Federal Advisory Committee  
7 Act (5 U.S.C. App.) shall not apply to activities car-  
8 ried out pursuant to this subsection.

9 “(g) PRIORITIZATION OF GRANT AWARDS.—In  
10 awarding grants under this section, the Administrator of  
11 FEMA shall consider the following:

12 “(1) The findings and recommendations of the  
13 peer reviews carried out under subsection (f).

14 “(2) The degree to which an award will reduce  
15 deaths, injuries, and property damage by reducing  
16 the risks associated with fire-related and other haz-  
17 ards.

18 “(3) The extent of the need of an applicant for  
19 a grant under this section and the need to protect  
20 the United States as a whole.

21 “(4) The number of calls requesting or requir-  
22 ing a fire fighting or emergency medical response re-  
23 ceived by an applicant.

24 “(h) ALLOCATION OF GRANT AWARDS.—In awarding  
25 grants under this section, the Administrator of FEMA

1 shall ensure that of the available grant funds in each fiscal  
2 year—

3 “(1) not less than 25 percent are awarded  
4 under subsection (c) to career fire departments;

5 “(2) not less than 25 percent are awarded  
6 under subsection (c) to volunteer fire departments;

7 “(3) not less than 25 percent are awarded  
8 under subsection (c) to combination fire departments  
9 and fire departments using paid-on-call firefighting  
10 personnel;

11 “(4) not less than 10 percent are available for  
12 open competition among career fire departments,  
13 volunteer fire departments, combination fire depart-  
14 ments, and fire departments using paid-on-call fire-  
15 fighting personnel for grants awarded under sub-  
16 section (c);

17 “(5) not less than 10 percent are awarded  
18 under subsection (d); and

19 “(6) not more than 2 percent are awarded  
20 under this section to nonaffiliated EMS organiza-  
21 tions described in subsection (c)(1)(B).

22 “(i) ADDITIONAL REQUIREMENTS AND LIMITA-  
23 TIONS.—

24 “(1) FUNDING FOR EMERGENCY MEDICAL  
25 SERVICES.—Not less than 3.5 percent of the avail-

1       able grant funds for a fiscal year shall be awarded  
2       under this section for purposes described in sub-  
3       section (c)(3)(F).

4               “(2) STATE FIRE TRAINING ACADEMIES.—

5                       “(A) MAXIMUM SHARE.—Not more than 3  
6                       percent of the available grant funds for a fiscal  
7                       year may be awarded under subsection  
8                       (c)(1)(C).

9                       “(B) MAXIMUM GRANT AMOUNT.—The Ad-  
10                      ministrators of FEMA may not award a grant  
11                      under subsection (c)(1)(C) to a State fire train-  
12                      ing academy in an amount that exceeds  
13                      \$1,000,000 in any fiscal year.

14               “(3) AMOUNTS FOR PURCHASING FIRE-  
15       FIGHTING VEHICLES.—Not more than 25 percent of  
16       the available grant funds for a fiscal year may be  
17       used to assist grant recipients to purchase vehicles  
18       pursuant to subsection (c)(3)(G).

19               “(j) FURTHER CONSIDERATIONS.—

20                      “(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO  
21                      FIRE DEPARTMENTS.—In considering applications  
22                      for grants under subsection (c)(1)(A), the Adminis-  
23                      trator of FEMA shall consider—

24                               “(A) the extent to which the grant would  
25                               enhance the daily operations of the applicant

1 and the impact of such a grant on the protec-  
2 tion of lives and property; and

3 “(B) a broad range of factors important to  
4 the applicant’s ability to respond to fires and  
5 related hazards, such as the following:

6 “(i) Population served.

7 “(ii) Geographic response area.

8 “(iii) Hazards vulnerability.

9 “(iv) Call volume.

10 “(v) Financial situation, including un-  
11 employment rate of the area being served.

12 “(vi) Need for training or equipment.

13 “(2) APPLICATIONS FROM NONAFFILIATED EMS  
14 ORGANIZATIONS.—In the case of an application sub-  
15 mitted under subsection (e)(1) by a nonaffiliated  
16 EMS organization, the Administrator of FEMA  
17 shall consider the extent to which other sources of  
18 Federal funding are available to the applicant to  
19 provide the assistance requested in such application.

20 “(3) AWARDING FIRE PREVENTION AND SAFE-  
21 TY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE  
22 NOT FIRE DEPARTMENTS.—In the case of applicants  
23 for grants under this section who are described in  
24 subsection (d)(1)(B), the Administrator of FEMA  
25 shall give priority to applicants who focus on—

1           “(A) prevention of injuries to high risk  
2 groups from fire; and

3           “(B) research programs that demonstrate  
4 a potential to improve firefighter safety.

5           “(4) AWARDING GRANTS FOR FIRE SAFETY RE-  
6 SEARCH CENTERS.—

7           “(A) CONSIDERATIONS.—In awarding  
8 grants under subsection (d)(1)(C), the Adminis-  
9 trator of FEMA shall—

10           “(i) select each grant recipient on—

11           “(I) the demonstrated research  
12 and extension resources available to  
13 the recipient to carry out the re-  
14 search, development, and technology  
15 transfer activities;

16           “(II) the capability of the recipi-  
17 ent to provide leadership in making  
18 national contributions to fire safety;

19           “(III) the recipient’s ability to  
20 disseminate the results of fire safety  
21 research; and

22           “(IV) the strategic plan the re-  
23 cipient proposes to carry out under  
24 the grant;

1           “(ii) give special consideration in se-  
2           lecting recipients under subparagraph (A)  
3           to an applicant for a grant that consists of  
4           a partnership between—

5                   “(I) a national fire service orga-  
6                   nization or a national fire safety orga-  
7                   nization; and

8                   “(II) an institution of higher  
9                   education, including a minority-serv-  
10                  ing institution (as described in section  
11                  371(a) of the Higher Education Act  
12                  of 1965 (20 U.S.C. 1067q(a))); and

13                  “(iii) consider the research needs  
14                  identified and prioritized through the  
15                  workshop required by subparagraph (B)(i).

16                  “(B) RESEARCH NEEDS.—

17                   “(i) IN GENERAL.—Not later than 90  
18                   days after the date of the enactment of the  
19                   Fire Grants Reauthorization Act of 2012,  
20                   the Administrator of FEMA shall convene  
21                   a workshop of the fire safety research com-  
22                   munity, fire service organizations, and  
23                   other appropriate stakeholders to identify  
24                   and prioritize fire safety research needs.

1                   “(ii) PUBLICATION.—The Adminis-  
2                   trator of FEMA shall ensure that the re-  
3                   sults of the workshop are made available to  
4                   the public.

5                   “(C) LIMITATIONS ON GRANTS FOR FIRE  
6                   SAFETY RESEARCH CENTERS.—

7                   “(i) IN GENERAL.—The Administrator  
8                   of FEMA may award grants under sub-  
9                   section (d) to establish not more than 3  
10                  fire safety research centers.

11                  “(ii) RECIPIENTS.—An institution of  
12                  higher education, a national fire service or-  
13                  ganization, and a national fire safety orga-  
14                  nization may not directly receive a grant  
15                  under subsection (d) for a fiscal year for  
16                  more than 1 fire safety research center.

17                  “(5) AVOIDING DUPLICATION.—The Adminis-  
18                  trator of FEMA shall review lists submitted by ap-  
19                  plicants pursuant to subsection (e)(2)(D) and take  
20                  such actions as the Administrator of FEMA con-  
21                  siders necessary to prevent unnecessary duplication  
22                  of grant awards.

23                  “(k) MATCHING AND MAINTENANCE OF EXPENDI-  
24                  TURE REQUIREMENTS.—

1           “(1) MATCHING REQUIREMENT FOR ASSIST-  
2 ANCE TO FIREFIGHTERS GRANTS.—

3           “(A) IN GENERAL.—Except as provided in  
4 subparagraph (B), an applicant seeking a grant  
5 to carry out an activity under subsection (c)  
6 shall agree to make available non-Federal funds  
7 to carry out such activity in an amount equal  
8 to not less than 15 percent of the grant award-  
9 ed to such applicant under such subsection.

10           “(B) EXCEPTION FOR ENTITIES SERVING  
11 SMALL COMMUNITIES.—In the case that an ap-  
12 plicant seeking a grant to carry out an activity  
13 under subsection (c) serves a jurisdiction of—

14           “(i) more than 20,000 residents but  
15 not more than 1,000,000 residents, the ap-  
16 plication shall agree to make available non-  
17 Federal funds in an amount equal to not  
18 less than 10 percent of the grant awarded  
19 to such applicant under such subsection;  
20 and

21           “(ii) 20,000 residents or fewer, the  
22 applicant shall agree to make available  
23 non-Federal funds in an amount equal to  
24 not less than 5 percent of the grant award-

1 ed to such applicant under such sub-  
2 section.

3 “(2) MATCHING REQUIREMENT FOR FIRE PRE-  
4 VENTION AND SAFETY GRANTS.—

5 “(A) IN GENERAL.—An applicant seeking  
6 a grant to carry out an activity under sub-  
7 section (d) shall agree to make available non-  
8 Federal funds to carry out such activity in an  
9 amount equal to not less than 5 percent of the  
10 grant awarded to such applicant under such  
11 subsection.

12 “(B) MEANS OF MATCHING.—An applicant  
13 for a grant under subsection (d) may meet the  
14 matching requirement under subparagraph (A)  
15 through direct funding, funding of complemen-  
16 tary activities, or the provision of staff, facili-  
17 ties, services, material, or equipment.

18 “(3) MAINTENANCE OF EXPENDITURES.—An  
19 applicant seeking a grant under subsection (c) or (d)  
20 shall agree to maintain during the term of the grant  
21 the applicant’s aggregate expenditures relating to  
22 the uses described in subsections (c)(3) and (d)(3)  
23 at not less than 80 percent of the average amount  
24 of such expenditures in the 2 fiscal years preceding

1 the fiscal year in which the grant amounts are re-  
2 ceived.

3 “(4) WAIVER.—

4 “(A) IN GENERAL.—Except as provided in  
5 subparagraph (C)(ii), the Administrator of  
6 FEMA may waive or reduce the requirements  
7 of paragraphs (1), (2), and (3) in cases of dem-  
8 onstrated economic hardship.

9 “(B) GUIDELINES.—

10 “(i) IN GENERAL.—The Administrator  
11 of FEMA shall establish and publish  
12 guidelines for determining what constitutes  
13 economic hardship for purposes of this  
14 paragraph.

15 “(ii) CONSULTATION.—In developing  
16 guidelines under clause (i), the Adminis-  
17 trator of FEMA shall consult with individ-  
18 uals who are—

19 “(I) recognized for expertise in  
20 firefighting, emergency medical serv-  
21 ices provided by fire services, or the  
22 economic affairs of State and local  
23 governments; and

24 “(II) members of national fire  
25 service organizations or national orga-

1 nizations representing the interests of  
2 State and local governments.

3 “(iii) CONSIDERATIONS.—In devel-  
4 oping guidelines under clause (i), the Ad-  
5 ministrator of FEMA shall consider, with  
6 respect to relevant communities, the fol-  
7 lowing:

8 “(I) Changes in rates of unem-  
9 ployment from previous years.

10 “(II) Whether the rates of unem-  
11 ployment of the relevant communities  
12 are currently and have consistently ex-  
13 ceeded the annual national average  
14 rates of unemployment.

15 “(III) Changes in percentages of  
16 individuals eligible to receive food  
17 stamps from previous years.

18 “(IV) Such other factors as the  
19 Administrator of FEMA considers ap-  
20 propriate.

21 “(C) CERTAIN APPLICANTS FOR FIRE PRE-  
22 VENTION AND SAFETY GRANTS.—The authority  
23 under subparagraph (A) shall not apply with  
24 respect to a nonprofit organization that—

1                   “(i) is described in subsection  
2                   (d)(1)(B); and

3                   “(ii) is not a fire department or emer-  
4                   gency medical services organization.

5           “(1) GRANT GUIDELINES.—

6                   “(1) GUIDELINES.—For each fiscal year, prior  
7                   to awarding any grants under this section, the Ad-  
8                   ministrator of FEMA shall publish in the Federal  
9                   Register—

10                   “(A) guidelines that describe—

11                   “(i) the process for applying for  
12                   grants under this section; and

13                   “(ii) the criteria that will be used for  
14                   selecting grant recipients; and

15                   “(B) an explanation of any differences be-  
16                   tween such guidelines and the recommendations  
17                   obtained under paragraph (2).

18           “(2) ANNUAL MEETING TO OBTAIN REC-  
19           COMMENDATIONS.—

20                   “(A) IN GENERAL.—For each fiscal year,  
21                   the Administrator of FEMA shall convene a  
22                   meeting of qualified members of national fire  
23                   service organizations and, at the discretion of  
24                   the Administrator of FEMA, qualified members  
25                   of emergency medical service organizations to

1 obtain recommendations regarding the fol-  
2 lowing:

3 “(i) Criteria for the awarding of  
4 grants under this section.

5 “(ii) Administrative changes to the as-  
6 sistance program established under sub-  
7 section (b).

8 “(B) QUALIFIED MEMBERS.—For purposes  
9 of this paragraph, a qualified member of an or-  
10 ganization is a member who—

11 “(i) is recognized for expertise in fire-  
12 fighting or emergency medical services;

13 “(ii) is not an employee of the Federal  
14 Government; and

15 “(iii) in the case of a member of an  
16 emergency medical service organization, is  
17 a member of an organization that rep-  
18 resents—

19 “(I) providers of emergency med-  
20 ical services that are affiliated with  
21 fire departments; or

22 “(II) nonaffiliated EMS pro-  
23 viders.

24 “(3) APPLICABILITY OF FEDERAL ADVISORY  
25 COMMITTEE ACT.—The Federal Advisory Committee

1 Act (5 U.S.C. App.) shall not apply to activities car-  
2 ried out under this subsection.

3 “(m) ACCOUNTING DETERMINATION.—Notwith-  
4 standing any other provision of law, for purposes of this  
5 section, equipment costs shall include all costs attributable  
6 to any design, purchase of components, assembly, manu-  
7 facture, and transportation of equipment not otherwise  
8 commercially available.

9 “(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA  
10 NATIVE VILLAGES.—The Alaska Village Initiatives, a  
11 non-profit organization incorporated in the State of Alas-  
12 ka, shall be eligible to apply for and receive a grant or  
13 other assistance under this section on behalf of Alaska Na-  
14 tive villages.

15 “(o) TRAINING STANDARDS.—If an applicant for a  
16 grant under this section is applying for such grant to pur-  
17 chase training that does not meet or exceed any applicable  
18 national voluntary consensus standards, including those  
19 developed under section 647 of the Post-Katrina Emer-  
20 gency Management Reform Act of 2006 (6 U.S.C. 747),  
21 the applicant shall submit to the Administrator of FEMA  
22 an explanation of the reasons that the training proposed  
23 to be purchased will serve the needs of the applicant better  
24 than training that meets or exceeds such standards.

25 “(p) ENSURING EFFECTIVE USE OF GRANTS.—

1           “(1) AUDITS.—The Administrator of FEMA  
2           may audit a recipient of a grant awarded under this  
3           section to ensure that—

4                   “(A) the grant amounts are expended for  
5                   the intended purposes; and

6                   “(B) the grant recipient complies with the  
7                   requirements of subsection (k).

8           “(2) PERFORMANCE ASSESSMENT.—

9                   “(A) IN GENERAL.—The Administrator of  
10                  FEMA shall develop and implement a perform-  
11                  ance assessment system, including quantifiable  
12                  performance metrics, to evaluate the extent to  
13                  which grants awarded under this section are  
14                  furthering the purposes of this section, includ-  
15                  ing protecting the health and safety of the pub-  
16                  lic and firefighting personnel against fire and  
17                  fire-related hazards.

18                  “(B) CONSULTATION.—The Administrator  
19                  of FEMA shall consult with fire service rep-  
20                  resentatives and with the Comptroller General  
21                  of the United States in developing the assess-  
22                  ment system required by subparagraph (A).

23           “(3) ANNUAL REPORTS TO ADMINISTRATOR OF  
24           FEMA.—Not less frequently than once each year  
25           during the term of a grant awarded under this sec-

1       tion, the recipient of the grant shall submit to the  
2       Administrator of FEMA an annual report describing  
3       how the recipient used the grant amounts.

4               “(4) ANNUAL REPORTS TO CONGRESS.—

5               “(A) IN GENERAL.—Not later than Sep-  
6       tember 30, 2013, and each year thereafter  
7       through 2017, the Administrator of FEMA  
8       shall submit to the Committee on Homeland  
9       Security and Governmental Affairs of the Sen-  
10      ate and the Committee on Science and Tech-  
11      nology and the Committee on Transportation  
12      and Infrastructure of the House of Representa-  
13      tives a report that provides—

14              “(i) information on the performance  
15              assessment system developed under para-  
16              graph (2); and

17              “(ii) using the performance metrics  
18              developed under such paragraph, an eval-  
19              uation of the effectiveness of the grants  
20              awarded under this section.

21              “(B) ADDITIONAL INFORMATION.—The re-  
22      port due under subparagraph (A) on September  
23      30, 2016, shall also include recommendations  
24      for legislative changes to improve grants under  
25      this section.

1 “(q) AUTHORIZATION OF APPROPRIATIONS.—

2 “(1) IN GENERAL.—There is authorized to be  
3 appropriated to carry out this section—

4 “(A) \$750,000,000 for fiscal year 2013;  
5 and

6 “(B) for each of fiscal years 2014 through  
7 2017, an amount equal to the amount author-  
8 ized for the previous fiscal year increased by  
9 the percentage by which—

10 “(i) the Consumer Price Index (all  
11 items, United States city average) for the  
12 previous fiscal year, exceeds

13 “(ii) the Consumer Price Index for  
14 the fiscal year preceding the fiscal year de-  
15 scribed in clause (i).

16 “(2) ADMINISTRATIVE EXPENSES.—Of the  
17 amounts appropriated pursuant to paragraph (1) for  
18 a fiscal year, the Administrator of FEMA may use  
19 not more than 5 percent of such amounts for sala-  
20 ries and expenses and other administrative costs in-  
21 curred by the Administrator of FEMA in the course  
22 of awarding grants and providing assistance under  
23 this section.

24 “(3) CONGRESSIONALLY DIRECTED SPEND-  
25 ING.—Consistent with the requirements in sub-

1 sections (c)(1) and (d)(1) that grants under those  
2 subsections be awarded on a competitive basis, none  
3 of the funds appropriated pursuant to this sub-  
4 section may be used for any congressionally directed  
5 spending item (as defined under the rules of the  
6 Senate and the House of Representatives).

7 “(r) SUNSET OF AUTHORITIES.—The authority to  
8 award assistance and grants under this section shall expire  
9 on the date that is 5 years after the date of the enactment  
10 of the Fire Grants Reauthorization Act of 2012.”.

11 **SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMER-**  
12 **GENCY RESPONSE.**

13 (a) IMPROVEMENTS TO HIRING GRANTS.—

14 (1) TERM OF GRANTS.—Subparagraph (B) of  
15 section 34(a)(1) of the Federal Fire Prevention and  
16 Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is  
17 amended to read as follows:

18 “(B) Grants made under this paragraph shall  
19 be for 3 years and be used for programs to hire new,  
20 additional firefighters.”.

21 (2) LIMITATION OF PORTION OF COSTS OF HIR-  
22 ING FIREFIGHTERS.—Subparagraph (E) of such sec-  
23 tion is amended to read as follows:

1           “(E) The portion of the costs of hiring fire-  
2           fighters provided by a grant under this paragraph  
3           may not exceed—

4                   “(i) 75 percent in the first year of the  
5                   grant;

6                   “(ii) 75 percent in the second year of the  
7                   grant; and

8                   “(iii) 35 percent in the third year of the  
9                   grant.”.

10           (b) CLARIFICATION REGARDING ELIGIBLE ENTITIES  
11 FOR RECRUITMENT AND RETENTION GRANTS.—The sec-  
12 ond sentence of section 34(a)(2) of such Act (15 U.S.C.  
13 2229a(a)(2)) is amended by striking “organizations on a  
14 local or statewide basis” and inserting “national, State,  
15 local, or tribal organizations”.

16           (c) MAXIMUM AMOUNT FOR HIRING A FIRE-  
17 FIGHTER.—Paragraph (4) of section 34(c) of such Act (15  
18 U.S.C. 2229a(c)) is amended to read as follows:

19                   “(4) The amount of funding provided under this sec-  
20 tion to a recipient fire department for hiring a firefighter  
21 in any fiscal year may not exceed—

22                   “(A) in the first year of the grant, 75 percent  
23 of the usual annual cost of a first-year firefighter in  
24 that department at the time the grant application  
25 was submitted;

1           “(B) in the second year of the grant, 75 per-  
2           cent of the usual annual cost of a first-year fire-  
3           fighter in that department at the time the grant ap-  
4           plication was submitted; and

5           “(C) in the third year of the grant, 35 percent  
6           of the usual annual cost of a first-year firefighter in  
7           that department at the time the grant application  
8           was submitted.”.

9           (d) WAIVERS.—Section 34 of such Act (15 U.S.C.  
10          2229a) is amended—

11           (1) by redesignating subsections (d) through (i)  
12           as subsections (e) through (j), respectively; and

13           (2) by inserting after subsection (c) the fol-  
14           lowing:

15          “(d) WAIVERS.—

16           “(1) IN GENERAL.—In a case of demonstrated  
17           economic hardship, the Administrator of FEMA  
18           may—

19           “(A) waive the requirements of subsection  
20           (c)(1); or

21           “(B) waive or reduce the requirements in  
22           subsection (a)(1)(E) or subsection (c)(2).

23          “(2) GUIDELINES.—

24           “(A) IN GENERAL.—The Administrator of  
25           FEMA shall establish and publish guidelines for

1 determining what constitutes economic hardship  
2 for purposes of paragraph (1).

3 “(B) CONSULTATION.—In developing  
4 guidelines under subparagraph (A), the Admin-  
5 istrator of FEMA shall consult with individuals  
6 who are—

7 “(i) recognized for expertise in fire-  
8 fighting, emergency medical services pro-  
9 vided by fire services, or the economic af-  
10 fairs of State and local governments; and

11 “(ii) members of national fire service  
12 organizations or national organizations  
13 representing the interests of State and  
14 local governments.

15 “(C) CONSIDERATIONS.—In developing  
16 guidelines under subparagraph (A), the Admin-  
17 istrator of FEMA shall consider, with respect to  
18 relevant communities, the following:

19 “(i) Changes in rates of unemploy-  
20 ment from previous years.

21 “(ii) Whether the rates of unemploy-  
22 ment of the relevant communities are cur-  
23 rently and have consistently exceeded the  
24 annual national average rates of unemploy-  
25 ment.

1                   “(iii) Changes in percentages of indi-  
2                   viduals eligible to receive food stamps from  
3                   previous years.

4                   “(iv) Such other factors as the Ad-  
5                   ministrator of FEMA considers appro-  
6                   priate.”.

7           (e) IMPROVEMENTS TO PERFORMANCE EVALUATION  
8   REQUIREMENTS.—Subsection (e) of section 34 of such  
9   Act (15 U.S.C. 2229a), as redesignated by subsection  
10   (d)(1) of this section, is amended by inserting before the  
11   first sentence the following:

12                   “(1) IN GENERAL.—The Administrator of  
13                   FEMA shall establish a performance assessment sys-  
14                   tem, including quantifiable performance metrics, to  
15                   evaluate the extent to which grants awarded under  
16                   this section are furthering the purposes of this sec-  
17                   tion.

18                   “(2) SUBMITTAL OF INFORMATION.—”.

19           (f) REPORT.—

20                   (1) IN GENERAL.—Subsection (f) of section 34  
21                   of such Act (15 U.S.C. 2229a), as redesignated by  
22                   subsection (d)(1) of this section, is amended by  
23                   striking “The authority” and all that follows  
24                   through “Congress concerning” and inserting the  
25                   following: “Not later than September 30, 2014, the

1 Administrator of FEMA shall submit to the Com-  
2 mittee on Homeland Security and Governmental Af-  
3 fairs of the Senate and the Committee on Science  
4 and Technology and the Committee on Transpor-  
5 tation and Infrastructure of the House of Represent-  
6 atives a report on”.

7 (2) CONFORMING AMENDMENT.—The heading  
8 for subsection (f) of section 34 of such Act (15  
9 U.S.C. 2229a), as redesignated by subsection (d)(1)  
10 of this section, is amended by striking “SUNSET AND  
11 REPORTS” and inserting “REPORT”.

12 (g) ADDITIONAL DEFINITIONS.—

13 (1) IN GENERAL.—Subsection (i) of section 34  
14 of such Act (15 U.S.C. 2229a), as redesignated by  
15 subsection (d)(1) of this section, is amended—

16 (A) in the matter before paragraph (1), by  
17 striking “In this section, the term—” and in-  
18 serting “In this section:”;

19 (B) in paragraph (1)—

20 (i) by inserting “The term” before  
21 “‘firefighter’ has”; and

22 (ii) by striking “; and” and inserting  
23 a period;

24 (C) by striking paragraph (2); and

25 (D) by inserting at the end the following:

1           “(2) The terms ‘Administrator of FEMA’, ‘ca-  
2           reer fire department’, ‘combination fire department’,  
3           and ‘volunteer fire department’ have the meanings  
4           given such terms in section 33(a).”.

5           (2) CONFORMING AMENDMENT.—Section  
6           34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A))  
7           is amended by striking “career, volunteer, and com-  
8           bination fire departments” and inserting “career fire  
9           departments, combination fire departments, and vol-  
10          unteer fire departments”.

11          (h) AUTHORIZATION OF APPROPRIATIONS.—

12           (1) IN GENERAL.—Subsection (j) of section 34  
13          of such Act (15 U.S.C. 2229a), as redesignated by  
14          subsection (d)(1) of this section, is amended—

15                   (A) in paragraph (6), by striking “and” at  
16                   the end;

17                   (B) in paragraph (7), by striking the pe-  
18                   riod at the end and inserting “; and”; and

19                   (C) by adding at the end the following:

20                   “(8) \$750,000,000 for fiscal year 2013; and

21                   “(9) for each of fiscal years 2014 through  
22                   2017, an amount equal to the amount authorized for  
23                   the previous fiscal year increased by the percentage  
24                   by which—

1           “(A) the Consumer Price Index (all items,  
2           United States city average) for the previous fis-  
3           cal year, exceeds

4           “(B) the Consumer Price Index for the fis-  
5           cal year preceding the fiscal year described in  
6           subparagraph (A).”.

7           (2) ADMINISTRATIVE EXPENSES.—Such sub-  
8           section (j) is further amended—

9           (A) in paragraph (9), as added by para-  
10          graph (1) of this subsection, by redesignating  
11          subparagraphs (A) and (B) as clauses (i) and  
12          (ii), respectively, and moving the left margin of  
13          such clauses, as so redesignated, 2 ems to the  
14          right;

15          (B) by redesignating paragraphs (1)  
16          through (9) as subparagraphs (A) through (I),  
17          respectively, and moving the left margin of such  
18          subparagraphs, as so redesignated, 2 ems to the  
19          right;

20          (C) by striking “There are” and inserting  
21          the following:

22          “(1) IN GENERAL.—There are”; and

23          (D) by adding at the end the following:

24          “(2) ADMINISTRATIVE EXPENSES.—Of the  
25          amounts appropriated pursuant to paragraph (1) for

1 a fiscal year, the Administrator of FEMA may use  
2 not more than 5 percent of such amounts to cover  
3 salaries and expenses and other administrative costs  
4 incurred by the Administrator of FEMA to make  
5 grants and provide assistance under this section.”.

6 (3) CONGRESSIONALLY DIRECTED SPENDING.—  
7 Such subsection (j) is further amended by adding at  
8 the end the following:

9 “(3) CONGRESSIONALLY DIRECTED SPEND-  
10 ING.—Consistent with the requirement in subsection  
11 (a) that grants under this section be awarded on a  
12 competitive basis, none of the funds appropriated  
13 pursuant to this subsection may be used for any  
14 congressionally direct spending item (as defined  
15 under the rules of the Senate and the House of Rep-  
16 resentatives).”.

17 (i) TECHNICAL AMENDMENT.—Section 34 of such  
18 Act (15 U.S.C. 2229a) is amended by striking “Adminis-  
19 trator” each place it appears and inserting “Administrator  
20 of FEMA”.

21 (j) CLERICAL AMENDMENT.—Such section is further  
22 amended in the heading by striking “**EXPANSION OF**  
23 **PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM**”  
24 and inserting the following: “**STAFFING FOR ADEQUATE**  
25 **FIRE AND EMERGENCY RESPONSE**”.

1 (k) SUNSET OF AUTHORITY TO AWARD HIRING  
2 GRANTS.—Such section is further amended by adding at  
3 the end the following:

4 “(k) SUNSET OF AUTHORITIES.—The authority to  
5 award assistance and grants under this section shall expire  
6 on the date that is 5 years after the date of the enactment  
7 of the Fire Grants Reauthorization Act of 2012.”.

8 **SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING**  
9 **OF ASSISTANCE TO FIREFIGHTERS AND**  
10 **STAFFING FOR ADEQUATE FIRE AND EMER-**  
11 **GENCY RESPONSE PROGRAMS.**

12 It is the sense of Congress that—

13 (1) the grants and assistance awarded under  
14 sections 33 and 34 of the Federal Fire Prevention  
15 and Control Act of 1974 (15 U.S.C. 2229 and  
16 2229a) have proven equally valuable in protecting  
17 the health and safety of the public and firefighting  
18 personnel throughout the United States against fire  
19 and fire-related hazards; and

20 (2) providing parity in funding for the awarding  
21 of grants and assistance under both such sections  
22 will ensure that the grant and assistance programs  
23 under such sections can continue to serve their com-  
24plementary purposes.

1 **SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO**  
2 **FIREFIGHTERS AND STAFFING FOR ADE-**  
3 **QUATE FIRE AND EMERGENCY RESPONSE**  
4 **PROGRAMS.**

5 (a) IN GENERAL.—Not later than September 30,  
6 2016, the Comptroller General of the United States shall  
7 submit to the Committee on Homeland Security and Gov-  
8 ernmental Affairs of the Senate and the Committee on  
9 Science and Technology of the House of Representatives  
10 a report on the effect of the amendments made by this  
11 subtitle.

12 (b) CONTENTS.—The report required by subsection  
13 (a) shall include the following:

14 (1) An assessment of the effect of the amend-  
15 ments made by sections 1803 and 1804 on the effec-  
16 tiveness, relative allocation, accountability, and ad-  
17 ministration of the grants and assistance awarded  
18 under sections 33 and 34 of the Federal Fire Pre-  
19 vention and Control Act of 1974 (15 U.S.C. 2229  
20 and 2229a) after the date of the enactment of this  
21 Act.

22 (2) An evaluation of the extent to which the  
23 amendments made by sections 1803 and 1804 have  
24 enabled recipients of grants and assistance awarded  
25 under such sections 33 and 34 after the date of the

1 enactment of this Act to mitigate fire and fire-re-  
2 lated and other hazards more effectively.

3 **SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE**  
4 **SERVICES.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-  
7 trator” means the Administrator of the United  
8 States Fire Administration.

9 (2) CAREER FIRE DEPARTMENT, COMBINATION  
10 FIRE DEPARTMENT, VOLUNTEER FIRE DEPART-  
11 MENT.—The terms “career fire department”, “com-  
12 bination fire department”, and “volunteer fire de-  
13 partment” have the meanings given such terms in  
14 section 33(a) of the Federal Fire Prevention and  
15 Control Act of 1974 (15 U.S.C. 2229(a)), as amend-  
16 ed by section 1803.

17 (3) FIRE SERVICE.—The term “fire service”  
18 has the meaning given such term in section 4 of the  
19 Federal Fire Prevention and Control Act of 1974  
20 (15 U.S.C. 2203).

21 (b) STUDY AND REPORT ON COMPLIANCE WITH  
22 STAFFING STANDARDS.—

23 (1) STUDY.—The Administrator shall conduct a  
24 study on the level of compliance with national vol-  
25 untary consensus standards for staffing, training,

1 safe operations, personal protective equipment, and  
2 fitness among the fire services of the United States.

3 (2) SURVEY.—

4 (A) IN GENERAL.—In carrying out the  
5 study required by paragraph (1), the Adminis-  
6 trator shall carry out a survey of fire services  
7 to assess the level of compliance of such fire  
8 services with the standards described in such  
9 paragraph.

10 (B) ELEMENTS.—The survey required by  
11 subparagraph (A) shall—

12 (i) include career fire departments,  
13 volunteer fire departments, combination  
14 fire departments, and fire departments  
15 serving communities of different sizes, and  
16 such other distinguishing factors as the  
17 Administrator considers relevant;

18 (ii) employ methods to ensure that the  
19 survey accurately reflects the actual rate of  
20 compliance with the standards described in  
21 paragraph (1) among fire services; and

22 (iii) determine the extent of barriers  
23 and challenges to achieving compliance  
24 with the standards described in paragraph  
25 (1) among fire services.

1 (C) AUTHORITY TO CARRY OUT SURVEY  
2 WITH NONPROFIT.—If the Administrator deter-  
3 mines that it will reduce the costs incurred by  
4 the United States Fire Administration in car-  
5 rying out the survey required by subparagraph  
6 (A), the Administrator may carry out such sur-  
7 vey in conjunction with a nonprofit organization  
8 that has substantial expertise and experience in  
9 the following areas:

10 (i) The fire services.

11 (ii) National voluntary consensus  
12 standards.

13 (iii) Contemporary survey methods.

14 (3) REPORT ON FINDINGS OF STUDY.—

15 (A) IN GENERAL.—Not later than 2 years  
16 after the date of the enactment of this Act, the  
17 Administrator shall submit to Congress a report  
18 on the findings of the Administrator with re-  
19 spect to the study required by paragraph (1).

20 (B) CONTENTS.—The report required by  
21 subparagraph (A) shall include the following:

22 (i) An accurate description, based on  
23 the results of the survey required by para-  
24 graph (2)(A), of the rate of compliance  
25 with the standards described in paragraph

1 (1) among United States fire services, in-  
2 cluding a comparison of the rates of com-  
3 pliance among career fire departments, vol-  
4 unteer fire departments, combination fire  
5 departments, and fire departments serving  
6 communities of different sizes, and such  
7 other comparisons as Administrator con-  
8 siders relevant.

9 (ii) A description of the challenges  
10 faced by different types of fire departments  
11 and different types of communities in com-  
12 plying with the standards described in  
13 paragraph (1).

14 (c) TASK FORCE TO ENHANCE FIREFIGHTER SAFE-  
15 TY.—

16 (1) ESTABLISHMENT.—Not later than 60 days  
17 after the date of the enactment of this Act, the Sec-  
18 retary of Homeland Security shall establish a task  
19 force to be known as the “Task Force to Enhance  
20 Firefighter Safety” (in this subsection referred to as  
21 the “Task Force”).

22 (2) MEMBERSHIP.—

23 (A) IN GENERAL.—Members of the Task  
24 Force shall be appointed by the Secretary from

1 among the general public and shall include the  
2 following:

3 (i) Representatives of national organi-  
4 zations representing firefighters and fire  
5 chiefs.

6 (ii) Individuals representing stand-  
7 ards-setting and accrediting organizations,  
8 including representatives from the vol-  
9 untary consensus codes and standards de-  
10 velopment community.

11 (iii) Such other individuals as the Sec-  
12 retary considers appropriate.

13 (B) REPRESENTATIVES OF OTHER DE-  
14 PARTMENTS AND AGENCIES.—The Secretary  
15 may invite representatives of other Federal de-  
16 partments and agencies that have an interest in  
17 fire services to participate in the meetings and  
18 other activities of the Task Force.

19 (C) NUMBER; TERMS OF SERVICE; PAY  
20 AND ALLOWANCES.—The Secretary shall deter-  
21 mine the number, terms of service, and pay and  
22 allowances of members of the Task Force ap-  
23 pointed by the Secretary, except that a term of  
24 service of any such member may not exceed 2  
25 years.

1           (3) RESPONSIBILITIES.—The Task Force  
2 shall—

3           (A) consult with the Secretary in the con-  
4 duct of the study required by subsection (b)(1);  
5 and

6           (B) develop a plan to enhance firefighter  
7 safety by increasing fire service compliance with  
8 the standards described in subsection (b)(1), in-  
9 cluding by—

10           (i) reviewing and evaluating the report  
11 required by subsection (b)(3)(A) to deter-  
12 mine the extent of and barriers to achiev-  
13 ing compliance with the standards de-  
14 scribed in subsection (b)(1) among fire  
15 services; and

16           (ii) considering ways in which the  
17 Federal Government, States, and local gov-  
18 ernments can promote or encourage fire  
19 services to comply with such standards.

20           (4) REPORT.—

21           (A) IN GENERAL.—Not later than 180  
22 days after the date on which the Secretary sub-  
23 mits the report required by subsection  
24 (b)(3)(A), the Task Force shall submit to Con-

1           gress and the Secretary a report on the activi-  
2           ties and findings of the Task Force.

3                   (B) CONTENTS.—The report required by  
4           subparagraph (A) shall include the following:

5                           (i) The findings and recommendations  
6                           of the Task Force with respect to the  
7                           study carried out under subsection (b)(1).

8                           (ii) The plan developed under para-  
9                           graph (3)(B).

10           (d) STUDY AND REPORT ON THE NEEDS OF FIRE  
11   SERVICES.—

12                   (1) STUDY.—The Administrator shall conduct a  
13   study—

14                           (A) to define the current roles and activi-  
15                           ties associated with fire services on a national,  
16                           State, regional, and local level;

17                           (B) to identify the equipment, staffing,  
18                           and training required to fulfill the roles and ac-  
19                           tivities defined under subparagraph (A);

20                           (C) to conduct an assessment to identify  
21                           gaps between what fire services currently pos-  
22                           sess and what they require to meet the equip-  
23                           ment, staffing, and training needs identified  
24                           under subparagraph (B) on a national and  
25                           State-by-State basis; and

1 (D) to measure the impact of the grant  
2 and assistance program under section 33 of the  
3 Federal Fire Prevention and Control Act of  
4 1974 (15 U.S.C. 2229) in meeting the needs of  
5 fire services and filling the gaps identified  
6 under subparagraph (C).

7 (2) REPORT.—Not later than 2 years after the  
8 date of the enactment of this title, the Administrator  
9 shall submit to Congress a report on the findings of  
10 the Administrator with respect to the study con-  
11 ducted under paragraph (1).

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to the Administrator to  
14 carry out this section—

15 (1) \$600,000 for fiscal year 2013; and

16 (2) \$600,000 for fiscal year 2014.

17 **Subtitle B—Reauthorization of**  
18 **United States Fire Administration**

19 **SEC. 1811. SHORT TITLE.**

20 This subtitle may be cited as the “United States Fire  
21 Administration Reauthorization Act of 2012”.

1 **SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN**  
2 **UNITED STATES FIRE ADMINISTRATION AND**  
3 **FEDERAL EMERGENCY MANAGEMENT AGEN-**  
4 **CY.**

5 Section 5(c) of the Federal Fire Prevention and Con-  
6 trol Act of 1974 (15 U.S.C. 2204) is amended to read  
7 as follows:

8 “(c) DEPUTY ADMINISTRATOR.—The Administrator  
9 may appoint a Deputy Administrator, who shall—

10 “(1) perform such functions as the Adminis-  
11 trator shall from time to time assign or delegate;  
12 and

13 “(2) act as Administrator during the absence or  
14 disability of the Administrator or in the event of a  
15 vacancy in the office of Administrator.”.

16 **SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINIS-**  
17 **TRATOR TO EDUCATE PUBLIC ABOUT FIRE**  
18 **AND FIRE PREVENTION.**

19 Section 6 of the Federal Fire Prevention and Control  
20 Act of 1974 (15 U.S.C. 2205) is amended by striking “to  
21 take all steps” and all that follows through “fire and fire  
22 prevention.” and inserting “to take such steps as the Ad-  
23 ministrator considers appropriate to educate the public  
24 and overcome public indifference as to fire, fire prevention,  
25 and individual preparedness.”.

1 **SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 17(g)(1) of the Federal Fire Prevention and  
3 Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

4 (1) in subparagraph (G), by striking “and” at  
5 the end;

6 (2) in subparagraph (H), by striking the period  
7 at the end and inserting a semicolon;

8 (3) by adding after subparagraph (H) the fol-  
9 lowing:

10 “(I) \$76,490,890 for fiscal year 2013, of which  
11 \$2,753,672 shall be used to carry out section 8(f);

12 “(J) \$76,490,890 for fiscal year 2014, of which  
13 \$2,753,672 shall be used to carry out section 8(f);

14 “(K) \$76,490,890 for fiscal year 2015, of which  
15 \$2,753,672 shall be used to carry out section 8(f);

16 “(L) \$76,490,890 for fiscal year 2016, of which  
17 \$2,753,672 shall be used to carry out section 8(f);

18 and

19 “(M) \$76,490,890 for fiscal year 2017, of  
20 which \$2,753,672 shall be used to carry out section  
21 8(f).”; and

22 (4) in subparagraphs (E) through (H), by mov-  
23 ing each margin 2 ems to the left.

24 **SEC. 1815. REMOVAL OF LIMITATION.**

25 Section 9(d) of the Federal Fire Prevention and Con-  
26 trol Act of 1974 (15 U.S.C. 2208(d)) is amended—

1 (1) by striking “UPDATE.—” and all that fol-  
2 lows through “The Administrator” and inserting  
3 “UPDATE.—The Administrator”; and

4 (2) by striking paragraph (2).

5 **DIVISION B—MILITARY CON-**  
6 **STRUCTION AUTHORIZA-**  
7 **TIONS**

8 **SEC. 2001. SHORT TITLE.**

9 This division may be cited as the “Military Construc-  
10 tion Authorization Act for Fiscal Year 2013”.

11 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**  
12 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
13 **LAW.**

14 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
15 YEARS.—Except as provided in subsection (b), all author-  
16 izations contained in titles XXI through XXVII and title  
17 XXIX of this division for military construction projects,  
18 land acquisition, family housing projects and facilities, and  
19 contributions to the North Atlantic Treaty Organization  
20 Security Investment Program (and authorizations of ap-  
21 propriations therefor) shall expire on the later of—

22 (1) October 1, 2015; or

23 (2) the date of the enactment of an Act author-  
24 izing funds for military construction for fiscal year  
25 2016.

1 (b) EXCEPTION.—Subsection (a) shall not apply to  
2 authorizations for military construction projects, land ac-  
3 quisition, family housing projects and facilities, and con-  
4 tributions to the North Atlantic Treaty Organization Se-  
5 curity Investment Program (and authorizations of appro-  
6 priations therefor), for which appropriated funds have  
7 been obligated before the later of—

8 (1) October 1, 2015; or

9 (2) the date of the enactment of an Act author-  
10 izing funds for fiscal year 2016 for military con-  
11 struction projects, land acquisition, family housing  
12 projects and facilities, or contributions to the North  
13 Atlantic Treaty Organization Security Investment  
14 Program.

## 15 **TITLE XXI—ARMY MILITARY** 16 **CONSTRUCTION**

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Modification of authority to carry out certain fiscal year 2010  
project.

Sec. 2105. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2106. Extension of authorizations of certain fiscal year 2010 projects.

Sec. 2107. Extension of limitation on obligation or expenditure of funds for  
tour normalization.

Sec. 2108. Limitation on project authorization to carry out certain fiscal year  
2013 project.

### 17 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND** 18 **ACQUISITION PROJECTS.**

19 (a) INSIDE THE UNITED STATES.—Using amounts  
20 appropriated pursuant to the authorization of appropria-

1 tions in section 2103(a) and available for military con-  
 2 struction projects inside the United States as specified in  
 3 the funding table in section 4601, the Secretary of the  
 4 Army may acquire real property and carry out military  
 5 construction projects for the installations or locations in-  
 6 side the United States, and in the amounts, set forth in  
 7 the following table:

**Army: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Fort Wainwright .....	\$10,400,000
	Joint Base Elmendorf-Richardson .....	\$7,900,000
California .....	Concord .....	\$8,900,000
Colorado .....	Fort Carson .....	\$18,000,000
District of Columbia .....	Fort McNair .....	\$7,200,000
Georgia .....	Fort Benning .....	\$16,000,000
	Fort Gordon .....	\$23,300,000
Hawaii .....	Fort Stewart .....	\$49,650,000
	Pohakuloa Training Area .....	\$29,000,000
	Schofield Barracks .....	\$96,000,000
Kansas .....	Wheeler Army Air Field .....	\$85,000,000
	Fort Riley .....	\$12,200,000
Kentucky .....	Fort Campbell .....	\$81,800,000
	Fort Knox .....	\$6,000,000
Missouri .....	Fort Leonard Wood .....	\$123,000,000
New Jersey .....	Joint Base McGuire-Dix-Lakehurst .....	\$47,000,000
	Picatinny Arsenal .....	\$10,200,000
New York .....	Fort Drum .....	\$95,000,000
	U.S. Military Academy .....	\$192,000,000
North Carolina .....	Fort Bragg .....	\$68,000,000
Oklahoma .....	Fort Sill .....	\$4,900,000
South Carolina .....	Fort Jackson .....	\$24,000,000
Texas .....	Corpus Christi .....	\$37,200,000
	Fort Bliss .....	\$7,200,000
	Fort Hood .....	\$51,200,000
	Joint Base San Antonio .....	\$21,000,000
Virginia .....	Fort Belvoir .....	\$94,000,000
	Fort Lee .....	\$81,000,000
Washington .....	Joint Base Lewis-McChord .....	\$164,000,000
	Yakima .....	\$5,100,000

8 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 9 appropriated pursuant to the authorization of appropria-  
 10 tions in section 2103(a) and available for military con-  
 11 struction projects outside the United States as specified  
 12 in the funding table in section 4601, the Secretary of the

1 Army may acquire real property and carry out military  
 2 construction projects for the installations or locations out-  
 3 side the United States, and in the amounts, set forth in  
 4 the following table:

**Army: Outside the United States**

Country	Installation or Location	Amount
Italy .....	Camp Ederle .....	\$36,000,000
	Vicenza .....	\$32,000,000
Japan .....	Okinawa .....	\$78,000,000
	Sagami .....	\$18,000,000
Korea .....	Camp Humphreys .....	\$45,000,000

5 **SEC. 2102. FAMILY HOUSING.**

6 Using amounts appropriated pursuant to the author-  
 7 ization of appropriations in section 2103(a) and available  
 8 for military family housing functions as specified in the  
 9 funding table in section 4601, the Secretary of the Army  
 10 may carry out architectural and engineering services and  
 11 construction design activities with respect to the construc-  
 12 tion or improvement of family housing units in an amount  
 13 not to exceed \$4,641,000.

14 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 16 are hereby authorized to be appropriated for fiscal years  
 17 beginning after September 30, 2012, for military con-  
 18 struction, land acquisition, and military family housing  
 19 functions of the Department of the Army as specified in  
 20 the funding table in section 4601.

1 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
2 PROJECTS.—Notwithstanding the cost variations author-  
3 ized by section 2853 of title 10, United States Code, and  
4 any other cost variation authorized by law, the total cost  
5 of all projects carried out under section 2101 of this Act  
6 may not exceed the sum of the following:

7 (1) The total amount authorized to be appro-  
8 priated under subsection (a), as specified in the  
9 funding table in section 4601.

10 (2) \$106,000,000 (the balance of the amount  
11 authorized under section 2101(a) for cadet barracks  
12 increment 1 at the United States Military Academy,  
13 New York).

14 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**  
15 **CERTAIN FISCAL YEAR 2010 PROJECT.**

16 In the case of the authorization contained in the table  
17 in section 2101(a) of the Military Construction Authoriza-  
18 tion Act for Fiscal Year 2010 (division B of Public Law  
19 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for  
20 construction of a Road and Access Control Point at the  
21 installation, the Secretary of the Army may construct a  
22 standard design Access Control Point consistent with the  
23 Army’s construction guidelines for Access Control Points.

1 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2009 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2009 (division B of Public Law 110–417; 122 Stat.  
 6 4658), authorizations set forth in the table in subsection  
 7 (b), as provided in section 2101 of that Act (122 Stat.  
 8 4659), shall remain in effect until October 1, 2013, or the  
 9 date of the enactment of an Act authorizing funds for mili-  
 10 tary construction for fiscal year 2014, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)  
 12 is as follows:

**Army: Extension of 2009 Project Authorizations**

State	Installation or Location	Project	Amount
Alabama .....	Anniston Army Depot .....	Lake Yard Interchange .....	\$1,400,000
New Jersey .....	Picatinny Arsenal .....	Ballistic evaluation Facility Phase I .....	\$9,900,000

13 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 14 **FISCAL YEAR 2010 PROJECTS.**

15 (a) EXTENSION.—Notwithstanding section 2002 of  
 16 the Military Construction Authorization Act for Fiscal  
 17 Year 2010 (division B of Public Law 111–84; 123 Stat.  
 18 2627), authorizations set forth in the table in subsection  
 19 (b), as provided in section 2101 of that Act (123 Stat.  
 20 2628), shall remain in effect until October 1, 2013, or the

1 date of the enactment of an Act authorizing funds for mili-  
2 tary construction for fiscal year 2014, whichever is later.

3 (b) TABLE.—The table referred to in subsection (a)  
4 is as follows:

**Army: Extension of 2010 Project Authorizations**

State	Installation or Location	Project	Amount
Louisiana .....	Fort Polk .....	Land Purchases and Con- demnation .....	\$17,000,000
New Jersey .....	Picatinny Arse- nal .....	Ballistic Evaluation Facil- ity Phase 2 .....	\$10,200,000
Virginia .....	Fort Belvoir .....	Road and Access Control Point .....	\$9,500,000
Washington .....	Fort Lewis .....	Fort Lewis-McChord AFB Joint Access .....	\$9,000,000
Kuwait .....	Kuwait .....	APS Warehouses .....	\$82,000,000

5 **SEC. 2107. EXTENSION OF LIMITATION ON OBLIGATION OR**  
6 **EXPENDITURE OF FUNDS FOR TOUR NOR-**  
7 **MALIZATION.**

8 Section 2111 of the Military Construction Authoriza-  
9 tion Act for Fiscal Year 2012 (division B of Public Law  
10 112–81; 125 Stat. 1665) is amended in the matter pre-  
11 ceding paragraph (1) by inserting after “under this Act”  
12 the following: “or an Act authorizing funds for military  
13 construction for fiscal year 2013”.

14 **SEC. 2108. LIMITATION ON PROJECT AUTHORIZATION TO**  
15 **CARRY OUT CERTAIN FISCAL YEAR 2013**  
16 **PROJECT.**

17 The Secretary of the Army may not obligate or ex-  
18 pend any funds authorized in this title for the construction  
19 of a cadet barracks at the United States Military Acad-

1 emy, West Point, New York, until the Secretary of the  
2 Army—

3 (1) submits to the congressional defense com-  
4 mittees, as part of the future-years defense program  
5 submitted to Congress during 2013 under section  
6 221 of title 10, United States Code, a plan showing  
7 programmed investments to renovate existing cadet  
8 barracks at the United States Military Academy;  
9 and

10 (2) certifies to the congressional defense com-  
11 mittees that the Secretary has entered into a con-  
12 tract for the renovation of Scott Barracks at the  
13 United States Military Academy.

14 **TITLE XXII—NAVY MILITARY**  
15 **CONSTRUCTION**

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2012  
project.

Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2207. Extension of authorizations of certain fiscal year 2010 projects.

16 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
17 **ACQUISITION PROJECTS.**

18 (a) **INSIDE THE UNITED STATES.**—Using amounts  
19 appropriated pursuant to the authorization of appropria-  
20 tions in section 2204(a) and available for military con-  
21 struction projects inside the United States as specified in

1 the funding table in section 4601, the Secretary of the  
 2 Navy may acquire real property and carry out military  
 3 construction projects for the installations or locations in-  
 4 side the United States, and in the amounts, set forth in  
 5 the following table:

**Navy: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Yuma .....	\$29,285,000
California .....	Camp Pendleton .....	\$88,110,000
	Coronado .....	\$78,541,000
	Miramar .....	\$27,897,000
	Point Mugu .....	\$12,790,000
	San Diego .....	\$71,188,000
	Seal Beach .....	\$30,594,000
	Twentynine Palms .....	\$47,270,000
Florida .....	Jacksonville .....	\$21,980,000
Hawaii .....	Kaneohe Bay .....	\$97,310,000
Mississippi .....	Meridian .....	\$10,926,000
New Jersey .....	Earle .....	\$33,498,000
North Carolina .....	Camp Lejeune .....	\$69,890,000
	Cherry Point Marine Corps Air Station .....	\$45,891,000
	New River .....	\$8,525,000
South Carolina .....	Beaufort .....	\$81,780,000
	Parris Island .....	\$10,135,000
Virginia .....	Dahlgren .....	\$28,228,000
	Oceana Naval Air Station .....	\$39,086,000
	Portsmouth .....	\$32,706,000
	Quantico .....	\$58,714,000
	Yorktown .....	\$48,823,000
Washington .....	Whidbey Island .....	\$6,272,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 7 appropriated pursuant to the authorization of appropria-  
 8 tions in section 2204(a) and available for military con-  
 9 struction projects outside the United States as specified  
 10 in the funding table in section 4601, the Secretary of the  
 11 Navy may acquire real property and carry out military  
 12 construction projects for the installation or location out-  
 13 side the United States, and in the amounts, set forth in  
 14 the following table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Bahrain .....	SW Asia .....	\$51,348,000
Diego Garcia .....	Diego Garcia .....	\$1,691,000
Greece .....	Souda Bay .....	\$25,123,000
Japan .....	Iwakuni .....	\$13,138,000
	Okinawa .....	\$8,206,000
Romania .....	Deveselu .....	\$45,205,000
Spain .....	Rota .....	\$17,215,000
Worldwide (Unspec- ified) .....	Unspecified Worldwide Locations .....	\$34,048,000

**1 SEC. 2202. FAMILY HOUSING.**

2 Using amounts appropriated pursuant to the author-  
3 ization of appropriations in section 2204(a) and available  
4 for military family housing functions as specified in the  
5 funding table in section 4601, the Secretary of the Navy  
6 may carry out architectural and engineering services and  
7 construction design activities with respect to the construc-  
8 tion or improvement of family housing units in an amount  
9 not to exceed \$4,527,000.

**10 SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING  
11 UNITS.**

12 Subject to section 2825 of title 10, United States  
13 Code, and using amounts appropriated pursuant to the  
14 authorization of appropriations in section 2204(a) and  
15 available for military family housing functions, the Sec-  
16 retary of the Navy may improve existing military family  
17 housing units in an amount not to exceed \$97,655,000.

**18 SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
20 are hereby authorized to be appropriated for fiscal years

1 beginning after September 30, 2012, for military con-  
2 struction, land acquisition, and military family housing  
3 functions of the Department of the Navy, as specified in  
4 the funding table in section 4601.

5 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
6 PROJECTS.—Notwithstanding the cost variations author-  
7 ized by section 2853 of title 10, United States Code, and  
8 any other cost variation authorized by law, the total cost  
9 of all projects carried out under section 2201 of this Act  
10 and the projects described in paragraphs (2) and (3) of  
11 this subsection may not exceed the sum of the following:

12 (1) The total amount authorized to be appro-  
13 priated under subsection (a), as specified in the  
14 funding table in section 4601.

15 (2) \$382,757,000 (the balance of the amount  
16 authorized under section 2201(a) of the Military  
17 Construction Authorization Act for Fiscal Year 2012  
18 (division B of Public Law 112–81; 125 Stat. 1666)  
19 for an explosive handling wharf at Kitsap, Wash-  
20 ington).

21 (3) \$68,196,000 (the balance of the amount au-  
22 thorized under section 2201(b) of the Military Con-  
23 struction Authorization Act for Fiscal Year 2010  
24 (division B of Public Law 111–84; 123 Stat. 2633)  
25 for ramp parking at Joint Region Marianas, Guam).

1 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2012 PROJECT.**

3 In the case of the authorization contained in the table  
4 in section 2201(a) of the Military Construction Authoriza-  
5 tion Act for Fiscal Year 2012 (division B of Public Law  
6 112–81; 125 Stat. 1666), for Kitsap (Bangor) Wash-  
7 ington, for construction of Explosives Handling Wharf No.  
8 2 at that location, the Secretary of the Navy may acquire  
9 fee or lesser real property interests to accomplish required  
10 environmental mitigation for the project using appropria-  
11 tions authorized for the project.

12 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
13 **FISCAL YEAR 2009 PROJECTS.**

14 (a) EXTENSION.—Notwithstanding section 2002 of  
15 the Military Construction Authorization Act for Fiscal  
16 Year 2009 (division B of Public Law 110–417; 122 Stat.  
17 4658), the authorization set forth in the table in sub-  
18 section (b), as provided in section 2201 of that Act (122  
19 Stat. 4670) and extended by section 2206 of the Military  
20 Construction Authorization Act for Fiscal Year 2012 (di-  
21 vision B of Public Law 112–81; 125 Stat. 1668), shall  
22 remain in effect until October 1, 2013, or the date of an  
23 Act authorizing funds for military construction for fiscal  
24 year 2014, whichever is later.

25 (b) TABLE.—The table referred to in subsection (a)  
26 is as follows:

**Navy: Extension of 2009 Project Authorization**

State/Country	Installation or Location	Project	Amount
California .....	Marine Corps Base, Camp Pendleton ....	Operations Access Points, Red Beach	\$11,970,000
	Marine Corps Air Station, Miramar ..	Emergency Response Station .....	\$6,530,000
District of Columbia ..	Washington Navy Yard .....	Child Development Center .....	\$9,340,000

**1 SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
**2 FISCAL YEAR 2010 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2010 (division B of Public Law 111–84; 123 Stat.  
 6 2627), the authorization set forth in the table in sub-  
 7 section (b), as provided in section 2201 of that Act (123  
 8 Stat. 2632), shall remain in effect until October 1, 2013,  
 9 or the date of an Act authorizing funds for military con-  
 10 struction for fiscal year 2014, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)  
 12 is as follows:

**Navy: Extension of 2010 Project Authorization**

State/Country	Installation or Location	Project	Amount
California .....	Mountain Warfare Training Center, Bridgeport .....	Mountain Warfare Training, Commissary .....	\$6,830,000
Maine .....	Portsmouth Naval Shipyard .....	Gate 2 Security Improvements .....	\$7,090,000
Djibouti .....	Camp Lemonier .....	Security Fencing .....	\$8,109,000
		Ammo Supply Point ..	\$21,689,000
		Interior Paved Roads	\$7,275,000

1 **TITLE XXIII—AIR FORCE**  
 2 **MILITARY CONSTRUCTION**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Extension of authorizations of certain fiscal year 2010 projects.

3 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
 4 **LAND ACQUISITION PROJECTS.**

5 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 6 appropriated pursuant to the authorization of appropria-  
 7 tions in section 2304(a) and available for military con-  
 8 struction projects inside the United States as specified in  
 9 the funding table in section 4601, the Secretary of the  
 10 Air Force may acquire real property and carry out mili-  
 11 tary construction projects for the installations or locations  
 12 inside the United States, and in the amounts, set forth  
 13 in the following table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Arkansas .....	Little Rock Air Force Base .....	\$30,178,000
Florida .....	Tyndall Air Force Base .....	\$14,750,000
Georgia .....	Fort Stewart .....	\$7,250,000
	Moody Air Force Base .....	\$8,500,000
New Mexico .....	Holloman Air Force Base .....	\$25,000,000
North Dakota .....	Minot Air Force Base .....	\$4,600,000
Texas .....	Joint Base San Antonio .....	\$18,000,000
Utah .....	Hill Air Force Base .....	\$13,530,000

14 (b) **OUTSIDE THE UNITED STATES.**—Using amounts  
 15 appropriated pursuant to the authorization of appropria-  
 16 tions in section 2304(a) and available for military con-  
 17 struction projects outside the United States as specified

1 in the funding table in section 4601, the Secretary of the  
 2 Air Force may acquire real property and carry out mili-  
 3 tary construction projects for the installations or locations  
 4 outside the United States, and in the amounts, set forth  
 5 in the following table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Greenland .....	Thule Air Base .....	\$24,500,000
Guam .....	Andersen Air Force Base .....	\$58,000,000
Italy .....	Aviano Air Base .....	\$9,400,000
Portugal .....	Lajes Field .....	\$2,000,000

**6 SEC. 2302. FAMILY HOUSING.**

7 Using amounts appropriated pursuant to the author-  
 8 ization of appropriations in section 2304(a) and available  
 9 for military family housing functions as specified in the  
 10 funding table in section 4601, the Secretary of the Air  
 11 Force may carry out architectural and engineering serv-  
 12 ices and construction design activities with respect to the  
 13 construction or improvement of family housing units in an  
 14 amount not to exceed \$4,253,000.

**15 SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
**16 UNITS.**

17 Subject to section 2825 of title 10, United States  
 18 Code, and using amounts appropriated pursuant to the  
 19 authorization of appropriations in section 2304 and avail-  
 20 able for military family housing functions as specified in  
 21 the funding table in section 4601, the Secretary of the

1 Air Force may improve existing military family housing  
2 units in an amount not to exceed \$79,571,000.

3 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
4 **FORCE.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
6 are hereby authorized to be appropriated for fiscal years  
7 beginning after September 30, 2012, for military con-  
8 struction, land acquisition, and military family housing  
9 functions of the Department of the Air Force, as specified  
10 in the funding table in section 4601.

11 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
12 PROJECTS.—Notwithstanding the cost variations author-  
13 ized by section 2853 of title 10, United States Code, and  
14 any other cost variation authorized by law, the total cost  
15 of all projects carried out under section 2301 of this Act  
16 and the project described in paragraph (2) of this sub-  
17 section may not exceed the sum of the following:

18 (1) The total amount authorized to be appro-  
19 priated under subsection (a), as specified in the  
20 funding table in section 4601.

21 (2) \$205,000,000 (the balance of the amount  
22 authorized under section 2301(a) of the Military  
23 Construction Authorization Act for Fiscal Year 2012  
24 (division B of Public Law 112–81; 125 Stat. 1670)

1 for the United States Strategic Command Head-  
 2 quarters at Offutt Air Force Base, Nebraska).

3 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 4 **FISCAL YEAR 2010 PROJECTS.**

5 (a) EXTENSION.—Notwithstanding section 2002 of  
 6 the Military Construction Authorization Act for Fiscal  
 7 Year 2010 (division B of Public Law 111–84; 123 Stat.  
 8 2627), authorizations set forth in the table in subsection  
 9 (b), as provided in section 2301 of that Act (123 Stat.  
 10 2636), shall remain in effect until October 1, 2013, or the  
 11 date of an Act authorizing funds for military construction  
 12 for fiscal year 2014, whichever is later.

13 (b) TABLE.—The table referred to in subsection (a)  
 14 is as follows:

**Air Force: Extension of 2010 Project Authorization**

State	Installation or Location	Project	Amount
Missouri .....	Whiteman Air Force Base .....	Land Acquisition North & South Boundary .....	\$5,500,000
Montana .....	Malmstrom Air Force Base .....	Weapons Storage Area (WSA), Phase 2 .....	\$10,600,000

15 **TITLE XXIV—DEFENSE AGEN-**  
 16 **CIES MILITARY CONSTRUC-**  
 17 **TION**

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Authorized energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Modification of authority to carry out certain fiscal year 2012 projects.

Sec. 2405. Extension of authorization of certain fiscal year 2010 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

Sec. 2412. Modification of authority to carry out certain fiscal year 1997 project.

1                   **Subtitle A—Defense Agency**  
 2                   **Authorizations**

3   **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
 4                   **TION AND LAND ACQUISITION PROJECTS.**

5           (a) INSIDE THE UNITED STATES.—Using amounts  
 6 appropriated pursuant to the authorization of appropria-  
 7 tions in section 2403(a) and available for military con-  
 8 struction projects inside the United States as specified in  
 9 the funding table in section 4601, the Secretary of De-  
 10 fense may acquire real property and carry out military  
 11 construction projects for the installations or locations in-  
 12 side the United States, and in the amounts, set forth in  
 13 the following table:

**Defense Agencies: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Marana .....	\$6,477,000
	Yuma .....	\$1,300,000
California .....	Coronado .....	\$55,259,000
	DEF Fuel Support Point-San Diego .....	\$91,563,000
	Edwards Air Force Base .....	\$27,500,000
	Twentynine Palms .....	\$27,400,000
Colorado .....	Buckley Air Force Base .....	\$30,000,000
	Fort Carson .....	\$56,673,000
	Pikes Peak .....	\$3,600,000
Delaware .....	Dover Air Force Base .....	\$2,000,000
Florida .....	Eglin Air Force Base .....	\$41,695,000
	Hurlburt Field .....	\$16,000,000
	MacDill Air Force Base .....	\$34,409,000
Hawaii .....	Joint Base Pearl Harbor-Hickam	\$24,289,000
Illinois .....	Great Lakes .....	\$28,700,000

**Defense Agencies: Inside the United States**—Continued

State	Installation or Location	Amount
	Scott Air Force Base .....	\$86,711,000
Indiana .....	Grissom Army Reserve Base .....	\$26,800,000
Kentucky .....	Fort Campbell .....	\$71,639,000
Louisiana .....	Barksdale Air Force Base .....	\$11,700,000
Maryland .....	Annapolis .....	\$66,500,000
	Bethesda Naval Hospital .....	\$69,200,000
	Fort Meade .....	\$128,600,000
Missouri .....	Fort Leonard Wood .....	\$18,100,000
New Mexico .....	Cannon Air Force Base .....	\$93,085,000
New York .....	Fort Drum .....	\$43,200,000
North Carolina .....	Camp Lejeune .....	\$80,064,000
	Fort Bragg .....	\$130,422,000
	Seymour Johnson Air Force Base	\$55,450,000
Pennsylvania .....	DEF Distribution Depot New Cumberland .....	\$17,400,000
South Carolina .....	Shaw Air Force Base .....	\$57,200,000
Texas .....	Red River Army Depot .....	\$16,715,000
Virginia .....	Joint Expeditionary Base Little Creek-Fort Story .....	\$11,132,000
	Norfolk .....	\$8,500,000
Washington .....	Fort Lewis .....	\$50,520,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2403(a) and available for military con-  
 4 struction projects outside the United States as specified  
 5 in the funding table in section 4601, the Secretary of De-  
 6 fense may acquire real property and carry out military  
 7 construction projects for the installations or locations out-  
 8 side the United States, and in the amounts, set forth in  
 9 the following table:

**Defense Agencies: Outside the United States**

Country	Installation or Location	Amount
Belgium .....	Brussels .....	\$26,969,000
Germany .....	Stuttgart-Patch Barracks .....	\$2,413,000
	Vogelweh .....	\$61,415,000
	Weisbaden .....	\$52,178,000
Guam .....	Andersen Air Force Base .....	\$67,500,000
Guantanamo Bay, Cuba .....	Guantanamo Bay .....	\$40,200,000
Japan .....	Camp Zama .....	\$13,273,000
	Kadena Air Base .....	\$143,545,000
	Sasebo .....	\$35,733,000
	Zukeran .....	\$79,036,000
Korea .....	Kunsan Air Base .....	\$13,000,000
	Osan Air Base .....	\$77,292,000

**Defense Agencies: Outside the United States**—Continued

Country	Installation or Location	Amount
Romania .....	Deveselu .....	\$220,800,000
United Kingdom .....	Menwith Hill Station .....	\$50,283,000
	Royal Air Force Feltwell .....	\$30,811,000
	Royal Air Force Mildenhall .....	\$6,490,000

**1 SEC. 2402. AUTHORIZED ENERGY CONSERVATION**  
**2 PROJECTS.**

3 (a) **INSIDE THE UNITED STATES.**—Using amounts  
4 appropriated pursuant to the authorization of appropria-  
5 tions in section 2403(a) and available for energy conserva-  
6 tion projects inside the United States as specified in the  
7 funding table in section 4601, the Secretary of Defense  
8 may carry out energy conservation projects under chapter  
9 173 of title 10, United States Code, for the installations  
10 or locations inside the United States, and in the amounts,  
11 set forth in the following table:

**Energy Conservation Projects: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Clear .....	\$15,337,000
California .....	Fort Hunter Liggett .....	\$9,600,000
	Parks RFTA .....	\$9,256,000
Colorado .....	Aerospace Data Facility .....	\$3,310,000
	Fort Carson .....	\$4,000,000
Hawaii .....	Joint Base Pearl Harbor Hickam	\$6,610,000
Missouri .....	Whiteman .....	\$6,000,000
North Carolina .....	Fort Bragg .....	\$2,700,000
	MCB Camp Lejeune .....	\$5,701,000
New Jersey .....	Sea Girt .....	\$3,000,000
Pennsylvania .....	NSA Mechanicsburg .....	\$19,926,000
	Susquehanna .....	\$2,550,000
	Tobyhanna Army Depot .....	\$3,950,000
Tennessee .....	Arnold .....	\$3,606,000
Texas .....	Fort Bliss .....	\$5,700,000
	Fort Bliss .....	\$2,600,000
	Laughlin .....	\$4,800,000
Virginia .....	MCB Quantico .....	\$7,943,000
	Pentagon Reservation .....	\$2,360,000
	Pentagon Reservation .....	\$2,120,000
Various Locations .....	Various Locations .....	\$12,886,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2403(a) and available for energy conserva-  
 4 tion projects outside the United States as specified in the  
 5 funding table in section 4601, the Secretary of Defense  
 6 may carry out energy conservation projects under chapter  
 7 173 of title 10, United States Code, for the installations  
 8 or locations outside the United States, and in the  
 9 amounts, set forth in the following table:

**Energy Conservation Projects: Outside the United States**

Country	Installation or Location	Amount
Italy .....	Naval Air Station Sigonella .....	\$6,121,000
Spain .....	Naval Station Rota .....	\$2,671,000
Various Locations .....	Various Locations .....	\$7,253,000

10 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**  
 11 **FENSE AGENCIES.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 13 are hereby authorized to be appropriated for fiscal years  
 14 beginning after September 30, 2012, for military con-  
 15 struction, land acquisition, and military family housing  
 16 functions of the Department of Defense (other than the  
 17 military departments), as specified in the funding table  
 18 in section 4601.

19 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
 20 PROJECTS.—Notwithstanding the cost variations author-  
 21 ized by section 2853 of title 10, United States Code, and  
 22 any other cost variation authorized by law, the total cost

1 of all projects carried out under section 2401 of this Act  
2 and the projects described in paragraphs (2) through (9)  
3 of this subsection may not exceed the sum of the following:

4 (1) The total amount authorized to be appro-  
5 priated under subsection (a), as specified in the  
6 funding table in section 4601.

7 (2) \$13,965,000 (the balance of the amount au-  
8 thorized under section 2401(a) of the Military Con-  
9 struction Authorization Act for Fiscal Year  
10 2007(division B of Public Law 119–364; 120 Stat.  
11 2457) for the Army Medical Research Institute of  
12 Infectious Diseases Stage I at Fort Detrick, Mary-  
13 land).

14 (3) \$103,600,000 (the balance of the amount  
15 authorized under section 2401(a) for NSAW Recapi-  
16 talize Building #1 at Fort Meade, Maryland).

17 (4) \$556,639,000 (the balance of the amount  
18 authorized under section 2401(a) of the Military  
19 Construction Authorization Act for Fiscal Year 2012  
20 (division B of Public Law 112–81; 125 Stat. 1672),  
21 as amended by section 2404(a) of this Act, for a  
22 data center at Fort Meade, Maryland).

23 (5) \$512,969,000 (the balance of the amount  
24 authorized under section 2401(a) of the Military  
25 Construction Authorization Act for Fiscal Year 2010

1 (division B of Public Law 111–84; 123 Stat. 2640)  
2 for a hospital at Fort Bliss, Texas).

3 (6) \$134,900,000 (the balance of the amount  
4 authorized under section 2401(a) of the Military  
5 Construction Authorization Act for Fiscal Year 2012  
6 (division B of Public Law 112–81; 125 Stat. 1672)  
7 for an Ambulatory Care Center Phase III at Joint  
8 Base San Antonio, Texas).

9 (7) \$41,913,000 (the balance of the amount au-  
10 thorized as a Military Construction, Defense-Wide  
11 project by title X of the Supplemental Appropria-  
12 tions Act, 2009 (Public Law 111–32; 123 Stat.  
13 1888) for a data center at Camp Williams, Utah).

14 (8) \$792,408,000 (the balance of the amount  
15 authorized under section 2401(b) of the Military  
16 Construction Authorization Act for Fiscal Year 2012  
17 (division B of Public Law 112–81; 125 Stat. 1673),  
18 as amended by section 2404(b) of this Act, for a  
19 hospital at the Rhine Ordnance Barracks, Ger-  
20 many).

21 (9) \$100,800,000 (the balance of the amount  
22 authorized under section 2401(b) for the Aegis  
23 Ashore Missile Defense System Complex at  
24 Deveselu, Romania).

1 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2012 PROJECTS.**

3 (a) MARYLAND.—The table in section 2401(a) of the  
4 Military Construction Authorization Act for Fiscal Year  
5 2012 (division B of Public Law 112–81; 125 Stat. 1672),  
6 is amended in the item relating to Fort Meade, Maryland,  
7 by striking “\$29,640,000” in the amount column and in-  
8 serting “\$792,200,000”.

9 (b) GERMANY.—

10 (1) PROJECT AUTHORIZATION.—The table in  
11 section 2401(b) of the Military Construction Author-  
12 ization Act for Fiscal Year 2012 (division B of Pub-  
13 lic Law 112–81; 125 Stat. 1673), is amended in the  
14 item relating to Rhine Ordnance Barracks, Ger-  
15 many, by striking “\$750,000,000” in the amount  
16 column and inserting “\$990,000,000”.

17 (2) CERTIFICATION REQUIRED.—The Secretary  
18 of Defense may not obligate additional funds made  
19 available pursuant to the amendment made by para-  
20 graph (1) until the Secretary certifies to the con-  
21 gressional defense committees that both of the fol-  
22 lowing directly support the proposed scope for the  
23 hospital at the Rhine Ordnance Barracks, Germany:

24 (A) A sufficient enduring beneficiary popu-  
25 lation.

1 (B) The fiscal year 2014 force structure  
 2 assessment, incorporated in the budget sub-  
 3 mitted by the President to Congress for fiscal  
 4 year 2014.

5 **SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 6 **FISCAL YEAR 2010 PROJECT.**

7 (a) EXTENSION.—Notwithstanding section 2002 of  
 8 the Military Construction Authorization Act for Fiscal  
 9 Year 2010 (division B of Public Law 111–84; 123 Stat.  
 10 2627), the authorization set forth in the table in sub-  
 11 section (b), as provided in section 2401(a) of that Act  
 12 (123 Stat. 2640), shall remain in effect until October 1,  
 13 2013, or the date of the enactment of an Act authorizing  
 14 funds for military construction for fiscal year 2014, which-  
 15 ever is later.

16 (b) TABLE.—The table referred to in subsection (a)  
 17 is as follows:

**Extension of 2010 Project Authorization**

State	Installation or Lo- cation	Project	Amount
Virginia .....	Pentagon Reservation	Pentagon electrical upgrade .....	\$19,272,000

1                   **Subtitle B—Chemical**  
2                   **Demilitarization Authorizations**

3   **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**  
4                   **ICAL DEMILITARIZATION CONSTRUCTION,**  
5                   **DEFENSE-WIDE.**

6           (a) AUTHORIZATION OF APPROPRIATIONS.— Funds  
7 are hereby authorized to be appropriated for fiscal years  
8 beginning after September 30, 2012, for military con-  
9 struction and land acquisition for chemical demilitariza-  
10 tion, as specified in the funding table in section 4601.

11          (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
12 PROJECTS.—Notwithstanding the cost variations author-  
13 ized by section 2853 of title 10, United States Code, and  
14 any other cost variation authorized by law, the total cost  
15 of all projects carried out under subsection (a) and the  
16 project described in paragraph (2) of this subsection may  
17 not exceed the sum of the following:

18           (1) The total amount authorized to be appro-  
19 priated under subsection (a), as specified in the  
20 funding table in section 4601.

21           (2) \$158,969,000 (the balance of the amount  
22 authorized for ammunition demilitarization at Blue  
23 Grass, Kentucky, by section 2401(a) of the Military  
24 Construction Authorization Act for Fiscal Year 2000  
25 (division B of Public Law 106–65; 113 Stat. 835),

1 as most recently amended by section 2412 of the  
2 Military Construction Authorization Act for Fiscal  
3 Year 2011 (division B Public Law 111–383; 124  
4 Stat. 4450).

5 **SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT**  
6 **CERTAIN FISCAL YEAR 1997 PROJECT.**

7 (a) MODIFICATIONS.—The table in section 2401(a)  
8 of the Military Construction Authorization Act for Fiscal  
9 Year 1997 (division B of Public Law 104–201; 110 Stat.  
10 2775), as amended by section 2406 of the Military Con-  
11 struction Authorization Act for Fiscal Year 2000 (division  
12 B of Public Law 106–65; 113 Stat. 839), section 2407  
13 of the Military Construction Authorization Act for Fiscal  
14 Year 2003 (division B of Public Law 107–314; 116 Stat.  
15 2699), and section 2413 of the Military Construction Au-  
16 thorization Act for Fiscal Year 2009 (division B of Public  
17 Law 110–417; 122 Stat. 4697), is further amended—

18 (1) under the agency heading relating to Chem-  
19 ical Demilitarization Program, in the item relating  
20 to Pueblo Army Depot, Colorado, by striking  
21 “\$484,000,000” in the amount column and inserting  
22 “\$520,000,000”; and

23 (2) by striking the amount identified as the  
24 total in the amount column and inserting  
25 “\$866,454,000”.

1 (b) CONFORMING AMENDMENT.—Section 2406(b)(2)  
2 of the Military Construction Authorization Act for Fiscal  
3 Year 1997 (110 Stat. 2779), as so amended, is further  
4 amended by striking “\$484,000,000” and inserting  
5 “\$520,000,000”.

6 **TITLE XXV—NORTH ATLANTIC**  
7 **TREATY ORGANIZATION SE-**  
8 **CURITY INVESTMENT PRO-**  
9 **GRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

10 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
11 **ACQUISITION PROJECTS.**

12 The Secretary of Defense may make contributions for  
13 the North Atlantic Treaty Organization Security Invest-  
14 ment Program as provided in section 2806 of title 10,  
15 United States Code, in an amount not to exceed the sum  
16 of the amount authorized to be appropriated for this pur-  
17 pose in section 2502 and the amount collected from the  
18 North Atlantic Treaty Organization as a result of con-  
19 struction previously financed by the United States.

20 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

21 Funds are hereby authorized to be appropriated for  
22 fiscal years beginning after September 30, 2012, for con-  
23 tributions by the Secretary of Defense under section 2806  
24 of title 10, United States Code, for the share of the United

1 States of the cost of projects for the North Atlantic Treaty  
2 Organization Security Investment Program authorized by  
3 section 2501 as specified in the funding table in section  
4 4601.

5 **TITLE XXVI—GUARD AND**  
6 **RESERVE FORCES FACILITIES**

Subtitle A—Project Authorizations and Authorization of Appropriations

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition project.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

- Sec. 2611. Modification of authority to carry out certain fiscal year 2010 projects.
- Sec. 2612. Modification of authority to carry out certain fiscal year 2011 projects.
- Sec. 2613. Extension of authorization of certain fiscal year 2009 project.
- Sec. 2614. Extension of authorization of certain fiscal year 2010 projects.

7 **Subtitle A—Project Authorizations**  
8 **and Authorization of Appropria-**  
9 **tions**

10 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**  
11 **STRUCTION AND LAND ACQUISITION**  
12 **PROJECTS.**

13 (a) **INSIDE THE UNITED STATES.**—Using amounts  
14 appropriated pursuant to the authorization of appropria-  
15 tions in section 2606 and available for the National Guard  
16 and Reserve as specified in the funding table in section

1 4601, the Secretary of the Army may acquire real prop-  
 2 erty and carry out military construction projects for the  
 3 Army National Guard locations inside the United States,  
 4 and in the amounts, set forth in the following table:

**Army National Guard: Inside the United States**

State	Location	Amount
Alabama .....	Fort McClellan .....	\$5,400,000
Arkansas .....	Searcy .....	\$6,800,000
California .....	Fort Irwin .....	\$25,000,000
Connecticut .....	Camp Hartell .....	\$32,000,000
Delaware .....	Bethany Beach .....	\$5,500,000
Florida .....	Camp Blanding .....	\$9,000,000
	Miramar .....	\$20,000,000
Hawaii .....	Kapolei .....	\$28,000,000
Idaho .....	Orchard Training Area .....	\$40,000,000
Indiana .....	South Bend .....	\$21,000,000
	Terra Haute .....	\$9,000,000
Iowa .....	Camp Dodge .....	\$3,000,000
Kansas .....	Topeka .....	\$9,500,000
Kentucky .....	Frankfort .....	\$32,000,000
Massachusetts .....	Camp Edwards .....	\$22,000,000
Minnesota .....	Camp Ripley .....	\$17,000,000
	Arden Hills .....	\$17,000,000
Missouri .....	Fort Leonard Wood .....	\$18,000,000
	Kansas City .....	\$1,900,000
	Monett .....	\$820,000
	Perryville .....	\$700,000
Montana .....	Miles City .....	\$11,000,000
New Jersey .....	Sea Girt .....	\$34,000,000
New York .....	Stormville .....	\$24,000,000
Ohio .....	Chillicothe .....	\$3,100,000
	Delaware .....	\$12,000,000
Oklahoma .....	Camp Gruber .....	\$25,000,000
Utah .....	Camp Williams .....	\$36,000,000
Washington .....	Fort Lewis .....	\$35,000,000
West Virginia .....	Logan .....	\$14,200,000
Wisconsin .....	Wausau .....	\$10,000,000

5 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 6 appropriated pursuant to the authorization of appropria-  
 7 tions in section 2606 and available for the National Guard  
 8 and Reserve as specified in the funding table in section  
 9 4601, the Secretary of the Army may acquire real prop-  
 10 erty and carry out military construction projects for the

1 Army National Guard locations outside the United States,  
 2 and in the amounts, set forth in the following table:

**Army National Guard: Outside the United States**

Country	Location	Amount
Guam .....	Barrigada .....	\$8,500,000
Puerto Rico .....	Camp Santiago .....	\$3,800,000
	Ceiba .....	\$2,200,000
	Guaynabo .....	\$15,000,000
	Gurabo .....	\$14,700,000

3 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**  
 4 **AND LAND ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the author-  
 6 ization of appropriations in section 2606 and available for  
 7 the National Guard and Reserve as specified in the fund-  
 8 ing table in section 4601, the Secretary of the Army may  
 9 acquire real property and carry out military construction  
 10 projects for the Army Reserve locations inside the United  
 11 States, and in the amounts, set forth in the following  
 12 table:

**Army Reserve**

State	Location	Amount
California .....	Fort Hunter Liggett .....	\$68,300,000
	Tustin .....	\$27,000,000
Illinois .....	Fort Sheridan .....	\$28,000,000
Maryland .....	Aberdeen Proving Ground .....	\$21,000,000
	Baltimore .....	\$10,000,000
Massachusetts .....	Devens Reserve Forces Training Area	\$8,500,000
Nevada .....	Las Vegas .....	\$21,000,000
New Jersey .....	Joint Base McGuire-Dix-Lakehurst ....	\$7,400,000
Washington .....	Joint Base Lewis-McChord .....	\$40,000,000
Wisconsin .....	Fort McCoy .....	\$47,800,000

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**  
 2 **CORPS RESERVE CONSTRUCTION AND LAND**  
 3 **ACQUISITION PROJECTS.**

4 Using amounts appropriated pursuant to the author-  
 5 ization of appropriations in section 2606 and available for  
 6 the National Guard and Reserve as specified in the fund-  
 7 ing table in section 4601, the Secretary of the Navy may  
 8 acquire real property and carry out military construction  
 9 projects for the Navy Reserve and Marine Corps Reserve  
 10 locations inside the United States, and in the amounts,  
 11 set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

State	Location	Amount
Arizona .....	Yuma .....	\$5,379,000
Iowa .....	Fort Des Moines .....	\$19,162,000
Louisiana .....	New Orleans .....	\$7,187,000
New York .....	Brooklyn .....	\$4,430,000
Texas .....	Fort Worth .....	\$11,256,000

12 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**  
 13 **TION AND LAND ACQUISITION PROJECTS.**

14 Using amounts appropriated pursuant to the author-  
 15 ization of appropriations in section 2606 and available for  
 16 the National Guard and Reserve as specified in the fund-  
 17 ing table in section 4601, the Secretary of the Air Force  
 18 may acquire real property and carry out military construc-  
 19 tion projects for the Air National Guard locations inside  
 20 the United States, and in the amounts, set forth in the  
 21 following table:

**Air National Guard**

<b>State</b>	<b>Location</b>	<b>Amount</b>
California .....	Fresno Yosemite International Airport Air National Guard .....	\$11,000,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$6,500,000
New Mexico .....	Kirtland Air Force Base .....	\$8,500,000
Wyoming .....	Cheyenne Municipal Airport .....	\$6,486,000

**1 SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECT.**

2  
 3 Using amounts appropriated pursuant to the author-  
 4 ization of appropriations in section 2606 and available for  
 5 the National Guard and Reserve as specified in the fund-  
 6 ing table in section 4601, the Secretary of the Air Force  
 7 may acquire real property and carry out a military con-  
 8 struction project for the Air Force Reserve location inside  
 9 the United States, and in the amount, set forth in the  
 10 following table:

**Air Force Reserve**

<b>State</b>	<b>Location</b>	<b>Amount</b>
New York .....	Niagara Falls International Airport ...	\$6,100,000

**11 SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

12  
 13 Funds are hereby authorized to be appropriated for  
 14 fiscal years beginning after September 30, 2012, for the  
 15 costs of acquisition, architectural and engineering services,  
 16 and construction of facilities for the Guard and Reserve  
 17 Forces, and for contributions therefor, under chapter  
 18 1803 of title 10, United States Code (including the cost

1 of acquisition of land for those facilities), as specified in  
2 the funding table in section 4601.

3 **Subtitle B—Other Matters**

4 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT**  
5 **CERTAIN FISCAL YEAR 2010 PROJECTS.**

6 (a) AUTHORITY TO CARRY OUT ARMY NATIONAL  
7 GUARD READINESS CENTER PROJECT, NORTH LAS  
8 VEGAS, NEVADA.—In the case of the authorization con-  
9 tained in the table in section 2601 of the Military Con-  
10 struction Authorization Act for Fiscal Year 2010 (division  
11 B of Public Law 111–84; 123 Stat. 2648) for North Las  
12 Vegas, Nevada, for construction of a Readiness Center,  
13 the Secretary of the Army may construct up to 68,593  
14 square feet of readiness center, 10,000 square feet of  
15 unheated equipment storage area, and 25,000 square feet  
16 of unheated vehicle storage, consistent with the Army’s  
17 construction guidelines for readiness centers.

18 (b) AUTHORITY TO CARRY OUT ARMY RESERVE  
19 CENTER PROJECT, MIRAMAR, CALIFORNIA.—In the case  
20 of the authorization contained in the table in section 2602  
21 of the Military Construction Authorization Act for Fiscal  
22 Year 2010 (division B of Public Law 111–84; 123 Stat.  
23 2649) for Camp Pendleton, California, for construction of  
24 an Army Reserve Center, the Secretary of the Army may

1 construct an Army Reserve Center in the vicinity of the  
2 Marine Corps Air Station, Miramar, California.

3 (c) AUTHORITY TO CARRY OUT ARMY RESERVE CEN-  
4 TER PROJECT, BRIDGEPORT, CONNECTICUT.—In the case  
5 of the authorization contained in the table in section 2602  
6 of the Military Construction Authorization Act for Fiscal  
7 Year 2010 (division B of Public Law 111–84; 123 Stat.  
8 2649) for Bridgeport, Connecticut, for construction of an  
9 Army Reserve Center/Land, the Secretary of the Army  
10 may construct an Army Reserve Center and acquire land  
11 in the vicinity of Bridgeport, Connecticut.

12 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT**  
13 **CERTAIN FISCAL YEAR 2011 PROJECTS.**

14 (a) AUTHORITY TO CARRY OUT ARMY RESERVE  
15 CENTER PROJECT, FORT STORY, VIRGINIA.—In the case  
16 of the authorization contained in the table in section 2602  
17 of the Military Construction Authorization Act for Fiscal  
18 Year 2011 (division B of Public Law 111–383; 124 Stat.  
19 4453) for Fort Story, Virginia, for construction of an  
20 Army Reserve Center, the Secretary of the Army may con-  
21 struct an Army Reserve Center in the vicinity of Fort  
22 Story, Virginia.

23 (b) AUTHORITY TO CARRY OUT ARMY NATIONAL  
24 GUARD PROJECT, FORT CHAFFEE, ARKANSAS.—In the  
25 case of the authorization contained in the table in section

1 2601 of the Military Construction Authorization Act for  
2 Fiscal Year 2011 (division B of Public Law 111–383; 124  
3 Stat. 4451) for Fort Chaffee, Arkansas, for construction  
4 of a Live Fire Shoot House, the Secretary of the Army  
5 may construct up to 5,869 square feet of Live Fire Shoot  
6 House.

7 (c) AUTHORITY TO CARRY OUT ARMY NATIONAL  
8 GUARD PROJECT, WINDSOR LOCKS, CONNECTICUT.—In  
9 the case of the authorization contained in the table in sec-  
10 tion 2601 of the Military Construction Authorization Act  
11 for Fiscal Year 2011 (division B of Public Law 111–383;  
12 124 Stat. 4451) for Windsor Locks, Connecticut, for con-  
13 struction of a Readiness Center, the Secretary of the Army  
14 may construct up to 119,510 square feet of a Readiness  
15 Center.

16 (d) AUTHORITY TO CARRY OUT ARMY NATIONAL  
17 GUARD PROJECT, KALAELOA, HAWAII.—In the case of  
18 the authorization contained in the table in section 2601  
19 of the Military Construction Authorization Act for Fiscal  
20 Year 2011 (division B of Public Law 111–383; 124 Stat.  
21 4451) for Kalaeloa, Hawaii, for construction of a Com-  
22 bined Support Maintenance Shop, the Secretary of the  
23 Army may construct up to 137,548 square feet of a Com-  
24 bined Support Maintenance Shop.

1 (e) AUTHORITY TO CARRY OUT ARMY NATIONAL  
2 GUARD PROJECT, WICHITA, KANSAS.—In the case of the  
3 authorization contained in the table in section 2601 of the  
4 Military Construction Authorization Act for Fiscal Year  
5 2011 (division B of Public Law 111–383; 124 Stat. 4451)  
6 for Wichita, Kansas, for construction of a Field Mainte-  
7 nance Shop, the Secretary of the Army may construct up  
8 to 62,102 square feet of a Field Maintenance Shop.

9 (f) AUTHORITY TO CARRY OUT ARMY NATIONAL  
10 GUARD PROJECT, MINDEN, LOUISIANA.—In the case of  
11 the authorization contained in the table in section 2601  
12 of the Military Construction Authorization Act for Fiscal  
13 Year 2011 (division B of Public Law 111–383; 124 Stat.  
14 4451) for Minden, Louisiana, for construction of a Readi-  
15 ness Center, the Secretary of the Army may construct up  
16 to 90,944 square feet of a Readiness Center.

17 (g) AUTHORITY TO CARRY OUT ARMY NATIONAL  
18 GUARD PROJECT, SAINT INIGOES, MARYLAND.—In the  
19 case of the authorization contained in the table in section  
20 2601 of the Military Construction Authorization Act for  
21 Fiscal Year 2011 (division B of Public Law 111–383; 124  
22 Stat. 4451) for Saint Inigoes, Maryland, for construction  
23 of a Tactical Unmanned Aircraft System Facility, the Sec-  
24 retary of the Army may construct up to 10,298 square  
25 feet of a Tactical Unmanned Aircraft System Facility.

1 (h) AUTHORITY TO CARRY OUT ARMY NATIONAL  
2 GUARD PROJECT, CAMP GRAFTON, NORTH DAKOTA.—In  
3 the case of the authorization contained in the table in sec-  
4 tion 2601 of the Military Construction Authorization Act  
5 for Fiscal Year 2011 (division B of Public Law 111–383;  
6 124 Stat. 4451) for Camp Grafton, North Dakota, for  
7 construction of a Readiness Center, the Secretary of the  
8 Army may construct up to 68,671 square feet of a Readiness  
9 Center.

10 (i) AUTHORITY TO CARRY OUT ARMY NATIONAL  
11 GUARD PROJECT, WATERTOWN, SOUTH DAKOTA.—In the  
12 case of the authorization contained in the table in section  
13 2601 of the Military Construction Authorization Act for  
14 Fiscal Year 2011 (division B of Public Law 111–383; 124  
15 Stat. 4451) for Watertown, South Dakota, for construc-  
16 tion of a Readiness Center, the Secretary of the Army may  
17 construct up to 97,865 square feet of a Readiness Center.

18 (j) AUTHORITY TO CARRY OUT AIR NATIONAL  
19 GUARD PROJECT, NASHVILLE, TENNESSEE.—In the case  
20 of the authorization contained in the table in section 2604  
21 of the Military Construction Authorization Act for Fiscal  
22 Year 2011 (division B of Public Law 111–383; 124 Stat.  
23 4453) for Nashville International Airport, Tennessee, for  
24 renovation of an Intelligence Squadron Facility, the Sec-  
25 retary of the Air Force may convert up to 4,023 square

1 meters of existing facilities to bed down Intelligence Group  
 2 and Remotely Piloted Aircraft Remote Split Operations  
 3 Group missions, consistent with the Air National Guard’s  
 4 construction guidelines for these missions.

5 **SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 6 **FISCAL YEAR 2009 PROJECT.**

7 (a) EXTENSION.—Notwithstanding section 2002 of  
 8 the Military Construction Authorization Act for Fiscal  
 9 Year 2009 (division B of Public Law 110–417; 122 Stat.  
 10 4658), the authorization set forth in the table in sub-  
 11 section (b), as provided in section 2604 of that Act (122  
 12 Stat. 4706), shall remain in effect until October 1, 2013,  
 13 or the date of the enactment of an Act authorizing funds  
 14 for military construction for fiscal year 2014, whichever  
 15 is later.

16 (b) TABLE.—The table referred to in subsection (a)  
 17 is as follows:

**Air National Guard: Extension of 2009 Project Authorizations**

State	Installation or Location	Project	Amount
Mississippi .....	Gulfport-Biloxi International Airport .....	Relocate Munitions Complex .....	\$3,400,000

18 **SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 19 **FISCAL YEAR 2010 PROJECTS.**

20 (a) EXTENSION.—Notwithstanding section 2002 of  
 21 the Military Construction Authorization Act for Fiscal  
 22 Year 2010 (division B of Public Law 111–84; 123 Stat.

1 2627), the authorizations set forth in the tables in sub-  
 2 section (b), as provided in sections 2602 and 2604 of that  
 3 Act (123 Stat. 2649, 2651), shall remain in effect until  
 4 October 1, 2013, or the date of the enactment of an Act  
 5 authorizing funds for military construction for fiscal year  
 6 2014, whichever is later.

7 (b) TABLE.—The tables referred to in subsection (a)  
 8 are as follows:

**Army Reserve: Extension of 2010 Project Authorizations**

State	Installation or Location	Project	Amount
California .....	Camp Pendleton	Army Reserve Center .....	\$19,500,000
Connecticut .....	Bridgeport .....	Army Reserve Center/Land ...	\$18,500,000

**Air National Guard: Extension of 2010 Project Authorization**

State	Installation or Location	Project	Amount
Mississippi .....	Gulfport-Biloxi Airport .....	Relocate Base Entrance .....	\$6,500,000

9 **TITLE XXVII—BASE REALIGN-**  
 10 **MENT AND CLOSURE ACTIVI-**  
 11 **TIES**

Subtitle A—Authorization of Appropriations

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Other Matters

Sec. 2711. Consolidation of Department of Defense base closure accounts and authorized uses of base closure account funds.

Sec. 2712. Revised base closure and realignment restrictions and Comptroller General assessment of Department of Defense compliance with codified base closure and realignment restrictions.

1           **Subtitle A—Authorization of**  
2                           **Appropriations**

3   **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**  
4                           **BASE REALIGNMENT AND CLOSURE ACTIVI-**  
5                           **TIES FUNDED THROUGH DEPARTMENT OF**  
6                           **DEFENSE BASE CLOSURE ACCOUNT 1990.**

7           Funds are hereby authorized to be appropriated for  
8 fiscal years beginning after September 30, 2012, for base  
9 realignment and closure activities, including real property  
10 acquisition and military construction projects, as author-  
11 ized by the Defense Base Closure and Realignment Act  
12 of 1990 (part A of title XXIX of Public Law 101–510;  
13 10 U.S.C. 2687 note) and funded through the Department  
14 of Defense Base Closure Account 1990 established by sec-  
15 tion 2906 of such Act as specified in the funding table  
16 in section 4601.

17   **SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR**  
18                           **BASE REALIGNMENT AND CLOSURE ACTIVI-**  
19                           **TIES FUNDED THROUGH DEPARTMENT OF**  
20                           **DEFENSE BASE CLOSURE ACCOUNT 2005.**

21           Funds are hereby authorized to be appropriated for  
22 fiscal years beginning after September 30, 2012, for base  
23 realignment and closure activities, including real property  
24 acquisition and military construction projects, as author-  
25 ized by the Defense Base Closure and Realignment Act

1 of 1990 (part A of title XXIX of Public Law 101–510;  
2 10 U.S.C. 2687 note) and funded through the Department  
3 of Defense Base Closure Account 2005 established by sec-  
4 tion 2906A of such Act as specified in the funding table  
5 in section 4601.

## 6 **Subtitle B—Other Matters**

### 7 **SEC. 2711. CONSOLIDATION OF DEPARTMENT OF DEFENSE** 8 **BASE CLOSURE ACCOUNTS AND AUTHORIZED** 9 **USES OF BASE CLOSURE ACCOUNT FUNDS.**

10 (a) ESTABLISHMENT OF SINGLE DEPARTMENT OF  
11 DEFENSE BASE CLOSURE ACCOUNT; USE OF FUNDS.—  
12 The Defense Base Closure and Realignment Act of 1990  
13 (part A of title XXIX of Public Law 101–510; 10 U.S.C.  
14 2687 note) is amended by striking sections 2906 and  
15 2906A and inserting the following new section 2906:

16 **“SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**  
17 **COUNT.**

18 “(a) ESTABLISHMENT.—There is hereby established  
19 on the books of the Treasury an account to be known as  
20 the ‘Department of Defense Base Closure Account’ which  
21 shall be administered by the Secretary as a single account.

22 “(b) CREDITS TO ACCOUNT.—There shall be credited  
23 to the Account the following:

24 “(1) Funds authorized for and appropriated to  
25 the Account.

1           “(2) Funds transferred to the Account pursu-  
2           ant to section 2711(b) of the Military Construction  
3           Authorization Act for Fiscal Year 2013.

4           “(3) Funds that the Secretary may, subject to  
5           approval in an appropriation Act, transfer to the Ac-  
6           count from funds appropriated to the Department of  
7           Defense for any purpose, except that funds may be  
8           transferred under the authority of this paragraph  
9           only after the date on which the Secretary transmits  
10          written notice of, and justification for, such transfer  
11          to the congressional defense committees.

12          “(4) Proceeds received from the lease, transfer,  
13          or disposal of any property at a military installation  
14          closed or realigned under this part or the 1988  
15          BRAC law.

16          “(c) USE OF ACCOUNT.—

17                 “(1) AUTHORIZED PURPOSES.—The Secretary  
18                 may use the funds in the Account only for the fol-  
19                 lowing purposes:

20                         “(A) To carry out the Defense Environ-  
21                         mental Restoration Program under section  
22                         2701 of title 10, United States Code, and other  
23                         environmental restoration and mitigation activi-  
24                         ties at military installations closed or realigned  
25                         under this part or the 1988 BRAC law.

1           “(B) To cover property management, dis-  
2           posal, and caretaker costs incurred at military  
3           installations closed or realigned under this part  
4           or the 1988 BRAC law.

5           “(C) To cover costs associated with super-  
6           vision, inspection, overhead, engineering, and  
7           design of military construction projects under-  
8           taken under this part or the 1988 BRAC law  
9           before September 30, 2013, and subsequent  
10          claims, if any, related to such activities.

11          “(D) To record, adjust, and liquidate obli-  
12          gations properly chargeable to the following ac-  
13          counts:

14                 “(i) The Department of Defense Base  
15                 Closure Account 2005 established by sec-  
16                 tion 2906A of this part, as in effect on  
17                 September 30, 2013.

18                 “(ii) The Department of Defense Base  
19                 Closure Account 1990 established by this  
20                 section, as in effect on September 30,  
21                 2013.

22                 “(iii) The Department of Defense  
23                 Base Closure Account established by sec-  
24                 tion 207 of the 1988 BRAC law, as in ef-  
25                 fect on September 30, 2013.

1           “(2) SOLE SOURCE OF FUNDS.—The Account  
2           shall be the sole source of Federal funds for the ac-  
3           tivities specified in paragraph (1) at a military in-  
4           stallation closed or realigned under this part or the  
5           1988 BRAC law.

6           “(3) PROHIBITION ON USE OF ACCOUNT FOR  
7           NEW MILITARY CONSTRUCTION.—Except as provided  
8           in paragraph (1), funds in the Account may not be  
9           used, directly or by transfer to another appropria-  
10          tions account, to carry out a military construction  
11          project, including a minor military construction  
12          project, under section 2905(a) or any other provision  
13          of law at a military installation closed or realigned  
14          under this part or the 1988 BRAC law.

15          “(d) DISPOSAL OR TRANSFER OF COMMISSARY  
16 STORES AND PROPERTY PURCHASED WITH NON-  
17 APPROPRIATED FUNDS.—

18           “(1) DEPOSIT OF PROCEEDS IN RESERVE AC-  
19          COUNT.—If any real property or facility acquired,  
20          constructed, or improved (in whole or in part) with  
21          commissary store funds or nonappropriated funds is  
22          transferred or disposed of in connection with the clo-  
23          sure or realignment of a military installation under  
24          this part, a portion of the proceeds of the transfer  
25          or other disposal of property on that installation

1 shall be deposited in the reserve account established  
2 under section 204(b)(7)(C) of the 1988 BRAC law.

3 “(2) The amount so deposited under paragraph  
4 (1) shall be equal to the depreciated value of the in-  
5 vestment made with such funds in the acquisition,  
6 construction, or improvement of that particular real  
7 property or facility. The depreciated value of the in-  
8 vestment shall be computed in accordance with regu-  
9 lations prescribed by the Secretary.

10 “(3) USE OF RESERVE FUNDS.—Subject to the  
11 limitation contained in section 204(b)(7)(C)(iii) of  
12 the 1988 BRAC law, amounts in the reserve account  
13 are hereby made available to the Secretary, without  
14 appropriation and until expended, for the purpose of  
15 acquiring, constructing, and improving—

16 “(A) commissary stores; and

17 “(B) real property and facilities for non-  
18 appropriated fund instrumentalities.

19 “(e) CONSOLIDATED BUDGET JUSTIFICATION DIS-  
20 PLAY FOR ACCOUNT.—

21 “(1) CONSOLIDATED BUDGET INFORMATION  
22 REQUIRED.—The Secretary shall establish a consoli-  
23 dated budget justification display in support of the  
24 Account that for each fiscal year—

1           “(A) details the amount and nature of  
2 credits to, and expenditures from, the Account  
3 during the preceding fiscal year;

4           “(B) separately details the caretaker and  
5 environmental remediation costs associated with  
6 each military installation for which a budget re-  
7 quest is made;

8           “(C) specifies the transfers into the Ac-  
9 count and the purposes for which these trans-  
10 ferred funds will be further obligated, to include  
11 caretaker and environment remediation costs  
12 associated with each military installation;

13           “(D) specifies the closure or realignment  
14 recommendation, and the base closure round in  
15 which the recommendation was made, that pre-  
16 cipitated the inclusion of the military installa-  
17 tion; and

18           “(E) details any intra-budget activity  
19 transfers within the Account that exceeded  
20 \$1,000,000 during the preceding fiscal year or  
21 that are proposed for the next fiscal year and  
22 will exceed \$1,000,000.

23           “(2) SUBMISSION.—The Secretary shall include  
24 the information required by paragraph (1) in the  
25 materials that the Secretary submits to Congress in

1 support of the budget for a fiscal year submitted by  
2 the President pursuant to section 1105 of title 31,  
3 United States Code.

4 “(f) CLOSURE OF ACCOUNT; TREATMENT OF RE-  
5 MAINING FUNDS.—

6 “(1) CLOSURE.—The Account shall be closed at  
7 the time and in the manner provided for appropria-  
8 tion accounts under section 1555 of title 31, United  
9 States Code, except that unobligated funds which re-  
10 main in the Account upon closure shall be held by  
11 the Secretary of the Treasury until transferred by  
12 law after the congressional defense committees re-  
13 ceive the final report transmitted under paragraph  
14 (2).

15 “(2) FINAL REPORT.—No later than 60 days  
16 after the closure of the Account under paragraph  
17 (1), the Secretary shall transmit to the congressional  
18 defense committees a report containing an account-  
19 ing of—

20 “(A) all the funds credited to and ex-  
21 pended from the Account or otherwise expended  
22 under this part or the 1988 BRAC law; and

23 “(B) any funds remaining in the Account.

24 “(g) DEFINITIONS.—In this section:

1           “(1) The term ‘commissary store funds’ means  
2 funds received from the adjustment of, or surcharge  
3 on, selling prices at commissary stores fixed under  
4 section 2685 of title 10, United States Code.

5           “(2) The term ‘nonappropriated funds’ means  
6 funds received from a nonappropriated fund instru-  
7 mentality.

8           “(3) The term ‘nonappropriated fund instru-  
9 mentality’ means an instrumentality of the United  
10 States under the jurisdiction of the Armed Forces  
11 (including the Army and Air Force Exchange Serv-  
12 ice, the Navy Resale and Services Support Office,  
13 and the Marine Corps exchanges) which is conducted  
14 for the comfort, pleasure, contentment, or physical  
15 or mental improvement of members of the Armed  
16 Forces.

17           “(4) The term ‘1988 BRAC law’ means title II  
18 of the Defense Authorization Amendments and Base  
19 Closure and Realignment Act (Public Law 100–526;  
20 10 U.S.C. 2687 note).”.

21           (b) CLOSURE OF EXISTING CURRENT ACCOUNTS;  
22 TRANSFER OF FUNDS.—

23           (1) CLOSURE.—Subject to paragraph (2), the  
24 Secretary of the Treasury shall close, pursuant to

1 section 1555 of title 31, United States Code, the fol-  
2 lowing accounts on the books of the Treasury:

3 (A) The Department of Defense Base Clo-  
4 sure Account 2005 established by section  
5 2906A of the Defense Base Closure and Re-  
6 alignment Act of 1990 (part A of title XXIX of  
7 Public Law 101–510; 10 U.S.C. 2687 note), as  
8 in effect on the effective date of this section.

9 (B) The Department of Defense Base Clo-  
10 sure Account 1990 established by section 2906  
11 of the Defense Base Closure and Realignment  
12 Act of 1990 (part A of title XXIX of Public  
13 Law 101–510; 10 U.S.C. 2687 note), as in ef-  
14 fect on the effective date of this section.

15 (C) The Department of Defense Base Clo-  
16 sure Account established by section 207 of the  
17 Defense Authorization Amendments and Base  
18 Closure and Realignment Act (Public Law 100–  
19 526; 10 U.S.C. 2687 note), as in effect on the  
20 effective date of this section.

21 (2) TRANSFER OF FUNDS.—All amounts re-  
22 maining in the three accounts specified in paragraph  
23 (1) as of the effective date of this section, shall be  
24 transferred, effective on that date, to the Depart-  
25 ment of Defense Base Closure Account established

1 by section 2906 of the Defense Base Closure and  
2 Realignment Act of 1990, as added by subsection  
3 (a).

4 (3) CROSS REFERENCES.—Except as provided  
5 in this subsection or the context requires otherwise,  
6 any reference in a law, regulation, document, paper,  
7 or other record of the United States to an account  
8 specified in paragraph (1) shall be deemed to be a  
9 reference to the Department of Defense Base Clo-  
10 sure Account established by section 2906 of the De-  
11 fense Base Closure and Realignment Act of 1990, as  
12 added by subsection (a).

13 (c) CONFORMING AMENDMENTS.—

14 (1) REPEAL OF FORMER ACCOUNT.—Section  
15 207 of the Defense Authorization Amendments and  
16 Base Closure and Realignment Act (Public Law  
17 100–526; 10 U.S.C. 2687 note) is repealed.

18 (2) REPEAL OF OBSOLETE REPORTING RE-  
19 QUIREMENT.—Section 2907 of the Defense Base  
20 Closure and Realignment Act of 1990 (part A of  
21 title XXIX of Public Law 101–510; 10 U.S.C. 2687  
22 note) is repealed.

23 (3) DEFINITION.—

24 (A) 1990 LAW.—Section 2910(1) of the  
25 Defense Base Closure and Realignment Act of

1 1990 (part A of title XXIX of Public Law 101–  
2 510; 10 U.S.C. 2687 note) is amended by strik-  
3 ing “1990 established by section 2906(a)(1)”  
4 and inserting “established by section 2906(a)”.

5 (B) 1988 LAW.—The Defense Authoriza-  
6 tion Amendments and Base Closure and Re-  
7 alignment Act (Public Law 100–526; 10 U.S.C.  
8 2687 note) is amended—

9 (i) in section 204(b)(7)(A), by striking  
10 “established by section 207(a)(1)”; and

11 (ii) in section 209(1), by striking “es-  
12 tablished by section 207(a)(1)” and insert-  
13 ing “established by section 2906(a) of the  
14 Defense Base Closure and Realignment  
15 Act of 1990 (part A of title XXIX of Pub-  
16 lic Law 101–510; 10 U.S.C. 2687 note)”.

17 (4) ENVIRONMENTAL RESTORATION.—Chapter  
18 160 of title 10, United States Code, is amended—

19 (A) in section 2701(d)(2), by striking “De-  
20 partment of Defense Base Closure Account  
21 1990 or the Department of Defense Base Clo-  
22 sure Account 2005 established under sections  
23 2906 and 2906A” and inserting “Department  
24 of Defense Base Closure Account established by  
25 section 2906”;

1 (B) in section 2703(h)—

2 (i) by striking “the applicable Depart-  
3 ment of Defense base closure account” and  
4 inserting “the Department of Defense  
5 Base Closure Account established under  
6 section 2906 of the Defense Base Closure  
7 and Realignment Act of 1990 (part A of  
8 title XXIX of Public Law 101–510; 10  
9 U.S.C. 2687 note)”; and

10 (ii) by striking “the applicable base  
11 closure account” and inserting “such base  
12 closure account”; and

13 (C) in section 2705(g)(2), by striking  
14 “Closure Account 1990” and inserting “Closure  
15 Account”.

16 (5) DEPARTMENT OF DEFENSE HOUSING  
17 FUNDS.—Section 2883 of such title is amended—

18 (A) in subsection (c)—

19 (i) by striking subparagraph (G) of  
20 paragraph (1); and

21 (ii) by striking subparagraph (G) of  
22 paragraph (2); and

23 (B) in subsection (f)—

24 (i) in the first sentence, by striking  
25 “or (G)” both places it appears; and

1 (ii) by striking the second sentence.

2 (d) EFFECTIVE DATE.—This section and the amend-  
3 ments made by this section shall take effect on the later  
4 of—

5 (1) October 1, 2013; and

6 (2) the date of the enactment of an Act author-  
7 izing funds for military construction for fiscal year  
8 2014.

9 **SEC. 2712. REVISED BASE CLOSURE AND REALIGNMENT RE-**  
10 **STRICTIONS AND COMPTROLLER GENERAL**  
11 **ASSESSMENT OF DEPARTMENT OF DEFENSE**  
12 **COMPLIANCE WITH CODIFIED BASE CLOSURE**  
13 **AND REALIGNMENT RESTRICTIONS.**

14 (a) CIVILIAN PERSONNEL REDUCTIONS BELOW PRE-  
15 SCRIBED THRESHOLDS.—Section 2687 of title 10, United  
16 States Code, is amended—

17 (1) by redesignating subsection (e) as sub-  
18 section (g) and moving such subsection to the end  
19 of the section;

20 (2) by redesignating subsections (c) and (d) as  
21 subsections (d) and (e), respectively; and

22 (3) by inserting after subsection (b) the fol-  
23 lowing new subsection (c):

24 “(c) No action described in subsection (a) with re-  
25 spect to the closure of, or realignment with respect to, any

1 military installation referred to in such subsection may be  
2 taken within five years after the date on which a decision  
3 is made to reduce the civilian personnel thresholds below  
4 the levels prescribed in such subsection.”.

5 (b) COMPTROLLER GENERAL ASSESSMENT.—Not  
6 later than 180 days after the date of the enactment of  
7 this Act, the Comptroller General of the United States  
8 shall submit to the congressional defense committees a re-  
9 port reviewing the process and criteria used by the De-  
10 partment of Defense to make decisions relating to closures  
11 and realignments at military installations, including clo-  
12 sures and realignments occurring both above and below  
13 the threshold levels specified in section 2687 of title 10,  
14 United States Code.

15 (c) CONFORMING AMENDMENTS RELATING TO RE-  
16 DESIGNATION OF DEFINITIONS SUBSECTION.—Title 10,  
17 United States Code, is amended as follows:

18 (1) Section 2391(d)(1) is amended by striking  
19 “section 2687(e)” and inserting “section 2687”.

20 (2) Section 2667(i)(3) is amended by striking  
21 “section 2687(e)(1)” and inserting “section 2687”.

22 **TITLE XXVIII—MILITARY CON-**  
23 **STRUCTION GENERAL PROVI-**  
24 **SIONS**

Subtitle A—Military Construction Program and Military Family Housing  
Changes

- Sec. 2801. Authorized cost and scope variations.
- Sec. 2802. Preparation of master plans for major military installations.
- Sec. 2803. Oversight and accountability for military housing privatization projects and related annual reporting requirements.
- Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
- Sec. 2805. Comptroller General report on in-kind payments.

#### Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations.
- Sec. 2812. Identification requirements for access to military installations.
- Sec. 2813. Report on property disposals at certain closed military installations and additional authorities to assist local communities in the vicinity of such installations.
- Sec. 2814. Report on reorganization of Air Force Materiel Command organizations.

#### Subtitle C—Energy Security

- Sec. 2821. Congressional notification for contracts for the provision and operation of energy production facilities authorized to be located on real property under the jurisdiction of a military department.
- Sec. 2822. Availability and use of Department of Defense energy cost savings to promote energy security.
- Sec. 2823. Continuation of limitation on use of funds for Leadership in Energy and Environmental Design (LEED) gold or platinum certification.
- Sec. 2824. Guidance on financing for renewable energy projects.
- Sec. 2825. Energy savings performance contract report.

#### Subtitle D—Provisions Related to Asia-Pacific Military Realignment

- Sec. 2831. Certification of military readiness need for a Live Fire Training Range Complex on Guam as condition on establishment of range complex.
- Sec. 2832. Realignment of Marine Corps forces in Asia-Pacific region.

#### Subtitle E—Land Conveyances

- Sec. 2841. Modification of authorized consideration, Broadway Complex of the Department of the Navy, San Diego, California.
- Sec. 2842. Use of proceeds, land conveyance, Tyndall Air Force Base, Florida.
- Sec. 2843. Land conveyance, John Kunkel Army Reserve Center, Warren, Ohio.
- Sec. 2844. Land conveyance, Castner Range, Fort Bliss, Texas.
- Sec. 2845. Modification of land conveyance, Fort Hood, Texas.
- Sec. 2846. Land conveyance, Local Training Area for Browning Army Reserve Center, Utah.

#### Subtitle F—Other Matters

- Sec. 2851. Modification of notice requirements in advance of permanent reduction of sizable numbers of members of the Armed Forces at military installations.
- Sec. 2852. Acceptance of gifts and services to support military museum programs and use of cooperative agreements with nonprofit entities for military museum and military educational institution programs.
- Sec. 2853. Additional exemptions from certain requirements applicable to funding for data servers and centers.
- Sec. 2854. Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.
- Sec. 2855. Sense of Congress regarding establishment of military divers memorial at Washington Navy Yard.
- Sec. 2856. Limitation on availability of funds pending report regarding acquisition of land and development of a training range facility adjacent to the Marine Corps Air Ground Combat Center Twentynine Palms, California.
- Sec. 2857. Oversight and maintenance of closed base cemeteries overseas containing the remains of members of the Armed Forces or citizens of the United States.
- Sec. 2858. Report on establishment of joint Armed Forces historical storage and preservation facility.
- Sec. 2859. Establishment of commemorative work to Gold Star Mothers.
- Sec. 2860. Establishment of commemorative work to slaves and free Black persons who served in American Revolution.

1 **Subtitle A—Military Construction**  
2 **Program and Military Family**  
3 **Housing Changes**

4 **SEC. 2801. AUTHORIZED COST AND SCOPE VARIATIONS.**

5 Section 2853 of title 10, United States Code, is  
6 amended—

7 (1) in subsection (a), by striking “was approved  
8 originally” and inserting “was authorized”;

9 (2) in subsection (b)—

10 (A) in paragraph (1), by adding at the end  
11 the following: “Any reduction in scope of work  
12 for a military construction project shall not re-  
13 sult in a facility or item of infrastructure that  
14 is not complete and useable or does not fully

1 meet the mission requirement contained in the  
2 justification data provided to Congress as part  
3 of the request for authorization of the project,  
4 construction, improvement, or acquisition.”; and

5 (B) by adding at the end the following new  
6 paragraph:

7 “(3) In this subsection, the term ‘scope of work’ re-  
8 fers to the function, size, or quantity of a facility or item  
9 of complete and useable infrastructure contained in the  
10 justification data provided to Congress as part of the re-  
11 quest for authorization of the project, construction, im-  
12 provement, or acquisition.”;

13 (3) in subsection (c)(1)(A), by striking “and the  
14 reasons therefor, including a description” and insert-  
15 ing “, the reasons therefor, a certification that the  
16 mission requirement identified in the justification  
17 data provided to Congress can be still be met with  
18 the reduced scope, and a description”; and

19 (4) by adding at the end the following new sub-  
20 section:

21 “(e) Notwithstanding the authority under subsections  
22 (a) through (d), the Secretary concerned shall ensure com-  
23 pliance of contracts for military construction projects and  
24 for the construction, improvement, and acquisition of mili-

1 tary family housing projects with section 1341 of title 31  
2 (commonly referred to as the ‘Anti-Deficiency Act’).”.

3 **SEC. 2802. PREPARATION OF MASTER PLANS FOR MAJOR**  
4 **MILITARY INSTALLATIONS.**

5 (a) **MILITARY INSTALLATION MASTER PLANS.**—Sub-  
6 chapter III of chapter 169 of title 10, United States Code,  
7 is amended by inserting after section 2863 the following  
8 new section:

9 **“§ 2864. Master plans for major military installations**

10 “(a) **PLANS REQUIRED.**—At a time interval pre-  
11 scribed by the Secretary concerned (but not less frequently  
12 than once every 10 years), the commander of each major  
13 military installation under the jurisdiction of the Secretary  
14 shall ensure that an installation master plan is developed  
15 to address environmental planning, sustainable design and  
16 development, sustainable range planning, real property  
17 master planning, and transportation planning.

18 “(b) **TRANSPORTATION COMPONENT.**—The transpor-  
19 tation component of the master plan for a major military  
20 installation shall be developed and updated in consultation  
21 with the metropolitan planning organization designated  
22 for the metropolitan planning area in which the military  
23 installation is located.

24 “(c) **DEFINITIONS.**—In this section:



1       “(f) FINANCIAL INTEGRITY AND ACCOUNTABILITY  
2 MEASURES.—(1) The regulations required by subsection  
3 (a) shall address the following requirements for each mili-  
4 tary housing privatization project upon the completion of  
5 the construction or renovation of the housing units:

6           “(A) The financial health and performance of  
7 the privatization project, including the debt-coverage  
8 ratio of the project and occupancy rates for the  
9 housing units.

10          “(B) An assessment of the backlog of mainte-  
11 nance and repair of the housing units.

12          “(2) If the debt service coverage for a military hous-  
13 ing privatization project falls below 1.0 or the occupancy  
14 rates for the housing units of the project are below 75  
15 percent for more than one year, the Secretary concerned  
16 shall require the development of a plan to address the fi-  
17 nancial risk of the project.”.

18           (2) CONFORMING AMENDMENT.—Subsection (a)  
19 of such section is amended in the matter preceding  
20 paragraph (1) by inserting before the period at the  
21 end of the first sentence the following: “during the  
22 course of the construction or renovation of the hous-  
23 ing units”.

1 (b) ANNUAL REPORTING REQUIREMENTS.—Section  
2 2884 of such title is amended by striking subsection (b)  
3 and inserting the following new subsections:

4 “(b) ANNUAL REPORTS TO ACCOMPANY BUDGET  
5 MATERIALS.—The Secretary of Defense shall include each  
6 year in the materials that the Secretary submits to Con-  
7 gress in support of the budget submitted by the President  
8 pursuant to section 1105 of title 31 the following:

9 “(1) A separate report on the expenditures and  
10 receipts during the preceding fiscal year covering  
11 each of the Funds established under section 2883 of  
12 this title, including a description of the specific con-  
13 struction, acquisition, or improvement projects from  
14 which funds were transferred and the privatization  
15 projects or contracts to which those funds were  
16 transferred. Each report shall also include, for each  
17 military department or defense agency, a description  
18 of all funds to be transferred to such Funds for the  
19 current fiscal year and the next fiscal year.

20 “(2) A report setting forth, by armed force, the  
21 following:

22 “(A) An estimate of the amounts of basic  
23 allowance for housing under section 403 of title  
24 37 that will be paid, during the current fiscal  
25 year and the fiscal year for which the budget is

1 submitted, to members of the armed forces liv-  
2 ing in housing provided under the authorities in  
3 this subchapter.

4 “(B) The number of units of military fam-  
5 ily housing and military unaccompanied housing  
6 upon which the estimate under subparagraph  
7 (A) for the current fiscal year and the next fis-  
8 cal year is based.

9 “(3) A description of the plans for housing pri-  
10 vatization activities to be carried out under this sub-  
11 chapter—

12 “(A) during the fiscal year for which the  
13 budget is submitted; and

14 “(B) during the period covered by the  
15 then-current future-years defense plan under  
16 section 221 of this title.

17 “(4) A report identifying each family housing  
18 unit acquired or constructed under this subchapter  
19 that is used, or intended to be used, as quarters for  
20 a general officer or flag officer and for which the  
21 total operation, maintenance, and repair costs for  
22 the unit exceeded \$50,000. For each housing unit so  
23 identified, the report shall also include the total of  
24 such operation, maintenance, and repair costs.

1       “(c) ANNUAL REPORT ON PRIVATIZATION  
2 PROJECTS.—The Secretary of Defense shall submit to the  
3 congressional defense committees a semi-annual report  
4 containing an evaluation of the status of oversight and ac-  
5 countability measures under section 2885 of this title for  
6 military housing privatization projects. To the extent each  
7 Secretary concerned has the right to attain the informa-  
8 tion described in this subsection, each report shall include,  
9 at a minimum, the following:

10           “(1) An assessment of the backlog of mainte-  
11 nance and repair at each military housing privatiza-  
12 tion project where a significant backlog exists, in-  
13 cluding an estimation of the cost of eliminating the  
14 maintenance and repair backlog.

15           “(2) If the debt associated with a privatization  
16 project exceeds net operating income or the occu-  
17 pancy rates for the housing units are below 75 per-  
18 cent for more than one year, the plan developed to  
19 mitigate the financial risk of the project.

20           “(3) An assessment of any significant project  
21 variances between the actual and pro forma deposits  
22 in the recapitalization account.

23           “(4) The details of any significant withdrawals  
24 from a recapitalization account, including the pur-  
25 pose and rationale of the withdrawal and, if the

1 withdrawal occurs before the normal recapitalization  
2 period, the impact of the early withdrawal on the fi-  
3 nancial health of the project.

4 “(5) An assessment of the extent to which the  
5 information required to comply with paragraphs (1)  
6 through (4) has been requested by the Secretaries,  
7 but has not been made available.

8 “(6) An assessment of cost assessed to mem-  
9 bers of the armed forces for utilities compared to  
10 utility rates in the local area.”.

11 **SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**  
12 **ITY TO USE OPERATION AND MAINTENANCE**  
13 **FUNDS FOR CONSTRUCTION PROJECTS IN**  
14 **CERTAIN AREAS OUTSIDE THE UNITED**  
15 **STATES.**

16 Section 2808 of the Military Construction Authoriza-  
17 tion Act for Fiscal Year 2004 (division B of Public Law  
18 108–136; 117 Stat. 1723), as most recently amended by  
19 section 2804 of the Military Construction Authorization  
20 Act for Fiscal Year 2012 (division B of Public Law 112–  
21 81; 125 Stat. 1685), is further amended—

22 (1) in subsection (c)—

23 (A) by striking paragraph (2);

24 (B) by redesignating paragraph (3) as  
25 paragraph (2); and

1 (C) in paragraph (2), as so redesignated,  
2 by striking the second sentence; and

3 (2) in subsection (h)—

4 (A) in paragraph (1), by striking “Sep-  
5 tember 30, 2012” and inserting “September 30,  
6 2013”; and

7 (B) in paragraph (2), by striking “fiscal  
8 year 2013” and inserting “fiscal year 2014”.

9 **SEC. 2805. COMPTROLLER GENERAL REPORT ON IN-KIND**  
10 **PAYMENTS.**

11 (a) **REPORTS REQUIRED.**—

12 (1) **INITIAL REPORT.**—Not later than 270 days  
13 after the date of the enactment of this Act, the  
14 Comptroller General of the United States shall sub-  
15 mit to the congressional defense committees a report  
16 on the construction or renovation of Department of  
17 Defense facilities with in-kind payments. The report  
18 shall cover construction or renovation projects begun  
19 during the preceding two years.

20 (2) **UPDATES.**—Not later than one year after  
21 submitting the report required under paragraph (1),  
22 and annually thereafter for three years, the Comp-  
23 troller General shall submit to the congressional de-  
24 fense committees a report covering projects begun  
25 since the most recent report.

1 (b) CONTENT.—Each report required under sub-  
2 section (a) shall include the following elements:

3 (1) A listing of each facility constructed or ren-  
4 ovated for the Department of Defense as payment in  
5 kind.

6 (2) The value in United States dollars of that  
7 construction or renovation.

8 (3) The source of the in-kind payment.

9 (4) The agreement pursuant to which the in-  
10 kind payment was made.

11 (5) A description of the purpose and need for  
12 the construction or renovation.

## 13 **Subtitle B—Real Property and** 14 **Facilities Administration**

### 15 **SEC. 2811. CLARIFICATION OF PARTIES WITH WHOM DE-** 16 **PARTMENT OF DEFENSE MAY CONDUCT EX-** 17 **CHANGES OF REAL PROPERTY AT CERTAIN** 18 **MILITARY INSTALLATIONS.**

19 Section 2869(a)(1) of title 10, United States Code,  
20 is amended—

21 (1) by striking “any eligible entity” and insert-  
22 ing “any person”;

23 (2) by striking “the entity” and inserting “the  
24 person”; and

1           (3) by striking “their control” and inserting  
2           “the person’s control”.

3   **SEC. 2812. IDENTIFICATION REQUIREMENTS FOR ACCESS**  
4                           **TO MILITARY INSTALLATIONS.**

5           (a) PROCEDURAL REQUIREMENTS FOR IDENTIFICA-  
6   TION VERIFICATION.—Not later than 180 days after the  
7   date of the enactment of this Act, the Secretary of Defense  
8   shall publish procedural requirements regarding access to  
9   military installations in the United States by individuals,  
10 including individuals performing work under a contract  
11 awarded by the Department of Defense. The procedural  
12 requirements may vary between military installations, or  
13 parts of installations, depending on the nature of the in-  
14 stallation, the nature of the access granted, and the level  
15 of security required.

16           (b) ISSUES ADDRESSED.—The procedures required  
17 by subsection (a) shall address, at a minimum, the fol-  
18 lowing:

19           (1) The forms of identification to be required to  
20 permit entry.

21           (2) The measures to be used to verify the au-  
22 thenticity of such identification and identify individ-  
23 uals who seek unauthorized access to a military in-  
24 stallation through the use of fraudulent identifica-  
25 tion or other means.

1           (3) The measures to be used to notify Depart-  
2           ment of Defense security personnel of any attempt  
3           to gain unauthorized access to a military installa-  
4           tion.

5 **SEC. 2813. REPORT ON PROPERTY DISPOSALS AT CERTAIN**  
6                           **CLOSED MILITARY INSTALLATIONS AND AD-**  
7                           **DITIONAL AUTHORITIES TO ASSIST LOCAL**  
8                           **COMMUNITIES IN THE VICINITY OF SUCH IN-**  
9                           **STALLATIONS.**

10          (a) REPORT REQUIRED.—Not later than 270 days  
11 after the date of the enactment of this Act, the Secretary  
12 of Defense shall submit to the congressional defense com-  
13 mittees a report on the disposition of any closure of an  
14 active-duty military installation since 1988 in the United  
15 States that—

16           (1) was not subject to the property disposal  
17 provisions contained in the Defense Base Closure  
18 and Realignment Act of 1990 (part A of title XXIX  
19 of Public Law 101–510; 10 U.S.C. 2687 note); and

20           (2) for which property disposals have not been  
21 completed as of the date of the enactment of this  
22 Act.

23          (b) ELEMENTS.—The report required by subsection  
24 (a) shall include the following:

1           (1) A description of the status of property de-  
2       scribed in subsection (a).

3           (2) An assessment of the environmental condi-  
4       tions of, and plans and costs for environmental re-  
5       mediation for, each such property;

6           (3) The plan and schedule, if currently avail-  
7       able, for the disposal of each such property.

8           (4) A description of additional future financial  
9       liability or other policy impacts to the Department  
10      of Defense that are likely to be incurred in the event  
11      that statutory authorities provided by Congress in  
12      connection with the disposition of military installa-  
13      tions closed under a base closure law are extended  
14      to military installations closed apart from a base clo-  
15      sure law and for which property disposals have not  
16      been completed as of the date of the enactment of  
17      this Act.

18          (5) Such recommendations, if any, as the Sec-  
19      retary of Defense considers appropriate for addi-  
20      tional authorities to assist the Department in expe-  
21      diting the disposal of property at closed military in-  
22      stallations in order to facilitate economic redevelop-  
23      ment for local communities.

24      (c) DEFINITIONS.—In this section:

1           (1) The term “base closure law” has the mean-  
2           ing given that term in section 101(a)(17) of title 10,  
3           United States Code.

4           (2) The term “military installation” means a  
5           base, camp, post, station, yard, center, homeport fa-  
6           cility for any ship, or other activity under the juris-  
7           diction of the Department of Defense in the United  
8           States.

9           (3) The term “United States” means the sev-  
10          eral States, the District of Columbia, the Common-  
11          wealth of Puerto Rico, American Samoa, the Virgin  
12          Islands, the Commonwealth of the Northern Mar-  
13          iana Islands, and Guam.

14 **SEC. 2814. REPORT ON REORGANIZATION OF AIR FORCE**  
15 **MATERIEL COMMAND ORGANIZATIONS.**

16          (a) **REPORT REQUIRED.**—Not later than 180 days  
17          after the date of the enactment of this Act, the Secretary  
18          of Defense shall submit to the congressional defense com-  
19          mittees a report on the reorganization of Air Force Mate-  
20          riel Command organizations.

21          (b) **ELEMENTS.**—The report required under sub-  
22          section (a) shall include the following elements:

23                (1) An assessment of the efficiencies and effec-  
24                tiveness associated with the reorganization of Air  
25                Force Materiel Command organizations.

1           (2) An assessment of the organizational con-  
2           struct to determine how institutional synergies that  
3           were previously available in a collocated center can  
4           be replicated in the new Air Force Materiel Com-  
5           mand Center reorganization, including an assess-  
6           ment of the following Air Force Materiel Command  
7           capabilities:

8                   (A) Science and Technology, Acquisition.

9                   (B) Developmental Test and Evaluation.

10           (3) An assessment of synergistic efficiencies as-  
11           sociated with capabilities of collocated organizations  
12           of other commands, including an assessment of the  
13           impact of the reorganization of the Air Force Mate-  
14           riel Command on the responsibilities of other com-  
15           mands regarding the following:

16                   (A) Operational Test and Evaluation.

17                   (B) Follow-on Operational Test and Eval-  
18           uation.

19           (4) An assessment of how the Air Force reorga-  
20           nization of Air Force Materiel Command is in adher-  
21           ence with section 2687 of title 10, United States  
22           Code.

23           (5) An analysis of the extent to which the pro-  
24           posed changes in the Air Force management struc-  
25           ture were coordinated with the Office of the Sec-

1       retary of Defense and the degree to which any con-  
2       cerns raised by such Office were addressed in the  
3       approach selected by the Air Force.

## 4       **Subtitle C—Energy Security**

5       **SEC. 2821. CONGRESSIONAL NOTIFICATION FOR CON-**  
6                   **TRACTS FOR THE PROVISION AND OPER-**  
7                   **ATION OF ENERGY PRODUCTION FACILITIES**  
8                   **AUTHORIZED TO BE LOCATED ON REAL**  
9                   **PROPERTY UNDER THE JURISDICTION OF A**  
10                  **MILITARY DEPARTMENT.**

11       Section 2662(a)(1) of title 10, United States Code,  
12 is amended by adding at the end the following new sub-  
13 paragraph:

14               “(H) Any transaction or contract action for the  
15       provision and operation of energy production facili-  
16       ties on real property under the jurisdiction of the  
17       Secretary of a military department, as authorized by  
18       section 2922a(a)(2) of this title, if the term of the  
19       transaction or contract exceeds 20 years.”.

20       **SEC. 2822. AVAILABILITY AND USE OF DEPARTMENT OF DE-**  
21                   **FENSE ENERGY COST SAVINGS TO PROMOTE**  
22                   **ENERGY SECURITY.**

23       Section 2912(b)(1) of title 10, United States Code,  
24 is amended by inserting after “additional energy conserva-  
25 tion” the following: “and energy security”.

1 **SEC. 2823. CONTINUATION OF LIMITATION ON USE OF**  
2 **FUNDS FOR LEADERSHIP IN ENERGY AND EN-**  
3 **VIRONMENTAL DESIGN (LEED) GOLD OR**  
4 **PLATINUM CERTIFICATION.**

5 (a) ADDITIONAL REQUIREMENTS FOR REPORT ON  
6 ENERGY-EFFICIENCY STANDARDS.—Subsection (a) of  
7 section 2830 of the Military Construction Authorization  
8 Act for Fiscal Year 2012 (division B of Public Law 112–  
9 81; 125 Stat. 1695) is amended—

10 (1) in paragraph (1), by striking “Not later  
11 than June 30, 2012, the” and inserting “The”; and

12 (2) by striking paragraph (3) and inserting the  
13 following new paragraph (3):

14 “(3) DEPARTMENT OF DEFENSE UNIFIED FA-  
15 CILITIES CRITERIA AND RELATED POLICIES.—The  
16 report shall also include the Department of Defense  
17 Unified Facilities Criteria and related Department  
18 of Defense policies, which shall be updated—

19 “(A) to reflect comprehensive guidance for  
20 the pursuit of design and building standards  
21 throughout the Department of Defense that  
22 specifically address energy- and water-efficient  
23 standards and sustainable design attributes for  
24 military construction based on the cost-benefit  
25 analysis, return on investment, total ownership  
26 costs, and demonstrated payback of the design

1 standards specified in subparagraphs (A), (B),  
2 (C), and (D) of paragraph (2); and

3 “(B) to ensure that the building design  
4 and certification standards are applied to each  
5 military construction project based on geo-  
6 graphic location and local circumstances to en-  
7 sure maximum savings.”.

8 (b) PROHIBITION ON USE OF FUNDS FOR LEED  
9 GOLD OR PLATINUM CERTIFICATION PENDING RE-  
10 PORT.—Subsection (b)(1) of such section is amended—

11 (1) by striking “for fiscal year 2012” and in-  
12 serting “for fiscal year 2012 or 2013”; and

13 (2) by inserting before the period at the end the  
14 following: “until the report required by subsection  
15 (a) is submitted to the congressional defense com-  
16 mittees”.

17 **SEC. 2824. GUIDANCE ON FINANCING FOR RENEWABLE EN-**  
18 **ERGY PROJECTS.**

19 (a) GUIDANCE ON USE OF AVAILABLE FINANCING  
20 APPROACHES.—

21 (1) ISSUANCE.—Not later than 180 days after  
22 the date of the enactment of this Act, the Secretary  
23 of Defense shall—

1 (A) issue guidance about the use of avail-  
2 able financing approaches for financing renew-  
3 able energy projects; and

4 (B) direct the Secretaries of the military  
5 departments to update their military depart-  
6 ment-wide guidance accordingly.

7 (2) ELEMENTS.—The guidance issued pursuant  
8 to paragraph (1) should describe the requirements  
9 and restrictions applicable to the underlying authori-  
10 ties and any Department of Defense-specific guide-  
11 lines for using appropriated funds and alternative-fi-  
12 nancing approaches for renewable energy projects to  
13 maximize cost savings and energy efficiency for the  
14 Department of Defense.

15 (b) GUIDANCE ON USE OF BUSINESS CASE ANAL-  
16 YSES.—Not later than 180 days after the date of the en-  
17 actment of this Act, the Secretary of Defense shall issue  
18 guidance that establishes and clearly describes the proc-  
19 esses used by the military departments to select financing  
20 approaches for renewable energy projects to ensure that  
21 business case analyses are completed to maximize cost sav-  
22 ings and energy efficiency and mitigate drawbacks and  
23 risks associated with different financing approaches.

24 (c) INFORMATION SHARING.—Not later than 180  
25 days after the date of the enactment of this Act, the Sec-

1 retary of Defense shall develop a formalized communica-  
2 tions process, such as a shared Internet website, that will  
3 enable officials at military installations to have timely ac-  
4 cess on an ongoing basis to information related to financ-  
5 ing renewable energy projects on other installations, in-  
6 cluding best practices and lessons that officials at other  
7 installations have learned from their experiences in financ-  
8 ing renewable energy projects.

9 (d) CONSULTATION.—The Secretary of Defense shall  
10 issue the guidance under subsections (a) and (b) and de-  
11 velop the communications process under subsection (c) in  
12 consultation with the Under Secretary of Defense for Ac-  
13 quisition, Technology, and Logistics and the Deputy  
14 Under Secretary of Defense for Installations and Environ-  
15 ment. The Secretary of Defense shall also issue the guid-  
16 ance under subsection (b) in consultation with the Secre-  
17 taries of the military departments.

18 **SEC. 2825. ENERGY SAVINGS PERFORMANCE CONTRACT**

19 **REPORT.**

20 (a) REPORT REQUIRED.—Not later than June 30,  
21 2013, the Secretary of Defense shall submit to the con-  
22 gressional defense committees a report on the use of en-  
23 ergy savings performance contracts awarded by the De-  
24 partment of Defense during calendar years 2010, 2011,  
25 and 2012.

1 (b) ELEMENTS OF REPORT.—The report shall in-  
2 clude the following (identified for each military depart-  
3 ment separately):

4 (1) The amount of appropriated funds that  
5 were obligated or expended during calendar years  
6 2010, 2011, and 2012 for energy savings perform-  
7 ance contracts and any funds remaining to be obli-  
8 gated or expended for such energy savings perform-  
9 ance contracts.

10 (2) The amount of such funds that have been  
11 used for comprehensive retrofits.

12 (3) The amount of such funds that have been  
13 used to leverage private sector capital, including the  
14 amount of such capital.

15 (4) The amount of savings that have been  
16 achieved, or that are expected to be achieved, as a  
17 result of such energy savings performance contracts.

18 **Subtitle D—Provisions Related to**  
19 **Asia-Pacific Military Realignment**

20 **SEC. 2831. CERTIFICATION OF MILITARY READINESS NEED**  
21 **FOR A LIVE FIRE TRAINING RANGE COMPLEX**  
22 **ON GUAM AS CONDITION ON ESTABLISH-**  
23 **MENT OF RANGE COMPLEX.**

24 A Live Fire Training Range Complex on Guam may  
25 not be established (including any construction or lease of

1 lands related to such establishment) in coordination with  
2 the realignment of United States Armed Forces in the Pa-  
3 cific until the Secretary of Defense certifies to the congres-  
4 sional defense committees that there is a military training  
5 and readiness requirement for the Live Fire Training  
6 Range Complex.

7 **SEC. 2832. REALIGNMENT OF MARINE CORPS FORCES IN**  
8 **ASIA-PACIFIC REGION.**

9 (a) RESTRICTION ON USE OF FUNDS FOR REALIGN-  
10 MENT.—Except as provided in subsection (c), none of the  
11 funds authorized to be appropriated under this Act, and  
12 none of the amounts provided by the Government of Japan  
13 for construction activities on land under the jurisdiction  
14 of the Department of Defense, may be obligated to imple-  
15 ment the realignment of Marine Corps forces from Oki-  
16 nawa to Guam or Hawaii until each of the following oc-  
17 curs:

18 (1) The Commander of the United States Pa-  
19 cific Command provides to the congressional defense  
20 committees an assessment of the strategic and  
21 logistical resources needed to ensure the distributed  
22 lay-down of members of the Marine Corps in the  
23 United States Pacific Command Area of Responsi-  
24 bility meets the contingency operations plans.

1           (2) The Secretary of Defense submits to the  
2 congressional defense committees master plans for  
3 the construction of facilities and infrastructure to  
4 execute the Marine Corps distributed lay-down on  
5 Guam and Hawaii, including a detailed description  
6 of costs and the schedule for such construction.

7           (3) The Secretary of the Navy submits a plan  
8 to the congressional defense committees detailing the  
9 proposed investments and schedules required to re-  
10 store facilities and infrastructure at Marine Corps  
11 Air Station Futenma.

12           (4) A plan coordinated by all pertinent Federal  
13 agencies is provided to the congressional defense  
14 committees detailing descriptions of work, costs, and  
15 a schedule for completion of construction, improve-  
16 ments, and repairs to the non-military utilities, fa-  
17 cilities, and infrastructure, if any, on Guam affected  
18 by the realignment of forces.

19           (b) RESTRICTION ON DEVELOPMENT OF PUBLIC IN-  
20 FRASTRUCTURE.—If the Secretary of Defense determines  
21 that any grant, cooperative agreement, transfer of funds  
22 to another Federal agency, or supplement of funds avail-  
23 able in fiscal year 2012 or 2013 under Federal programs  
24 administered by agencies other than the Department of  
25 Defense will result in the development (including repair,

1 replacement, renovation, conversion, improvement, expan-  
2 sion, acquisition, or construction) of public infrastructure  
3 on Guam, the Secretary of Defense may not carry out  
4 such grant, transfer, cooperative agreement, or supple-  
5 mental funding unless such grant, transfer, cooperative  
6 agreement, or supplemental funding is specifically author-  
7 ized by law.

8 (c) EXCEPTIONS TO FUNDING RESTRICTION.—The  
9 Secretary of Defense may use funds described in sub-  
10 section (a)—

11 (1) to complete additional analysis or studies  
12 required under the National Environmental Policy  
13 Act of 1969 (42 U.S.C. 4321 et seq.) for proposed  
14 actions on Guam or Hawaii;

15 (2) to initiate planning and design of construc-  
16 tion projects at Andersen Air Force Base and An-  
17 dersen South; and

18 (3) to carry out any military construction  
19 project for which an authorization of appropriations  
20 is provided in section 2204, as specified in the fund-  
21 ing table in section 4601.

22 (d) DEFINITIONS.—In this section:

23 (1) DISTRIBUTED LAY-DOWN.—The term “dis-  
24 tributed lay-down” refers to the planned distribution  
25 of members of the Marine Corps in Okinawa, Guam,

1 Hawaii, Australia, and possibly elsewhere that is  
2 contemplated in support of the joint statement of  
3 the United States–Japan Security Consultative Com-  
4 mittee issued April 26, 2012, in the District of Co-  
5 lumbia (April 27, 2012, in Tokyo).

6 (2) PUBLIC INFRASTRUCTURE.—The term  
7 “public infrastructure” means any utility, method of  
8 transportation, item of equipment, or facility under  
9 the control of a public entity or State or local gov-  
10 ernment that is used by, or constructed for the ben-  
11 efit of, the general public.

12 (e) REPEAL OF SUPERSEDED LAW.—Section 2207 of  
13 the Military Construction Authorization Act for Fiscal  
14 Year 2012 (division B of Public Law 112-81; 125 Stat.  
15 1668) is repealed.

## 16 **Subtitle E—Land Conveyances**

17 **SEC. 2841. MODIFICATION OF AUTHORIZED CONSIDER-**  
18 **ATION, BROADWAY COMPLEX OF THE DE-**  
19 **PARTMENT OF THE NAVY, SAN DIEGO, CALI-**  
20 **FORNIA.**

21 Section 2732(b)(1)(A) of the Military Construction  
22 Authorization Act, 1987 (division B of Public 99–661;  
23 100 Stat. 4046) is amended by striking “constructed on  
24 such real property by the lessees.” and inserting the fol-  
25 lowing: “constructed by the lessees—

1 “(i) on such real property; or

2 “(ii) on other real property within the bound-  
3 aries of the metropolitan San Diego, California,  
4 area.”.

5 **SEC. 2842. USE OF PROCEEDS, LAND CONVEYANCE, TYN-**  
6 **DALL AIR FORCE BASE, FLORIDA.**

7 Section 2862(c) of the Military Construction Author-  
8 ization Act for Fiscal Year 2000 (division B of Public Law  
9 106–65; 113 Stat. 869) is amended by striking “construct  
10 or improve military family housing units” and all that fol-  
11 lows through the period at the end and inserting “improve  
12 or repair facilities at Tyndall Air Force Base.”.

13 **SEC. 2843. LAND CONVEYANCE, JOHN KUNKEL ARMY RE-**  
14 **SERVE CENTER, WARREN, OHIO.**

15 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
16 the Army may convey, without consideration, to the Vil-  
17 lage of Lordstown, Ohio (in this section referred to as the  
18 “Village”), all right, title, and interest of the United  
19 States in and to a parcel of real property, including any  
20 improvements thereon, consisting of approximately 6.95  
21 acres and containing the John Kunkel Army Reserve Cen-  
22 ter located at 4967 Tod Avenue in Warren, Ohio, for the  
23 purpose of permitting the Village to use the parcel for  
24 public purposes.

1 (b) INTERIM LEASE.—Until such time as the real  
2 property described in subsection (a) is conveyed to the Vil-  
3 lage, the Secretary may lease the property to the Village.

4 (c) REVERSIONARY INTEREST.—If the Secretary de-  
5 termines at any time that the real property conveyed  
6 under subsection (a) is not being used in accordance with  
7 the purpose of the conveyance specified in subsection (a)  
8 or that the Village has violated a condition imposed by  
9 subsection (e), all right, title, and interest in and to such  
10 real property, including any improvements thereto, shall,  
11 at the option of the Secretary, revert to and become the  
12 property of the United States, and the United States shall  
13 have the right of immediate entry onto such real property.  
14 A determination by the Secretary under this subsection  
15 shall be made on the record after an opportunity for a  
16 hearing.

17 (d) PAYMENT OF COSTS OF CONVEYANCE.—

18 (1) PAYMENT REQUIRED.—The Secretary shall  
19 require the Village to cover costs (except costs for  
20 environmental remediation of the property) to be in-  
21 curred by the Secretary, or to reimburse the Sec-  
22 retary for such costs incurred by the Secretary, to  
23 carry out the conveyance under subsection (a), in-  
24 cluding survey costs, costs for environmental docu-  
25 mentation, and any other administrative costs re-

1       lated to the conveyance. If amounts are collected  
2       from the Village in advance of the Secretary incur-  
3       ring the actual costs, and the amount collected ex-  
4       ceeds the costs actually incurred by the Secretary to  
5       carry out the conveyance, the Secretary shall refund  
6       the excess amount to the Village.

7               (2) TREATMENT OF AMOUNTS RECEIVED.—  
8       Amounts received as reimbursement under para-  
9       graph (1) shall be credited to the fund or account  
10       that was used to cover those costs incurred by the  
11       Secretary in carrying out the conveyance. Amounts  
12       so credited shall be merged with amounts in such  
13       fund or account, and shall be available for the same  
14       purposes, and subject to the same conditions and  
15       limitations, as amounts in such fund or account.

16       (e) CONDITIONS OF CONVEYANCE.—The conveyance  
17       of the real property under subsection (a) shall be subject  
18       to the following conditions:

19               (1) That the Village not use any Federal funds  
20       to cover any portion of the conveyance costs required  
21       by subsection (d) to be paid by the Village or to  
22       cover the costs for the design or construction of any  
23       facility on the property.

1           (2) That the Village begin using the property  
2           for public purposes before the end of the five-year  
3           period beginning on the date of conveyance.

4           (f) DESCRIPTION OF PROPERTY.—The exact acreage  
5           and legal description of the property to be conveyed under  
6           subsection (a) shall be determined by a survey satisfactory  
7           to the Secretary.

8           (g) ADDITIONAL TERMS.—The Secretary may re-  
9           quire such additional terms and conditions in connection  
10          with the conveyance as the Secretary considers appro-  
11          priate to protect the interests of the United States.

12   **SEC. 2844. LAND CONVEYANCE, CASTNER RANGE, FORT**  
13                           **BLISS, TEXAS.**

14          (a) CONVEYANCE AUTHORIZED.—

15           (1) CONVEYANCE AUTHORITY.—The Secretary  
16          of the Army may convey, without consideration, to  
17          the Parks and Wildlife Department of the State of  
18          Texas (in this section referred to as the “Depart-  
19          ment”) all right, title, and interest of the United  
20          States in and to a parcel of real property, including  
21          any improvements thereon, consisting of approxi-  
22          mately 7,081 acres at Fort Bliss, Texas, for the pur-  
23          pose of permitting the Department to establish and  
24          operate a park as an element of the Franklin Moun-  
25          tains State Park.

1           (2) **PIECEMEAL CONVEYANCES.**—In anticipa-  
2           tion of the conveyance of the entire parcel of real  
3           property described in paragraph (1), the Secretary  
4           may subdivide the parcel and convey to the Depart-  
5           ment portions of the real property as the Secretary  
6           determines that the condition of the real property is  
7           compatible with the Department’s intended use of  
8           the property.

9           (b) **REVERSIONARY INTEREST.**—If the Secretary de-  
10          termines at any time that the real property conveyed  
11          under subsection (a) is not being used in accordance with  
12          the purpose of the conveyance, all right, title, and interest  
13          in and to such real property, including any improvements  
14          thereto, shall, at the option of the Secretary, revert to and  
15          become the property of the United States, and the United  
16          States shall have the right of immediate entry onto such  
17          real property. A determination by the Secretary under this  
18          subsection shall be made on the record after an oppor-  
19          tunity for a hearing.

20          (c) **PAYMENT OF COSTS OF CONVEYANCES.**—

21                 (1) **PAYMENT REQUIRED.**—The Secretary shall  
22                 require the Department to cover costs to be incurred  
23                 by the Secretary, or to reimburse the Secretary for  
24                 costs incurred by the Secretary, to carry out the  
25                 land conveyance under this section, including survey

1 costs, costs related to environmental documentation,  
2 and other administrative costs related to the convey-  
3 ance. If amounts are collected from the Department  
4 in advance of the Secretary incurring the actual  
5 costs, and the amount collected exceeds the costs ac-  
6 tually incurred by the Secretary to carry out the  
7 land exchange, the Secretary shall refund the excess  
8 amount to Department. This paragraph does not  
9 apply to costs associated with the environmental re-  
10 mediation of the property to be conveyed.

11 (2) TREATMENT OF AMOUNTS RECEIVED.—  
12 Amounts received as reimbursements under para-  
13 graph (1) shall be credited to the fund or account  
14 that was used to cover the costs incurred by the Sec-  
15 retary in carrying out the land exchange. Amounts  
16 so credited shall be merged with amounts in such  
17 fund or account and shall be available for the same  
18 purposes, and subject to the same conditions and  
19 limitations, as amounts in such fund or account.

20 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
21 and legal descriptions of the parcels of real property to  
22 be conveyed under subsection (a) shall be determined by  
23 a survey satisfactory to the Secretary.

24 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
25 Secretary may require such additional terms and condi-

1 tions in connection with the conveyances under subsection  
2 (a) as the Secretary considers appropriate to protect the  
3 interests of the United States.

4 **SEC. 2845. MODIFICATION OF LAND CONVEYANCE, FORT**  
5 **HOOD, TEXAS.**

6 Section 2848(a) of the Military Construction Author-  
7 ization Act for Fiscal Year 2005 (division B of Public Law  
8 108–375; 118 Stat. 2140) is amended by striking “for the  
9 sole purpose” and all that follows through “Central  
10 Texas.” and inserting the following: “for the purpose of  
11 permitting the University System to use the property—

12 “(1) for the establishment of a State-supported  
13 university, separate from other universities of the  
14 University System, designated as Texas A&M Uni-  
15 versity, Central Texas; and

16 “(2) for such other educational purposes as the  
17 University System considers to be appropriate and  
18 the Secretary of the Army determines to be compat-  
19 ible with military activities in the vicinity of the  
20 property.”.

21 **SEC. 2846. LAND CONVEYANCE, LOCAL TRAINING AREA FOR**  
22 **BROWNING ARMY RESERVE CENTER, UTAH.**

23 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
24 the Army may convey, without consideration, to the State  
25 of Utah Department of Veterans Affairs (in this section

1 referred to as the “Department”) all right, title, and inter-  
2 est of the United States in and to a parcel of unimproved  
3 real property consisting of approximately five acres of the  
4 Local Training Area for the Browning Army Reserve Cen-  
5 ter, Utah, for the purpose of constructing and operating  
6 a Community Based Outpatient Clinic adjacent to the  
7 George E. Wahlen Veterans Home in Ogden, Utah.

8 (b) PAYMENT OF COSTS OF CONVEYANCE.—

9 (1) PAYMENT REQUIRED.—The Secretary may  
10 require the Department to cover costs to be incurred  
11 by the Secretary, or to reimburse the Secretary for  
12 costs incurred by the Secretary, to carry out the  
13 conveyance under subsection (a), including survey  
14 costs, costs related to environmental documentation,  
15 and other administrative costs related to the convey-  
16 ance. If amounts paid to the Secretary in advance  
17 exceed the costs actually incurred by the Secretary  
18 to carry out the conveyance, the Secretary shall re-  
19 fund the excess amount to the Department.

20 (2) TREATMENT OF AMOUNTS RECEIVED.—  
21 Amounts received as reimbursement under para-  
22 graph (1) shall be credited to the fund or account  
23 that was used to cover the costs incurred by the De-  
24 partment. Amounts so credited shall be merged with  
25 amounts in such fund or account, and shall be avail-

1       able for the same purposes, and subject to the same  
2       conditions and limitations, as amounts in such fund  
3       or account.

4       (c) DESCRIPTION OF PROPERTY.—The exact acreage  
5       and legal description of the real property to be conveyed  
6       under subsection (a) shall be determined by a survey satis-  
7       factory to the Secretary.

8       (d) ADDITIONAL TERMS AND CONDITIONS.—The  
9       Secretary may require such additional terms and condi-  
10      tions in connection with the conveyance under subsection  
11      (a) as the Secretary considers appropriate to protect the  
12      interests of the United States.

## 13                   **Subtitle F—Other Matters**

### 14   **SEC. 2851. MODIFICATION OF NOTICE REQUIREMENTS IN** 15                   **ADVANCE OF PERMANENT REDUCTION OF** 16                   **SIZABLE NUMBERS OF MEMBERS OF THE** 17                   **ARMED FORCES AT MILITARY INSTALLA-** 18                   **TIONS.**

19      (a) CALCULATION OF NUMBER OF AFFECTED MEM-  
20      BERS.—Subsection (a) of section 993 of title 10, United  
21      States Code, is amended by adding at the end the fol-  
22      lowing new sentence: “In calculating the number of mem-  
23      bers to be reduced, the Secretary shall take into consider-  
24      ation both direct reductions and indirect reductions.”.

1 (b) NOTICE REQUIREMENTS.—Subsection (b) of such  
2 section is amended by striking paragraphs (1) through (3)  
3 and inserting the following new paragraphs:

4 “(1) the Secretary of Defense or the Secretary  
5 of the military department concerned—

6 “(A) submits to Congress a notice of the  
7 proposed reduction and the number of military  
8 and civilian personnel assignments affected, in-  
9 cluding reductions in base operations support  
10 services and personnel to occur because of the  
11 proposed reduction; and

12 “(B) includes in the notice a justification  
13 for the reduction and an evaluation of the costs  
14 and benefits of the reduction and of the local  
15 economic, strategic, and operational con-  
16 sequences of the reduction; and

17 “(2) a period of 90 days expires following the  
18 day on which the notice is submitted to Congress.”.

19 (c) DEFINITIONS.—Such section is further amended  
20 by adding at the end the following new subsection:

21 “(d) DEFINITIONS.—In this section:

22 “(1) The term ‘indirect reduction’ means subse-  
23 quent planned reductions or relocations in base oper-  
24 ations support services and personnel able to occur  
25 due to the direct reductions.

1           “(2) The term ‘military installation’ means a  
2 base, camp, post, station, yard, center, homeport fa-  
3 cility for any ship, or other activity under the juris-  
4 diction of the Department of Defense, including any  
5 leased facility, which is located within any of the  
6 several States, the District of Columbia, the Com-  
7 monwealth of Puerto Rico, American Samoa, the  
8 Virgin Islands, the Commonwealth of the Northern  
9 Mariana Islands, or Guam. Such term does not in-  
10 clude any facility used primarily for civil works, riv-  
11 ers and harbors projects, or flood control projects.”.

12 **SEC. 2852. ACCEPTANCE OF GIFTS AND SERVICES TO SUP-**  
13 **PORT MILITARY MUSEUM PROGRAMS AND**  
14 **USE OF COOPERATIVE AGREEMENTS WITH**  
15 **NONPROFIT ENTITIES FOR MILITARY MU-**  
16 **SEUM AND MILITARY EDUCATIONAL INSTITU-**  
17 **TION PROGRAMS.**

18 (a) ACCEPTANCE OF GIFTS AND SERVICES.—

19 (1) IN GENERAL.—Subsection (a) of section  
20 2601 of title 10, United States Code, is amended—

21 (A) by striking “Subject to subsection  
22 (d)(2), the” and inserting “(1) The”; and

23 (B) by adding at the end the following new  
24 paragraph:

1           “(2)(A) Notwithstanding section 1342 of title 31, the  
2 Secretary concerned may accept a gift of services for a  
3 military museum program from a nonprofit entity estab-  
4 lished for the purpose of supporting a military museum  
5 program. Employees or personnel of a nonprofit entity  
6 who provide a gift of services under this subparagraph  
7 may not be considered to be employees of the United  
8 States.

9           “(B) For the use and benefit of a military museum  
10 program, the Secretary concerned may solicit from a bona  
11 fide collector a gift of books, manuscripts, works of art,  
12 historical artifacts, drawings, plans, models, or condemned  
13 or obsolete combat materiel.”.

14           (2) CONFORMING AMENDMENTS.—Such section  
15 is further amended—

16                   (A) in subsection (b)(1), by striking “Sub-  
17 ject to subsection (d)(2), the” and inserting  
18 “The”;

19                   (B) in subsection (d)—

20                           (i) in paragraph (1), by striking “sub-  
21 section (b)” and inserting “such sub-  
22 sections”; and

23                           (ii) in paragraph (2), by striking “and  
24 money may not be accepted under sub-  
25 section (a) and property, money, and serv-

1           ices may not be accepted under sub-  
2           section” and inserting “, money, and serv-  
3           ices may not be accepted under subsection  
4           (a) or”; and

5           (C) in subsection (f), by striking “or  
6           money accepted under subsection (a) and any  
7           property, money, or services accepted under  
8           subsection” and inserting “, money, or services  
9           accepted under subsection (a) or”.

10       (b) AUTHORITY FOR COOPERATIVE AGREEMENTS.—

11           (1) IN GENERAL.—Chapter 155 of such title is  
12       amended by adding at the end the following new sec-  
13       tion:

14       **“§ 2615. Military museums and military education**  
15                       **programs: cooperative agreement author-**  
16                       **ity**

17       “(a) USE AUTHORIZED.—The Secretary concerned  
18       may enter into a cooperative agreement with a nonprofit  
19       entity for purposes related to—

20           “(1) a military museum program; or

21           “(2) the support of a military educational insti-  
22       tution program.

23       “(b) COOPERATIVE AGREEMENT DESCRIBED.—For  
24       purposes of subsection (a), an authorized cooperative  
25       agreement is described in section 6305 of title 31, except

1 that the use of a cooperative agreement by the Secretary  
2 concerned is limited to nonprofit entities.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of such chapter is amended  
5 by adding at the end the following new item:

“2615. Military museums and military education programs: cooperative agree-  
ment authority.”.

6 **SEC. 2853. ADDITIONAL EXEMPTIONS FROM CERTAIN RE-**  
7 **QUIREMENTS APPLICABLE TO FUNDING FOR**  
8 **DATA SERVERS AND CENTERS.**

9 Section 2867(c) of the Military Construction Author-  
10 ization Act for Fiscal Year 2012 (division B of Public Law  
11 112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amend-  
12 ed—

13 (1) by striking “EXCEPTION.—The Chief” and  
14 inserting the following: “EXCEPTIONS.—

15 “(1) INTELLIGENCE COMPONENTS.—The  
16 Chief”; and

17 (2) by inserting at the end the following new  
18 paragraph:

19 “(2) RESEARCH, DEVELOPMENT, TEST, AND  
20 EVALUATION PROGRAMS.—The Chief Information  
21 Officer of the Department may exempt from the ap-  
22 plicability of this section research, development, test,  
23 and evaluation programs that use authorization of  
24 appropriations for the High Performance Computing

1 Modernization Program (Program Element  
2 0603461A) if the Chief Information Officer deter-  
3 mines that the exemption is in the best interest of  
4 national security.”.

5 **SEC. 2854. REDESIGNATION OF THE CENTER FOR HEMI-**  
6 **SPHERIC DEFENSE STUDIES AS THE WILLIAM**  
7 **J. PERRY CENTER FOR HEMISPHERIC DE-**  
8 **FENSE STUDIES.**

9 (a) REDESIGNATION.—The Department of Defense  
10 regional center for security studies known as the Center  
11 for Hemispheric Defense Studies is hereby renamed the  
12 “William J. Perry Center for Hemispheric Defense Stud-  
13 ies”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) REFERENCE TO REGIONAL CENTERS FOR  
16 STRATEGIC STUDIES.—Section 184 of title 10,  
17 United States Code, is amended—

18 (A) in subsection (b)(2)(C), by striking  
19 “The Center for Hemispheric Defense Studies”  
20 and inserting “The William J. Perry Center for  
21 Hemispheric Defense Studies”; and

22 (B) in subsection (f)(5), by striking “the  
23 Center for Hemispheric Defense Studies” and  
24 inserting “the William J. Perry Center for  
25 Hemispheric Defense Studies”.

1           (2) ACCEPTANCE OF GIFTS AND DONATIONS.—  
2           Section 2611(a)(2)(C) of such title is amended by  
3           striking “Center for Hemispheric Defense Studies.”  
4           and inserting “William J. Perry Center for Hemi-  
5           spheric Defense Studies.”.

6           (c) REFERENCES.—Any reference to the Department  
7           of Defense Center for Hemispheric Defense Studies in any  
8           law, regulation, map, document, record, or other paper of  
9           the United States shall be deemed to be a reference to  
10          the William J. Perry Center for Hemispheric Defense  
11          Studies.

12   **SEC. 2855. SENSE OF CONGRESS REGARDING ESTABLISH-**  
13                   **MENT OF MILITARY DIVERS MEMORIAL AT**  
14                   **WASHINGTON NAVY YARD.**

15          It is the sense of Congress that the Secretary of the  
16          Navy should provide an appropriate site at the former  
17          Navy Dive School at the Washington Navy Yard for a me-  
18          morial to honor the members of the Armed Forces who  
19          have served as divers and whose service in defense of the  
20          United States has been carried out beneath the waters of  
21          the world, subject to the conditions that—

22                (1) the memorial be paid for with private funds;  
23          and

1           (2) the Secretary of the Navy retain exclusive  
2 authority to approve the design and site of the me-  
3 morial.

4 **SEC. 2856. LIMITATION ON AVAILABILITY OF FUNDS PEND-**  
5 **ING REPORT REGARDING ACQUISITION OF**  
6 **LAND AND DEVELOPMENT OF A TRAINING**  
7 **RANGE FACILITY ADJACENT TO THE MARINE**  
8 **CORPS AIR GROUND COMBAT CENTER**  
9 **TWENTYNINE PALMS, CALIFORNIA.**

10       (a) FINDINGS.—Congress makes the following find-  
11 ings:

12           (1) The Marine Corps has studied the feasi-  
13 bility of acquiring land and developing a training  
14 range facility to conduct Marine Expeditionary Bri-  
15 gade level live-fire training on or near the West  
16 Coast.

17           (2) The Bureau of Land Management estimates  
18 on national economic impact show \$261,500,000 in  
19 commerce at risk.

20           (3) Economic impact on the local community is  
21 estimated to be \$71,100,000.

22       (b) LIMITATION OF FUNDS PENDING REPORT.—

23           (1) IN GENERAL.—The Secretary of the Navy  
24 may not obligate or expend funds for the transfer of  
25 land or development of a new training range on land

1 adjacent to the Marine Corps Air Ground Combat  
2 Center Twentynine Palms, California, until the Sec-  
3 retary of the Navy has provided the congressional  
4 defense committees a report on the Marine Corps'  
5 efforts with respect to the proposed training range.

6 (2) ELEMENTS OF REPORT.—The report re-  
7 quired under paragraph (1) shall be submitted not  
8 later than 90 days after the date of the enactment  
9 of this Act and shall include the following:

10 (A) A description of the actual training re-  
11 quirements for the proposed range and where  
12 those training requirements are currently being  
13 met to support combat deployments.

14 (B) Identification of the impact on off-road  
15 vehicle recreational users of the land, the eco-  
16 nomic impact on the local economy, the recre-  
17 ation industry, and any other stakeholders.

18 (C) Identification of any concerns dis-  
19 cussed with the Bureau of Land Management  
20 regarding their assessments of the impact on  
21 other users.

22 (D) Identification of the impact on the  
23 State of California's 1980 Desert Conservation  
24 Plan regarding allocation of the Off Highway  
25 Vehicle Recreation Areas.

1 (E) An evaluation of the potential to use  
2 the same land without transfer, but under spe-  
3 cific permits for use provided by the Bureau of  
4 Land Management (as such permits are used at  
5 other locations from the Forest Service and Bu-  
6 reau of Land Management).

7 (F) An evaluation of any potential impacts  
8 on other Bureau of Land Management lands  
9 proximate to Marine Corps Air Ground Combat  
10 Center Twentynine Palms or other locations in  
11 the geographic region.

12 (3) SECRETARY OF DEFENSE WAIVER.—In the  
13 event of urgent national need, the Secretary of De-  
14 fense may notify the congressional defense commit-  
15 tees and waive the requirement for the report re-  
16 quired under paragraph (1).

17 **SEC. 2857. OVERSIGHT AND MAINTENANCE OF CLOSED**  
18 **BASE CEMETERIES OVERSEAS CONTAINING**  
19 **THE REMAINS OF MEMBERS OF THE ARMED**  
20 **FORCES OR CITIZENS OF THE UNITED**  
21 **STATES.**

22 (a) OVERSIGHT AND MAINTENANCE PLAN RE-  
23 QUIRED.—Not later than 30 days after the closure of a  
24 United States military installation located outside of the  
25 United States that includes a cemetery containing the re-

1 mains of members of the Armed Forces or citizens of the  
2 United States, the Secretary of Defense shall submit to  
3 the Committees on Armed Services of the Senate and the  
4 House of Representatives a report containing a plan to  
5 ensure the oversight and continued operation and mainte-  
6 nance of the cemetery.

7 (b) PLAN ELEMENTS.—The plan for a military in-  
8 stallation cemetery outside of the United States required  
9 by subsection (a) shall—

10 (1) specify the Federal agency or private entity  
11 that will assume responsibility for the operation and  
12 maintenance of the cemetery following the closure of  
13 the installation; and

14 (2) describe the information with regard to the  
15 cemetery that has been provided to the responsible  
16 agency or private entity.

17 **SEC. 2858. REPORT ON ESTABLISHMENT OF JOINT ARMED**  
18 **FORCES HISTORICAL STORAGE AND PRESER-**  
19 **VATION FACILITY.**

20 Not later than 180 days after the date of the enact-  
21 ment of this Act, the Secretary of Defense shall submit  
22 to the congressional defense committees a report setting  
23 forth an assessment of the feasibility and advisability of  
24 establishing a joint Armed Forces historical storage and  
25 preservation facility. The report shall include a description

1 and assessment of the current capacities and qualities of  
2 the historical storage and preservation installations of  
3 each of the Armed Forces, including the following:

4 (1) An identification of any excess capacity at  
5 any such installation.

6 (2) An identification of any shortfalls in the ca-  
7 pacity or quality of such installations of any Armed  
8 Force, and a description of possible actions to ad-  
9 dress such shortfalls.

10 **SEC. 2859. ESTABLISHMENT OF COMMEMORATIVE WORK**  
11 **TO GOLD STAR MOTHERS.**

12 (a) **ELIGIBLE FEDERAL LAND.**—In this section, the  
13 term “eligible Federal land” means Federal land depicted  
14 as “Area I” or “Area II” on the map numbered 869/  
15 86501 B and dated June 24, 2003. The term does not  
16 include the Reserve (as defined in section 8902(a) of title  
17 40, United States Code).

18 (b) **COMMEMORATIVE WORK AUTHORIZED.**—The  
19 Gold Star Mothers National Monument Foundation may  
20 establish a commemorative work on eligible Federal land  
21 to commemorate the sacrifices made by mothers, and  
22 made by their sons and daughters who as members of the  
23 Armed Forces make the ultimate sacrifice, in defense of  
24 the United States.

1 (c) COMPLIANCE WITH STANDARDS FOR COMMEMO-  
2 RATIVE WORKS.—Chapter 89 of title 40, United States  
3 Code, and other applicable Federal laws and regulations  
4 shall apply to the establishment of the commemorative  
5 work authorized by this section.

6 (d) PROHIBITION ON USE OF FEDERAL FUNDS.—  
7 The Gold Star Mothers National Monument Foundation  
8 may not use Federal funds to establish the commemora-  
9 tive work authorized by this section.

10 (e) DEPOSIT OF EXCESS FUNDS.—

11 (1) UPON ESTABLISHMENT OF COMMEMORA-  
12 TIVE WORK.—If, upon payment of all expenses for  
13 the establishment of the commemorative work au-  
14 thORIZED by this section (including the maintenance  
15 and preservation amounts required by section  
16 8906(b)(1) of title 40, United States Code), there  
17 remains a balance of funds received for the estab-  
18 lishment of the commemorative work, the Gold Star  
19 Mothers National Monument Foundation shall  
20 transmit the amount of the balance to the account  
21 provided for in section 8906(b)(3) of such title.

22 (2) UPON EXPIRATION OF AUTHORITY TO ES-  
23 TABLISH COMMEMORATIVE WORK.—If, upon expira-  
24 tion of the authority for the commemorative work  
25 under section 8903(e) of title 40, United Sates

1 Code, there remains a balance of funds received for  
2 the establishment of the commemorative work, the  
3 Gold Star Mothers National Monument Foundation  
4 shall transmit the amount of the balance to a sepa-  
5 rate account with the National Park Foundation for  
6 memorials, to be available to the Secretary of the In-  
7 terior or Administrator of General Services (as ap-  
8 propriate) following the process provided in section  
9 8906(b)(4) of such title for accounts established  
10 under section 8906(b)(3) of such title.

11 **SEC. 2860. ESTABLISHMENT OF COMMEMORATIVE WORK**  
12 **TO SLAVES AND FREE BLACK PERSONS WHO**  
13 **SERVED IN AMERICAN REVOLUTION.**

14 (a) **ELIGIBLE FEDERAL LAND.**—In this section, the  
15 term “eligible Federal land” means Federal land depicted  
16 as “Area I” or “Area II” on the map numbered 869/  
17 86501 B and dated June 24, 2003. The term does not  
18 include the Reserve (as defined in section 8902(a) of title  
19 40, United States Code).

20 (b) **COMMEMORATIVE WORK AUTHORIZED.**—The  
21 National Mall Liberty Fund D.C. may establish a memo-  
22 rial on eligible Federal land to honor the more than 5,000  
23 courageous slaves and free Black persons who served as  
24 soldiers and sailors or provided civilian assistance during  
25 the American Revolution.

1 (c) COMPLIANCE WITH STANDARDS FOR COMMEMO-  
2 RATIVE WORKS.—Chapter 89 of title 40, United States  
3 Code, and other applicable Federal laws and regulations  
4 shall apply to the establishment of the commemorative  
5 work authorized by this section.

6 (d) PROHIBITION ON USE OF FEDERAL FUNDS.—  
7 The National Mall Liberty Fund D.C. may not use Fed-  
8 eral funds to establish the commemorative work author-  
9 ized by this section.

10 (e) DEPOSIT OF EXCESS FUNDS.—

11 (1) UPON ESTABLISHMENT OF COMMEMORA-  
12 TIVE WORK.—If, upon payment of all expenses for  
13 the establishment of the commemorative work au-  
14 thorized by this section (including the maintenance  
15 and preservation amounts required by section  
16 8906(b)(1) of title 40, United States Code), there  
17 remains a balance of funds received for the estab-  
18 lishment of the commemorative work, the National  
19 Mall Liberty Fund D.C. shall transmit the amount  
20 of the balance to the account provided for in section  
21 8906(b)(3) of such title.

22 (2) UPON EXPIRATION OF AUTHORITY TO ES-  
23 TABLISH COMMEMORATIVE WORK.—If, upon expira-  
24 tion of the authority for the commemorative work  
25 under section 8903(e) of title 40, United Sates

1 Code, there remains a balance of funds received for  
2 the establishment of the commemorative work, the  
3 National Mall Liberty Fund D.C. shall transmit the  
4 amount of the balance to a separate account with  
5 the National Park Foundation for memorials, to be  
6 available to the Secretary of the Interior or Adminis-  
7 trator of General Services (as appropriate) following  
8 the process provided in section 8906(b)(4) of such  
9 title for accounts established under section  
10 8906(b)(3) of such title.

11 (f) REPEAL OF JOINT RESOLUTIONS.—Public Law  
12 99–558 (110 Stat. 3144; 40 U.S.C. 8903 note) and Public  
13 Law 100–265 (102 Stat. 39; 40 U.S.C. 8903 note) are  
14 repealed.

15 **TITLE XXIX—OVERSEAS CONTIN-**  
16 **GENY OPERATIONS MILI-**  
17 **TARY CONSTRUCTION**

Sec. 2901. Authorized Navy construction and land acquisition project.

18 **SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
19 **ACQUISITION PROJECT.**

20 (a) OUTSIDE THE UNITED STATES.—The Secretary  
21 of the Navy may acquire real property and carry out the  
22 military construction project for the installation outside  
23 the United States, and in the amount, set forth in the  
24 following table:

**Navy: Outside the United States**

Country	Installation	Amount
Djibouti .....	Camp Lemonier .....	\$99,420,000

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 2 are hereby authorized to be appropriated for fiscal years  
 3 beginning after September 30, 2012, for the military con-  
 4 struction project outside the United States authorized by  
 5 subsection (a) as specified in the funding table in section  
 6 4602.

7 **DIVISION C—DEPARTMENT OF**  
 8 **ENERGY NATIONAL SECURITY**  
 9 **AUTHORIZATIONS AND**  
 10 **OTHER AUTHORIZATIONS**  
 11 **TITLE XXXI—DEPARTMENT OF**  
 12 **ENERGY NATIONAL SECURITY**  
 13 **PROGRAMS**

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Authorized personnel levels of the Office of the Administrator.
- Sec. 3112. Budget justification materials.
- Sec. 3113. National Nuclear Security Administration Council.
- Sec. 3114. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.
- Sec. 3115. Design and use of prototypes of nuclear weapons.
- Sec. 3116. Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina.
- Sec. 3117. Transparency in contractor performance evaluations by the National Nuclear Security Administration leading to award fees.

- Sec. 3118. Modification and extension of authority on acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
- Sec. 3119. Limitation on availability of funds for Center of Excellence on Nuclear Security.
- Sec. 3120. Improvement and streamlining of the missions and operations of the Department of Energy and National Nuclear Security Administration.
- Sec. 3121. Cost-benefit analyses for competition of management and operating contracts.
- Sec. 3122. Program on scientific engagement for nonproliferation.
- Sec. 3123. Cost containment for Uranium Capabilities Replacement Project.

#### Subtitle C—Improvements to National Security Energy Laws

- Sec. 3131. Improvements to the Atomic Energy Defense Act.
- Sec. 3132. Improvements to the National Nuclear Security Administration Act.
- Sec. 3133. Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure.
- Sec. 3134. Repeal of certain reporting requirements.

#### Subtitle D—Reports

- Sec. 3141. Reports on lifetime extension programs.
- Sec. 3142. Notification of nuclear criticality and non-nuclear incidents.
- Sec. 3143. Quarterly reports to Congress on financial balances for atomic energy defense activities.
- Sec. 3144. National Academy of Sciences study on peer review and design competition related to nuclear weapons.
- Sec. 3145. Report on defense nuclear nonproliferation programs.
- Sec. 3146. Study on reuse of plutonium pits.
- Sec. 3147. Assessment of nuclear weapon pit production requirement.
- Sec. 3148. Study on a multiagency governance model for national security laboratories.
- Sec. 3149. Report on efficiencies in facilities and functions of the National Nuclear Security Administration.
- Sec. 3150. Study on regional radiological security zones.
- Sec. 3151. Report on abandoned uranium mines.

#### Subtitle E—Other Matters

- Sec. 3161. Use of probabilistic risk assessment to ensure nuclear safety.
- Sec. 3162. Submittal to Congress of selected acquisition reports and independent cost estimates on life extension programs and new nuclear facilities.
- Sec. 3163. Classification of certain restricted data.
- Sec. 3164. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile and nuclear forces.
- Sec. 3165. Pilot program on technology commercialization.
- Sec. 3166. Congressional advisory panel on the governance of the nuclear security enterprise.

#### Subtitle F—American Medical Isotopes Production

- Sec. 3171. Short title.

- Sec. 3172. Definitions.  
Sec. 3173. Improving the reliability of domestic medical isotope supply.  
Sec. 3174. Exports.  
Sec. 3175. Report on disposition of exports.  
Sec. 3176. Domestic medical isotope production.  
Sec. 3177. Annual Department reports.  
Sec. 3178. National Academy of Sciences report.

1           **Subtitle A—National Security**  
2                   **Programs Authorizations**

3   **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
4                   **TION.**

5           (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
6 are hereby authorized to be appropriated to the Depart-  
7 ment of Energy for fiscal year 2013 for the activities of  
8 the National Nuclear Security Administration in carrying  
9 out programs as specified in the funding table in section  
10 4701.

11          (b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—  
12 From funds referred to in subsection (a) that are available  
13 for carrying out plant projects, the Secretary of Energy  
14 may carry out new plant projects for the National Nuclear  
15 Security Administration as follows:

16                   Project 13–D–301, Electrical Infrastruc-  
17                   ture Upgrades, Lawrence Livermore National  
18                   Laboratory, Livermore, California, and Los Al-  
19                   amos National Laboratory, Los Alamos, New  
20                   Mexico, \$23,000,000.

1 Project 13–D–903, Kesselring Site Proto-  
2 type Staff Building, Kesselring Site, West Mil-  
3 ton, New York, \$14,000,000.

4 Project 13–D–904, Kesselring Site Radio-  
5 logical Work and Storage Building, Kesselring  
6 Site, West Milton, New York, \$2,000,000.

7 Project 13–D–905, Remote-Handled Low-  
8 Level Waste Disposal Project, Idaho National  
9 Laboratory, \$8,890,000.

10 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

11 Funds are hereby authorized to be appropriated to  
12 the Department of Energy for fiscal year 2013 for defense  
13 environmental cleanup activities in carrying out programs  
14 as specified in the funding table in section 4701.

15 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

16 Funds are hereby authorized to be appropriated to  
17 the Department of Energy for fiscal year 2013 for other  
18 defense activities in carrying out programs as specified in  
19 the funding table in section 4701.

20 **Subtitle B—Program Authoriza-**  
21 **tions, Restrictions, and Limita-**  
22 **tions**

23 **SEC. 3111. AUTHORIZED PERSONNEL LEVELS OF THE OF-**  
24 **FICE OF THE ADMINISTRATOR.**

25 (a) CAP ON FULL-TIME EQUIVALENT POSITIONS.—

1           (1) IN GENERAL.—Subtitle C of the National  
2       Nuclear Security Administration Act (50 U.S.C.  
3       2441 et seq.) is amended by inserting after section  
4       3241 the following new section:

5       **“SEC. 3241A. AUTHORIZED PERSONNEL LEVELS OF THE OF-**  
6                                   **FICE OF THE ADMINISTRATOR.**

7       “(a) FULL-TIME EQUIVALENT PERSONNEL LEV-  
8       ELS.—

9           “(1) TOTAL NUMBER.—By October 1, 2014,  
10       the total number of employees of the Office of the  
11       Administrator may not exceed 1,825.

12           “(2) EXCESS.—For fiscal year 2015 and each  
13       fiscal year thereafter, the Administrator may not ex-  
14       ceed the total number of employees authorized under  
15       paragraph (1) unless, during each fiscal year in  
16       which such total number exceeds 1,825, the Admin-  
17       istrator submits to the congressional defense com-  
18       mittees a report justifying such excess.

19           “(b) COUNTING RULE.—(1) A determination of the  
20       number of employees in the Office of the Administrator  
21       under subsection (a) shall be expressed on a full-time  
22       equivalent basis.

23           “(2) Except as provided by paragraph (3), in deter-  
24       mining the total number of employees in the Office of the  
25       Administrator under subsection (a), the Administrator

1 shall count each employee of the Office without regard to  
2 whether the employee is located at the headquarters of the  
3 Administration, a site office of the Administration, a serv-  
4 ice or support center of the Administration, or any other  
5 location.

6 “(3) The following employees may not be counted for  
7 purposes of determining the total number of employees in  
8 the Office of the Administrator under subsection (a):

9 “(A) Employees of the Office of Naval Reac-  
10 tors.

11 “(B) Employees of the Office of Secure Trans-  
12 portation.

13 “(C) Members of the Armed Forces detailed to  
14 the Administration.

15 “(D) Personnel supporting the Office of the Ad-  
16 ministrator pursuant to the mobility program under  
17 subchapter VI of chapter 33 of title 5, United States  
18 Code (commonly referred to as the ‘Intergovern-  
19 mental Personnel Act Mobility Program’).

20 “(e) VOLUNTARY EARLY RETIREMENT.—In accord-  
21 ance with section 3523 of title 5, United States Code, the  
22 Administrator may offer voluntary separation or retire-  
23 ment incentives to meet the total number of employees au-  
24 thorized under subsection (a).

1       “(d) USE OF IPA.—The Administrator shall ensure  
2 that the expertise of the national security laboratories and  
3 the nuclear weapons production facilities is made available  
4 to the Administration, the Department of Energy, the De-  
5 partment of Defense, other Federal agencies, and Con-  
6 gress through the temporary assignment of personnel from  
7 such laboratories and facilities pursuant to the Intergov-  
8 ernmental Personnel Act Mobility Program and other  
9 similar programs.”.

10           (2) CLERICAL AMENDMENT.—The table of con-  
11 tents at the beginning of such Act is amended by in-  
12 serting after the item relating to section 3241 the  
13 following new item:

“Sec. 3241A. Authorized personnel levels of the Office of the Administrator.”.

14           (b) INCREASE IN EXCEPTED POSITIONS.—

15           (1) IN GENERAL.—Section 3241 of the Na-  
16 tional Nuclear Security Administration Act (50  
17 U.S.C. 2441) is amended—

18           (A) by striking “300” and inserting  
19 “600”;

20           (B) by inserting “contracting, program  
21 management,” before “scientific”; and

22           (C) by adding at the end the following new  
23 sentence: “To ensure that the excepted posi-  
24 tions established under this section are used,  
25 the Administrator, to the extent practicable,

1           shall appoint an individual to such an excepted  
2           position to replace the vacancy of a nonexcepted  
3           position.”.

4           (2) CONFORMING AMENDMENT.—The heading  
5           of such section is amended by inserting “**CON-**  
6           **TRACTING, PROGRAM MANAGEMENT,**” before  
7           “**SCIENTIFIC**”.

8           (3) CLERICAL AMENDMENT.—The table of con-  
9           tents at the beginning of such Act is amended by  
10          striking the item relating to section 3241 and insert-  
11          ing the following new item:

          “Sec. 3241. Authority to establish certain contracting, program management,  
          scientific, engineering, and technical positions.”.

12   **SEC. 3112. BUDGET JUSTIFICATION MATERIALS.**

13          Section 3251(b) of the National Nuclear Security Ad-  
14          ministration Act (50 U.S.C. 2451(b)) is amended—

15               (1) by striking “In the” and inserting “(1) In  
16               the”; and

17               (2) by adding at the end the following new  
18               paragraph:

19               “(2) In the budget justification materials submitted  
20               to Congress in support of each such budget, the Adminis-  
21               trator shall include an assessment of how the budget  
22               maintains the core nuclear weapons skills of the Adminis-  
23               tration, including nuclear weapons design, engineering,  
24               production, testing, and prediction of stockpile aging.”.

1 **SEC. 3113. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
2 **TION COUNCIL.**

3 (a) NNSA COUNCIL.—Section 4102 of the Atomic  
4 Energy Defense Act (50 U.S.C. 2512) is amended to read  
5 as follows:

6 **“SEC. 4102. MANAGEMENT STRUCTURE FOR NUCLEAR SE-**  
7 **CURITY ENTERPRISE.**

8 “(a) IN GENERAL.—The Administrator shall estab-  
9 lish a management structure for the nuclear security en-  
10 terprise in accordance with the National Nuclear Security  
11 Administration Act (50 U.S.C. 2401 et seq.).

12 “(b) NATIONAL NUCLEAR SECURITY ADMINISTRA-  
13 TION COUNCIL.—(1) The Administrator shall establish a  
14 council to be known as the ‘National Nuclear Security Ad-  
15 ministration Council’. The Council may advise the Admin-  
16 istrator on—

17 “(A) scientific and technical issues relating to  
18 policy matters;

19 “(B) operational concerns;

20 “(C) strategic planning;

21 “(D) the development of priorities relating to  
22 the mission and operations of the Administration  
23 and the nuclear security enterprise; and

24 “(E) such other matters as the Administrator  
25 determines appropriate.

1       “(2) The Council shall be composed of the directors  
2 of the national security laboratories and the nuclear weap-  
3 ons production facilities.

4       “(3) The Council may provide the Administrator or  
5 the Secretary of Energy recommendations for improving  
6 the—

7           “(A) governance, management, effectiveness,  
8 and efficiency of the Administration; and

9           “(B) any other matter in accordance with para-  
10 graph (1).

11       “(4) Not later than 60 days after the date on which  
12 any recommendation under paragraph (3) is received, the  
13 Administrator or the Secretary, as the case may be, shall  
14 respond to the Council with respect to whether such rec-  
15 ommendation will be implemented and the reasoning for  
16 implementing or not implementing such recommenda-  
17 tion.”.

18       (b) CLERICAL AMENDMENT.—The table of contents  
19 at the beginning of such Act is amended by striking the  
20 item relating to section 4102 and inserting the following  
21 new item:

“Sec. 4102. Management structure for nuclear security enterprise.”.

22 **SEC. 3114. REPLACEMENT PROJECT FOR CHEMISTRY AND**  
23 **METALLURGY RESEARCH BUILDING, LOS AL-**  
24 **AMOS NATIONAL LABORATORY, NEW MEXICO.**

25       (a) PROJECT REQUIRED.—

1           (1) IN GENERAL.—Subtitle A of title XLII of  
2           the Atomic Energy Defense Act (50 U.S.C. 2521 et  
3           seq.) is amended by adding at the end the following  
4           new section:

5           **“SEC. 4215. REPLACEMENT PROJECT FOR CHEMISTRY AND**  
6                               **METALLURGY RESEARCH BUILDING, LOS AL-**  
7                               **AMOS NATIONAL LABORATORY, NEW MEXICO.**

8           “(a) REPLACEMENT BUILDING REQUIRED.—The  
9           Secretary of Energy shall construct at Los Alamos Na-  
10          tional Laboratory, New Mexico, a building to replace the  
11          functions of the existing Chemistry and Metallurgy Re-  
12          search Building at Los Alamos National Laboratory asso-  
13          ciated with Department of Energy Hazard Category 2 spe-  
14          cial nuclear material operations.

15          “(b) LIMITATION ON COST.—The cost of the building  
16          constructed under subsection (a) may not exceed  
17          \$3,700,000,000. If the Secretary determines the cost will  
18          exceed such amount, the Secretary shall submit a detailed  
19          justification for such increase to the congressional defense  
20          committees.

21          “(c) PROJECT BASIS.—The construction authorized  
22          by subsection (a) shall use as its basis the facility project  
23          in the Department of Energy Readiness and Technical  
24          Base designated 04–D–125 (chemistry and metallurgy fa-

1 cility replacement project at Los Alamos National Labora-  
2 tory).

3 “(d) ASSISTANCE.—(1) In carrying out this section,  
4 the Secretary shall procure the services of the Commander  
5 of the Naval Facilities Engineering Command to assist the  
6 Secretary with respect to the program management, over-  
7 sight, and design activities of the project authorized by  
8 subsection (a).

9 “(2) The Secretary shall carry out this subsection  
10 using funds made available for the National Nuclear Secu-  
11 rity Administration.

12 “(e) DEADLINE FOR COMMENCEMENT OF OPER-  
13 ATIONS.—The building constructed under subsection (a)  
14 shall commence operations by not later than December 31,  
15 2026.”.

16 (2) CLERICAL AND TECHNICAL AMENDMENT.—  
17 The table of contents at the beginning of such Act  
18 is amended by inserting after the item relating to  
19 section 4214, as added by section 3131(g)(2), the  
20 following new item:

“Sec. 4215. Replacement project for Chemistry and Metallurgy Research Build-  
ing, Los Alamos National Laboratory, New Mexico.”.

21 (b) FUNDING.—

22 (1) FISCAL YEAR 2013 FUNDS.—

23 (A) IN GENERAL.—Except as provided in  
24 subparagraph (B), of the amounts authorized to

1 be appropriated by this Act for fiscal year 2013  
2 for the National Nuclear Security Administra-  
3 tion, \$70,000,000 shall be available for the con-  
4 struction of the building authorized by section  
5 4215 of the Atomic Energy Defense Act, as  
6 added by subsection (a).

7 (B) EXCEPTION.—The following amounts  
8 authorized to be appropriated by this Act for  
9 fiscal year 2013 for the National Nuclear Secu-  
10 rity Administration shall not be available for  
11 the construction of the building:

12 (i) Amounts available for Directed  
13 Stockpile Work.

14 (ii) Amounts available for Naval Reac-  
15 tors.

16 (iii) Amounts available for the facility  
17 project in the Department of Energy Read-  
18 iness and Technical Base designated 06-  
19 D-141.

20 (2) PRIOR FISCAL YEAR FUNDS.—Amounts au-  
21 thORIZED to be appropriated for the Department of  
22 Energy for a fiscal year before fiscal year 2013 and  
23 available for the facility project in the Department  
24 of Energy Readiness and Technical Base designated  
25 04-D-125 (chemistry and metallurgy facility re-

1 placement project at Los Alamos National Labora-  
2 tory, New Mexico) shall be available for the con-  
3 struction of the building authorized by section 4215  
4 of the Atomic Energy Defense Act, as added by sub-  
5 section (a).

6 (c) LIMITATION ON ALTERNATIVE PLUTONIUM  
7 STRATEGY.—No funds authorized to be appropriated by  
8 this Act or any other Act may be obligated or expended  
9 on any activities associated with a plutonium strategy for  
10 the National Nuclear Security Administration that does  
11 not include achieving full operational capability of the re-  
12 placement project by December 31, 2026, as required by  
13 section 4215(e) of the Atomic Energy Defense Act, as  
14 added by subsection (a).

15 (d) NAVAL REACTOR STUDY.—

16 (1) IN GENERAL.—The Deputy Administrator  
17 for Naval Reactors shall conduct a study of the re-  
18 placement project, including an analysis of the cost,  
19 benefits, and risks with respect to nuclear safety.

20 (2) SUBMISSION.—Not later than 18 months  
21 after the date of the enactment of this Act, the Dep-  
22 uty Administrator shall submit to the congressional  
23 defense committees a report on the study under  
24 paragraph (1), including recommendations of the  
25 Deputy Administrator with respect to the project

1 structure, oversight model, and potential cost sav-  
2 ings of the replacement project.

3 (3) CONSIDERATION OF RECOMMENDATIONS.—

4 In carrying out the replacement project, the Sec-  
5 retary of Energy shall consider the recommendations  
6 made by the Deputy Administrator in the report  
7 under paragraph (2) and incorporate such rec-  
8 ommendations into the project as the Secretary con-  
9 siders appropriate.

10 (4) FUNDING.—The Secretary of Energy and  
11 the Deputy Administrator shall carry out this sub-  
12 section using funds authorized to be appropriated by  
13 this Act or otherwise made available for the National  
14 Nuclear Security Administration that are not made  
15 available for the Naval Nuclear Propulsion Program.

16 (e) REPLACEMENT PROJECT DEFINED.—In this sec-  
17 tion, the term “replacement project” means the replace-  
18 ment project for the Chemistry and Metallurgy Research  
19 Building authorized by section 4215 of the Atomic Energy  
20 Defense Act, as added by subsection (a).

21 **SEC. 3115. DESIGN AND USE OF PROTOTYPES OF NUCLEAR**  
22 **WEAPONS.**

23 (a) PROTOTYPES.—Subtitle A of title XLV of the  
24 Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is  
25 amended by adding at the end the following new section:

1 **“SEC. 4509. DESIGN AND USE OF PROTOTYPES OF NUCLEAR**  
2 **WEAPONS FOR INTELLIGENCE PURPOSES.**

3 “(a) PROTOTYPES.—The Administrator shall develop  
4 and carry out a plan for the national security laboratories  
5 and nuclear weapons production facilities to design and  
6 build prototypes of nuclear weapons to further intelligence  
7 estimates with respect to foreign nuclear weapons activi-  
8 ties.

9 “(b) PROHIBITION ON PRODUCTION OF NUCLEAR  
10 YIELDS.—In carrying out subsection (a), the Adminis-  
11 trator may not conduct any experiments that produce a  
12 nuclear yield.”.

13 (b) CLERICAL AMENDMENT.—The table of contents  
14 at the beginning of such Act is amended by inserting after  
15 the item relating to section 4508 the following new item:

“Sec. 4509. Design and use of prototypes of nuclear weapons for intelligence  
purposes.”.

16 **SEC. 3116. TWO-YEAR EXTENSION OF SCHEDULE FOR DIS-**  
17 **POSITION OF WEAPONS-USABLE PLUTONIUM**  
18 **AT SAVANNAH RIVER SITE, AIKEN, SOUTH**  
19 **CAROLINA.**

20 Section 4306 of the Atomic Energy Defense Act (50  
21 U.S.C. 2566) is amended—

22 (1) in subsection (a)(3)—

23 (A) in subparagraph (C), by striking

24 “2012” and inserting “2014”; and

1 (B) in subparagraph (D), by striking  
2 “2017” and inserting “2019”;

3 (2) in subsection (b)—

4 (A) in paragraph (1), by striking “by Jan-  
5 uary 1, 2012”; and

6 (B) in paragraph (5), by striking “2012”  
7 and inserting “2014”;

8 (3) in subsection (c)—

9 (A) in the matter preceding paragraph (1),  
10 by striking “2012” and inserting “2014”;

11 (B) in paragraph (1), by striking “2014”  
12 and inserting “2016”; and

13 (C) in paragraph (2), by striking “2020”  
14 each place it appears and inserting “2022”;

15 (4) in subsection (d)—

16 (A) in paragraph (1)—

17 (i) by striking “2014” and inserting  
18 “2016”; and

19 (ii) by striking “2019” and inserting  
20 “2021”; and

21 (B) in paragraph (2)(A), by striking  
22 “2020” each place it appears and inserting  
23 “2022”; and

24 (5) in subsection (e), by striking “2023” and  
25 inserting “2025”.

1 **SEC. 3117. TRANSPARENCY IN CONTRACTOR PERFORM-**  
2 **ANCE EVALUATIONS BY THE NATIONAL NU-**  
3 **CLEAR SECURITY ADMINISTRATION LEADING**  
4 **TO AWARD FEES.**

5 (a) PUBLICATION REQUIRED.—

6 (1) IN GENERAL.—Subtitle A of title XLVIII of  
7 the Atomic Energy Defense Act (50 U.S.C. 2781 et  
8 seq.) is amended by adding at the end the following  
9 new section:

10 **“SEC. 4805. PUBLICATION OF CONTRACTOR PERFORMANCE**  
11 **EVALUATIONS LEADING TO AWARD FEES.**

12 “(a) IN GENERAL.—The Administrator shall take ap-  
13 propriate actions to make available to the public, to the  
14 maximum extent practicable, contractor performance eval-  
15 uations conducted by the Administration of management  
16 and operating contractors of the nuclear security enter-  
17 prise that results in the award of an award fee to the con-  
18 tractor concerned.

19 “(b) FORMAT.—Performance evaluations shall be  
20 made public under this section in a common format that  
21 facilitates comparisons of performance evaluations be-  
22 tween and among similar management and operating con-  
23 tracts.”.

24 (2) CLERICAL AMENDMENT.—The table of con-  
25 tents at the beginning of such Act is amended by in-

1       serting after the item relating to section 4803 the  
2       following new items:

      “Sec. 4804. Notice-and-wait requirement applicable to certain third-party financing arrangements.

      “Sec. 4805. Publication of contractor performance evaluations leading to award fees.”.

3       (b) **EFFECTIVE DATE.**—The amendments made by  
4 subsection (a) shall take effect on the date of the enact-  
5 ment of this Act, and shall apply with respect to con-  
6 tractor performance evaluations conducted by the Na-  
7 tional Nuclear Security Administration on or after that  
8 date.

9       **SEC. 3118. MODIFICATION AND EXTENSION OF AUTHORITY**

10                   **ON ACCEPTANCE OF CONTRIBUTIONS FOR**  
11                   **ACCELERATION OF REMOVAL OR SECURITY**  
12                   **OF FISSILE MATERIALS, RADIOLOGICAL MA-**  
13                   **TERIALS, AND RELATED EQUIPMENT AT VUL-**  
14                   **NERABLE SITES WORLDWIDE.**

15       (a) **PROGRAMS FOR WHICH FUNDS MAY BE ACCEPT-**  
16 **ED.**—Paragraph (2) of section 3132(f) of the Ronald W.  
17 Reagan National Defense Authorization Act for Fiscal  
18 Year 2005 (50 U.S.C. 2569(f)) is amended to read as fol-  
19 lows:

20                   “(2) **PROGRAMS COVERED.**—The programs de-  
21 scribed in this paragraph are any programs within  
22 the Office of Defense Nuclear Nonproliferation of  
23 the National Nuclear Security Administration.”.

1 (b) EXTENSION.—Paragraph (7) of such section is  
2 amended by striking “December 31, 2013” and inserting  
3 “December 31, 2018”.

4 **SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
5 **CENTER OF EXCELLENCE ON NUCLEAR SECUR-**  
6 **RITY.**

7 (a) LIMITATION.—Of the funds authorized to be ap-  
8 propriated by this Act or otherwise made available for fis-  
9 cal year 2013 for the National Nuclear Security Adminis-  
10 tration, not more than \$7,000,000 may be obligated or  
11 expended for the United States-China Center of Excel-  
12 lence on Nuclear Security until the date on which the Sec-  
13 retary of Energy submits to the appropriate congressional  
14 committees the report under subsection (b)(2).

15 (b) NUCLEAR SECURITY.—

16 (1) REVIEW.—The Secretary of Energy, in co-  
17 ordination with the Secretary of Defense, shall con-  
18 duct a review of the existing and planned non-  
19 proliferation activities with the People’s Republic of  
20 China as of the date of the enactment of this Act  
21 to determine if the engagement is directly or indi-  
22 rectly supporting the proliferation of nuclear weap-  
23 ons development and technology to other nations.

24 (2) REPORT.—Not later than 90 days after the  
25 date of the enactment of this Act, the Secretary of

1 Energy shall submit to the appropriate congressional  
2 committees a report certifying that the activities re-  
3 viewed under paragraph (1) are not contributing to  
4 the proliferation of nuclear weapons development  
5 and technology to other nations.

6 (c) FORM.—The report under subsection (b)(2) may  
7 be submitted in unclassified form and may include a clas-  
8 sified annex.

9 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
10 DEFINED.—In this section, the term “appropriate con-  
11 gressional committees” means—

12 (1) the Committee on Armed Services and the  
13 Committee on Foreign Affairs of the House of Rep-  
14 resentatives; and

15 (2) the Committee on Armed Services and the  
16 Committee on Foreign Relations of the Senate.

17 **SEC. 3120. IMPROVEMENT AND STREAMLINING OF THE MIS-**  
18 **SIONS AND OPERATIONS OF THE DEPART-**  
19 **MENT OF ENERGY AND NATIONAL NUCLEAR**  
20 **SECURITY ADMINISTRATION.**

21 (a) IN GENERAL.—The Secretary of Energy and the  
22 Administrator for Nuclear Security shall review and, to  
23 the extent practicable, revise the Department of Energy  
24 Acquisition Regulation and other regulations, rules, direc-  
25 tives, orders, and policies that apply to the administration,

1 execution, and oversight of the missions and operations  
2 of the Department of Energy and the National Nuclear  
3 Security Administration to improve and streamline such  
4 administration, execution, and oversight.

5 (b) IMPROVEMENT AND STREAMLINING.—In carrying  
6 out subsection (a), the Secretary and the Administrator  
7 shall review and, to the extent practicable, carry out the  
8 following actions:

9 (1) Streamline business processes and struc-  
10 tures to reduce unnecessary, burdensome, or dupli-  
11 cative approvals.

12 (2) Delegate approval for work for others agree-  
13 ments and cooperative research and development  
14 agreements (except those that the Secretary or Ad-  
15 ministrator determine are high value or unique) to  
16 the lowest appropriate officials and streamline the  
17 approval processes.

18 (3) Establish processes for ensuring routine or  
19 low-risk procurement and subcontracting decisions  
20 are made at the discretion of the management and  
21 operating contractors while ensuring that the Sec-  
22 retary or Administrator apply appropriate oversight.

23 (4) Assess procurement thresholds as of the  
24 date of the enactment of this Act and take steps as  
25 appropriate to adjust such thresholds.

1           (5) Eliminate duplicative or low-value reports  
2           and data calls and ensure consistency in manage-  
3           ment and cost-accounting data.

4           (6) Actions to otherwise streamline, clarify, and  
5           eliminate redundancy in the regulations, rules, direc-  
6           tives, orders, and policies described by subsection  
7           (a).

8           (c) BRIEFING.—

9           (1) IN GENERAL.—Not later than 180 days  
10          after the date of the enactment of this Act, the Sec-  
11          retary and the Administrator shall provide to the ap-  
12          propriate congressional committees a briefing on the  
13          review conducted under subsection (a), including the  
14          status of such review and any actions taken or  
15          planned to be taken to improve and streamline the  
16          regulations, rules, directives, orders, and policies de-  
17          scribed in such subsection.

18          (2) APPROPRIATE CONGRESSIONAL COMMIT-  
19          TEES DEFINED.—In this subsection, the term “ap-  
20          propriate congressional committees” means—

21                 (A) the congressional defense committees;

22                 and

23                 (B) the Committee on Energy and Natural  
24                 Resources of the Senate and the Committee on

1 Energy and Commerce of the House of Rep-  
2 resentatives.

3 **SEC. 3121. COST-BENEFIT ANALYSES FOR COMPETITION OF**  
4 **MANAGEMENT AND OPERATING CONTRACTS.**

5 (a) REPORTS REQUIRED.—The Administrator for  
6 Nuclear Security shall submit to the congressional defense  
7 committees a report described in subsection (b) by not  
8 later than 30 days after the date on which the Adminis-  
9 trator awards a contract to manage and operate a facility  
10 of the National Nuclear Security Administration.

11 (b) REPORT DESCRIBED.—A report described in this  
12 subsection is a report on a contract described by sub-  
13 section (a) that includes—

14 (1) the expected cost savings resulting from the  
15 competition for the contract over the life of the con-  
16 tract;

17 (2) the costs of the competition for the con-  
18 tract, including the immediate costs of conducting  
19 the competition and any increased costs over the life  
20 of the contract;

21 (3) a description of—

22 (A) any disruption or delay in mission ac-  
23 tivities or deliverables resulting from the com-  
24 petition for the contract; and

1 (B) any benefits of the competition to mis-  
2 sion performance or operations;

3 (4) how the competition for the contract com-  
4 plied with the Federal Acquisition Regulation re-  
5 garding federally funded research and development  
6 centers, if applicable; and

7 (5) any other matters the Administrator con-  
8 siders appropriate.

9 (c) GAO REVIEW.—Not later than 90 days after each  
10 report is submitted to the congressional defense commit-  
11 tees under subsection (a) or (d)(2), the Comptroller Gen-  
12 eral of the United States shall submit to such committees  
13 a review of such report.

14 (d) APPLICABILITY.—

15 (1) IN GENERAL.—The requirement for reports  
16 under subsection (a) shall apply with respect to a  
17 contract described by such subsection that is award-  
18 ed by the Administrator during fiscal years 2013  
19 through 2017.

20 (2) FISCAL YEARS 2012 AND 2013 CONTRACTS.—

21 For each contract described by subsection (a) that  
22 is awarded by the Administrator during fiscal years  
23 2012 or 2013 before the date of the enactment of  
24 this Act, the Administrator shall submit to the con-  
25 gressional defense committees a report described in

1 subsection (b) by not later than 90 days after the  
2 date of such enactment.

3 **SEC. 3122. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR**  
4 **NONPROLIFERATION.**

5 (a) PROGRAM REQUIRED.—

6 (1) SCIENTIFIC ENGAGEMENT.—The Secretary  
7 of Energy, acting through the Administrator for Nu-  
8 clear Security, shall carry out a program on sci-  
9 entific engagement in countries selected by the Sec-  
10 retary for purposes of the program to advance global  
11 nonproliferation and nuclear security efforts.

12 (2) ELEMENTS.—The program under para-  
13 graph (1) shall include the following elements:

14 (A) Training and capacity-building to  
15 strengthen nonproliferation and security best  
16 practices.

17 (B) Engagement of scientists of the United  
18 States with foreign counterparts to advance  
19 nonproliferation goals.

20 (3) DISTINCT PROGRAM.—The program re-  
21 quired by this subsection shall be a distinct program  
22 from the Global Initiatives for Proliferation Preven-  
23 tion program.

24 (b) LIMITATION.—

1           (1) REPORT ON COMMENCEMENT OF PRO-  
2           GRAM.—Of the funds authorized to be appropriated  
3           by this Act or otherwise made available for fiscal  
4           year 2013 or any fiscal year thereafter for the Na-  
5           tional Nuclear Security Administration, not more  
6           than 50 percent may be obligated or expended under  
7           the program under subsection (a) until the date on  
8           which the Administrator submits to the appropriate  
9           congressional committees a report setting forth the  
10          following:

11                   (A) For each country selected for the pro-  
12                   gram as of the date of such report—

13                           (i) a proliferation threat assessment  
14                           prepared by the Director of National Intel-  
15                           ligence; and

16                           (ii) metrics for evaluating the effec-  
17                           tiveness of the program.

18                   (B) Accounting standards for the conduct  
19                   of the program approved by the Comptroller  
20                   General of the United States.

21          (2) FORM.—The report under paragraph (1)  
22          may be submitted in unclassified form and may in-  
23          clude a classified annex.

24          (c) REPORTS ON MODIFICATION OF PROGRAM.—

1           (1) IN GENERAL.—Not later than 15 days be-  
2 fore making any modification in the program under  
3 subsection (a) (including selecting a new country for  
4 the program, ceasing the selection of a country for  
5 the program, or modifying an element of the pro-  
6 gram), the Administrator shall submit to the appro-  
7 priate congressional committees a report on the  
8 modification.

9           (2) NEW COUNTRY.—If the modification cov-  
10 ered by a report under paragraph (1) consists of the  
11 selection for the program of a country not previously  
12 selected for the program, the report shall include,  
13 for each such country, the matters described in sub-  
14 section (b)(1)(A).

15           (3) FORM.—The report under paragraph (1)  
16 may be submitted in unclassified form and may in-  
17 clude a classified annex.

18           (d) REPORT ON COORDINATION WITH OTHER U.S.  
19 NONPROLIFERATION PROGRAMS.—Not later than 180  
20 days after the date of the enactment of this Act, the Ad-  
21 ministrator shall submit to the appropriate congressional  
22 committees a report describing the manner in which the  
23 program under subsection (a) coordinates with and com-  
24 plements, but does not duplicate, other nonproliferation  
25 programs of the Federal Government.

1 (e) COMPTROLLER GENERAL REPORT.—

2 (1) IN GENERAL.—Not later than two years  
3 after the date of the enactment of this Act, the  
4 Comptroller General of the United States shall sub-  
5 mit to the appropriate congressional committees a  
6 report on the program under subsection (a).

7 (2) MATTERS INCLUDED.—The report under  
8 paragraph (1) shall include the following:

9 (A) An assessment by the Comptroller  
10 General of the effectiveness of the program, as  
11 determined in accordance with the metrics de-  
12 scribed in subsection (b)(1)(A)(ii).

13 (B) An assessment of how the program co-  
14 ordinates with, complements, or duplicates  
15 other nonproliferation programs of the Federal  
16 Government.

17 (C) Such other matters on the program as  
18 the Comptroller General considers appropriate.

19 (f) TERMINATION.—The authority to carry out the  
20 program under subsection (a) shall expire on September  
21 30, 2016.

22 (g) APPROPRIATE CONGRESSIONAL COMMITTEES  
23 DEFINED.—In this section, the term “appropriate con-  
24 gressional committees” means the following:

25 (1) The congressional defense committees.

1           (2) The Committee on Foreign Affairs of the  
2           House of Representatives and the Committee on  
3           Foreign Relations of the Senate.

4   **SEC. 3123. COST CONTAINMENT FOR URANIUM CAPABILI-**  
5                           **TIES REPLACEMENT PROJECT.**

6           (a) EXECUTION PHASES FOR PROJECT.—Project 06–  
7   D–141 for the Y–12 Uranium Processing Facility, Y–12  
8   National Security Complex, Oak Ridge, Tennessee, shall  
9   be hereafter known as the “Uranium Capabilities Replace-  
10  ment Project”. The project shall be broken into separate  
11  execution phases as follows:

12           (1) Phase I, which shall consist of—

13                   (A) processes and capabilities associated  
14                   with building 9212, including uranium casting  
15                   and uranium chemical processing; and

16                   (B) the support, administration, and logis-  
17                   tics facilities and the building structure and  
18                   building-level utilities needed to carry out  
19                   Phases II and III.

20           (2) Phase II, which shall consist of processes  
21           and capabilities associated with buildings 9215 and  
22           9998, including uranium metal-working, machining,  
23           and inspection.

24           (3) Phase III, which shall consist of processes  
25           and capabilities associated with building 9204–2E,

1 including radiography, assembly, disassembly, qual-  
2 ity evaluation, and production certification oper-  
3 ations of nuclear weapon secondaries.

4 (b) BUDGETING AND AUTHORIZATION FOR EACH  
5 PHASE.—

6 (1) BUDGETING FOR EACH PHASE REQUIRED.—

7 The Secretary of Energy shall budget separately for  
8 each Phase under subsection (a) of the project re-  
9 ferred to in that subsection.

10 (2) FUNDING PURSUANT TO SEPARATE AU-

11 THORIZATIONS OF APPROPRIATIONS.—Except as

12 provided by paragraph (3), the Secretary may not

13 proceed with a Phase under subsection (a) of the

14 project referred to in that subsection except with

15 funds expressly authorized to be appropriated for

16 that Phase by law.

17 (3) UNUSED FUNDING FROM PHASE I.—After

18 Phase I under subsection (a) is completed, the Sec-

19 retary may use any unobligated funds made avail-

20 able for such Phase for Phase II or Phase III if the

21 Secretary notifies the congressional defense commit-

22 tees before using such funds for Phase II or Phase

23 III.

24 (c) COMPLIANCE OF PHASES WITH DOE ORDER ON

25 PROGRAM AND PROJECT MANAGEMENT.—Each Phase

1 under subsection (a) of the project referred to in that sub-  
2 section shall comply with Department of Energy Order  
3 413.3, relating to Program Management and Project Man-  
4 agement for the Acquisition of Capital Assets.

5 (d) LIMITATION ON COST OF PHASE I.—The total  
6 cost of Phase I under subsection (a) of the project referred  
7 to in that subsection may not exceed \$4,200,000,000. If  
8 the Administrator determines the total cost of Phase I will  
9 exceed \$4,200,000,000, the Administrator shall submit to  
10 the congressional defense committees a detailed justifica-  
11 tion for such increase.

12 (e) ASSISTANCE.—

13 (1) NAVFAC.—In carrying out this section,  
14 the Secretary shall procure the services of the Com-  
15 mander of the Naval Facilities Engineering Com-  
16 mand to assist the Secretary with respect to the pro-  
17 gram management, oversight, and design activities  
18 of the project referred to in subsection (a).

19 (2) SOURCE OF FUNDING.—The Secretary shall  
20 carry out paragraph (1) using funds made available  
21 for the National Nuclear Security Administration.

22 (f) GAO QUARTERLY REPORTS.—

23 (1) IN GENERAL.—Not later than 90 days after  
24 the date of the enactment of this Act, and quarterly  
25 thereafter until the date on which the project re-

1       ferred to in subsection (a) is completed, the Comp-  
2       troller General of the United States shall submit to  
3       the congressional defense committees a report on all  
4       Phases under such subsection.

5               (2) MATTERS INCLUDED.—The reports under  
6       paragraph (1) shall include—

7               (A) the progress on adhering to cost pro-  
8       jections for the project referred to in subsection  
9       (a) and the progress on meeting the require-  
10      ments of section 4713 of the Atomic Energy  
11      Defense Act (50 U.S.C. 2753);

12              (B) the status of the technology readiness  
13      levels for equipment and processes that will ac-  
14      company each Phase under subsection (a);

15              (C) independent cost estimates of such  
16      Phases;

17              (D) the programmatic structure of the re-  
18      lationship between the prime contractor and  
19      subcontractors; and

20              (E) any other issue that the Comptroller  
21      General determines appropriate with respect to  
22      the requirements, cost, schedule, or technology  
23      readiness levels of such project.

24              (g) NAVAL REACTOR STUDY.—

1           (1) IN GENERAL.—The Deputy Administrator  
2 for Naval Reactors shall conduct a study of the  
3 project referred to in subsection (a), including an  
4 analysis of the cost, benefits, and risks with respect  
5 to nuclear safety.

6           (2) SUBMISSION.—Not later than one year after  
7 the date of the enactment of this Act, the Deputy  
8 Administrator shall submit to the congressional de-  
9 fense committees a report on the study under para-  
10 graph (1), including recommendations of the Deputy  
11 Administrator with respect to the project structure,  
12 oversight model, and potential cost savings of the  
13 project referred to in subsection (a).

14           (3) CONSIDERATION OF RECOMMENDATIONS.—  
15 In carrying out the project referred to in subsection  
16 (a), the Secretary of Energy shall consider the rec-  
17 ommendations made by the Deputy Administrator in  
18 the report under paragraph (2) and incorporate such  
19 recommendations into the project as the Secretary  
20 considers appropriate.

21           (4) FUNDING.—The Secretary and the Deputy  
22 Administrator shall carry out this subsection using  
23 funds authorized to be appropriated by this Act or  
24 otherwise made available for the National Nuclear

1 Security Administration that are not made available  
2 for the Naval Nuclear Propulsion Program.

3 (h) CAPE REVIEW.—Not later than 180 days after  
4 the date of the enactment of this Act, the Director of Cost  
5 Assessment and Program Evaluation of the Department  
6 of Defense shall submit to the congressional defense com-  
7 mittees a review of the cost and schedule of the project  
8 referred to in subsection (a).

9 **Subtitle C—Improvements to**  
10 **National Security Energy Laws**

11 **SEC. 3131. IMPROVEMENTS TO THE ATOMIC ENERGY DE-**  
12 **FENSE ACT.**

13 (a) DEFINITIONS.—

14 (1) IN GENERAL.—Section 4002 of the Atomic  
15 Energy Defense Act (50 U.S.C. 2501) is amended to  
16 read as follows:

17 **“SEC. 4002. DEFINITIONS.**

18 “In this division:

19 “(1) The term ‘Administration’ means the Na-  
20 tional Nuclear Security Administration.

21 “(2) The term ‘Administrator’ means the Ad-  
22 ministrator for Nuclear Security.

23 “(3) The term ‘classified information’ means  
24 any information that has been determined pursuant  
25 to Executive Order No. 12333 of December 4, 1981

1 (50 U.S.C. 401 note), Executive Order No. 12958 of  
2 April 17, 1995 (50 U.S.C. 435 note), or successor  
3 orders, to require protection against unauthorized  
4 disclosure and that is so designated.

5 “(4) The term ‘congressional defense commit-  
6 tees’ means—

7 “(A) the Committee on Armed Services  
8 and the Committee on Appropriations of the  
9 Senate; and

10 “(B) the Committee on Armed Services  
11 and the Committee on Appropriations of the  
12 House of Representatives.

13 “(5) The term ‘nuclear security enterprise’  
14 means the physical facilities, technology, and human  
15 capital of the national security laboratories and the  
16 nuclear weapons production facilities.

17 “(6) The term ‘national security laboratory’  
18 means any of the following:

19 “(A) Los Alamos National Laboratory, Los  
20 Alamos, New Mexico.

21 “(B) Sandia National Laboratories, Albu-  
22 querque, New Mexico, and Livermore, Cali-  
23 fornia.

24 “(C) Lawrence Livermore National Lab-  
25 oratory, Livermore, California.

1           “(7) The term ‘nuclear weapons production fa-  
2           cility’ means any of the following:

3                   “(A) The Kansas City Plant, Kansas City,  
4           Missouri.

5                   “(B) The Pantex Plant, Amarillo, Texas.

6                   “(C) The Y-12 National Security Com-  
7           plex, Oak Ridge, Tennessee.

8                   “(D) The Savannah River Site, Aiken,  
9           South Carolina.

10                   “(E) The Nevada National Security Site,  
11           Nevada.

12                   “(F) Any facility of the Department of En-  
13           ergy that the Secretary of Energy, in consulta-  
14           tion with the Administrator and Congress, de-  
15           termines to be consistent with the mission of  
16           the Administration.

17           “(8) The term ‘restricted data’ has the meaning  
18           given such term in section 11 y. of the Atomic En-  
19           ergy Act of 1954 (42 U.S.C. 2014(y)).”.

20           (2) CLERICAL AMENDMENT.—The table of con-  
21           tents at the beginning of the Atomic Energy Defense  
22           Act is amended by striking the item relating to sec-  
23           tion 4002 and inserting the following new item:

          “Sec. 4002. Definitions.”.

24           (b)           STOCKPILE           STEWARDSHIP.—Section  
25           4201(b)(5)(E) of the Atomic Energy Defense Act (50

1 U.S.C. 2521(b)(5)(E)) is amended by striking “(as de-  
2 fined in section 3281 of the National Nuclear Security Ad-  
3 ministration Act (50 U.S.C. 2471))”.

4 (c) ANNUAL ASSESSMENTS.—Section 4205 of the  
5 Atomic Energy Defense Act (50 U.S.C. 2525) is amended  
6 by striking subsection (i).

7 (d) TESTING OF NUCLEAR WEAPONS.—

8 (1) IN GENERAL.—Section 4210 of the Atomic  
9 Energy Defense Act (50 U.S.C. 2530) is amended to  
10 read as follows:

11 **“SEC. 4210. TESTING OF NUCLEAR WEAPONS.**

12 “(a) UNDERGROUND TESTING.—No underground  
13 test of nuclear weapons may be conducted by the United  
14 States after September 30, 1996, unless a foreign state  
15 conducts a nuclear test after this date, at which time the  
16 prohibition on United States nuclear testing is lifted.

17 “(b) ATMOSPHERIC TESTING.—None of the funds  
18 appropriated pursuant to the National Defense Authoriza-  
19 tion Act for Fiscal Year 1994 (Public Law 103–160; 107  
20 Stat. 1547) or any other Act for any fiscal year may be  
21 available to maintain the capability of the United States  
22 to conduct atmospheric testing of a nuclear weapon.”.

23 (2) CLERICAL AMENDMENT.—The table of con-  
24 tents at the beginning of the Atomic Energy Defense  
25 Act is amended by striking the items relating to sec-

1 tions 4210 and 4211 and inserting the following new  
2 item:

“Sec. 4210. Testing of nuclear weapons.”.

3 (3) CONFORMING AMENDMENT.—Section 4211  
4 of the Atomic Energy Defense Act (50 U.S.C. 2531)  
5 is repealed.

6 (e) MANUFACTURING INFRASTRUCTURE.—Section  
7 4212 of the Atomic Energy Defense Act (50 U.S.C. 2532)  
8 is amended by striking subsections (d) and (e).

9 (f) CRITICAL DIFFICULTIES REPORT.—

10 (1) IN GENERAL.—Section 4213 of the Atomic  
11 Energy Defense Act (50 U.S.C. 2533) is amended—

12 (A) in the heading, by striking “**NUCLEAR**  
13 **WEAPONS LABORATORIES AND NUCLEAR**  
14 **WEAPONS PRODUCTION PLANTS**” and in-  
15 serting “**NATIONAL SECURITY LABORA-**  
16 **TORIES AND NUCLEAR WEAPONS PRODUC-**  
17 **TION FACILITIES**”;

18 (B) in subsection (a)—

19 (i) by striking “Assistant Secretary of  
20 Energy for Defense Programs” and insert-  
21 ing “Administrator”;

22 (ii) by striking “nuclear weapons lab-  
23 oratory” and inserting “national security  
24 laboratory”; and

1 (iii) by striking “production plant”  
2 and inserting “production facility”;

3 (C) in subsection (b)—

4 (i) in the heading, by striking “AS-  
5 SISTANT SECRETARY” and inserting “AD-  
6 MINISTRATOR”; and

7 (ii) by striking “Assistant Secretary”  
8 each place it appears and inserting “Ad-  
9 ministrator”; and

10 (D) by striking subsection (e).

11 (2) CLERICAL AMENDMENT.—The table of con-  
12 tents at the beginning of the Atomic Energy Defense  
13 Act is amended by striking the item relating to sec-  
14 tion 4213 and inserting the following new item:

“Sec. 4213. Reports on critical difficulties at national security laboratories and  
nuclear weapons production facilities.”.

15 (g) PLAN FOR TRANSFORMATION.—

16 (1) IN GENERAL.—Section 4214 of the Atomic  
17 Energy Defense Act (50 U.S.C. 2534) is amended—

18 (A) by striking “nuclear weapons complex”  
19 each place it appears (including the section  
20 heading) and inserting “nuclear security enter-  
21 prise”;

22 (B) by striking subsections (b) and (d);  
23 and

1 (C) by redesignating subsection (c) as sub-  
2 section (b).

3 (2) CLERICAL AMENDMENT.—The table of con-  
4 tents at the beginning of the Atomic Energy Defense  
5 Act is amended by inserting after the item relating  
6 to section 4213, as inserted by subsection (f)(2), the  
7 following new item:

“Sec. 4214. Plan for transformation of National Nuclear Security Administra-  
tion nuclear security enterprise.”.

8 (h) TRITIUM PRODUCTION PROGRAM.—Section 4231  
9 of the Atomic Energy Defense Act (50 U.S.C. 2541) is  
10 amended to read as follows:

11 **“SEC. 4231. TRITIUM PRODUCTION PROGRAM.**

12 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary  
13 of Energy shall establish a tritium production program  
14 that is capable of meeting the tritium requirements of the  
15 United States for nuclear weapons.

16 “(b) LOCATION OF TRITIUM PRODUCTION FACIL-  
17 ITY.—The Secretary shall locate any new tritium produc-  
18 tion facility of the Department of Energy at the Savannah  
19 River Site, South Carolina.”.

20 (i) TRITIUM RECYCLING FACILITIES.—Section 4234  
21 of the Atomic Energy Defense Act (50 U.S.C. 2544) is  
22 amended—

1           (1) by striking “(a) IN GENERAL.—The Sec-  
2           retary of Energy” and inserting “The Secretary of  
3           Energy”; and

4           (2) by striking subsection (b).

5           (j) RESTRICTED DATA.—Section 4501 of the Atomic  
6           Energy Defense Act (50 U.S.C. 2651) is amended by  
7           striking subsection (c).

8           (k) FOREIGN VISITORS.—

9           (1) IN GENERAL.—Section 4502 of the Atomic  
10          Energy Defense Act (50 U.S.C. 2652) is amended—

11           (A) in the heading, by striking “**NA-**  
12           **TIONAL LABORATORIES**” and inserting “**NA-**  
13           **TIONAL SECURITY LABORATORIES**”;

14           (B) by striking “national laboratory” each  
15           place it appears and inserting “national secu-  
16           rity laboratory”; and

17           (C) in subsection (g), by striking para-  
18           graphs (3) and (4).

19          (2) CLERICAL AMENDMENT.—The table of con-  
20          tents at the beginning of the Atomic Energy Defense  
21          Act is amended by striking the item relating to sec-  
22          tion 4502 and inserting the following new item:

“Sec. 4502. Restrictions on access to national security laboratories by foreign  
visitors from sensitive countries.”.

1 (l) BACKGROUND INVESTIGATIONS.—Section 4503 of  
2 the Atomic Energy Defense Act (50 U.S.C. 2653) is  
3 amended—

- 4 (1) by striking “(a) IN GENERAL.—”;
- 5 (2) by striking subsections (b) and (c); and
- 6 (3) by striking “national laboratory” and in-  
7 serting “national security laboratory”.

8 (m) NUCLEAR DEFENSE INTELLIGENCE LOSSES.—

9 (1) IN GENERAL.—Section 4505 of the Atomic  
10 Energy Defense Act (50 U.S.C. 2656) is amended—

11 (A) in the heading, by striking “**NU-**  
12 **CLEAR**” and inserting “**ATOMIC**”;

13 (B) in the heading of subsection (b), by  
14 striking “NUCLEAR” and inserting “ATOMIC  
15 ENERGY”; and

16 (C) by striking “nuclear defense” each  
17 place it appears and inserting “atomic energy  
18 defense”.

19 (2) CLERICAL AMENDMENT.—The table of con-  
20 tents at the beginning of the Atomic Energy Defense  
21 Act is amended by striking the item relating to sec-  
22 tion 4505 and inserting the following new item:

“Sec. 4505. Notice to congressional committees of certain security and counter-  
intelligence failures within atomic energy defense programs.”.

23 (n) COUNTERINTELLIGENCE REPORT.—

1 (1) IN GENERAL.—Section 4507 of the Atomic  
2 Energy Defense Act (50 U.S.C. 2658) is amended—

3 (A) in the heading, by striking “**NA-**  
4 **TIONAL LABORATORIES**” and inserting “**NA-**  
5 **TIONAL SECURITY LABORATORIES**”;

6 (B) in subsection (a), by striking “national  
7 laboratories” and inserting “national security  
8 laboratories”;

9 (C) in subsection (b), by striking “national  
10 laboratory” and inserting “national security  
11 laboratory”; and

12 (D) by striking subsection (c).

13 (2) CLERICAL AMENDMENT.—The table of con-  
14 tents at the beginning of the Atomic Energy Defense  
15 Act is amended by striking the item relating to sec-  
16 tion 4507 and inserting the following new item:

“Sec. 4507. Report on counterintelligence and security practices at national se-  
curity laboratories.”.

17 (o) COMPUTER SECURITY REPORT.—

18 (1) IN GENERAL.—Section 4508 of the Atomic  
19 Energy Defense Act (50 U.S.C. 2659)—

20 (A) in the heading, by striking “**NA-**  
21 **TIONAL LABORATORY**” and inserting “**NA-**  
22 **TIONAL SECURITY LABORATORY**”;

23 (B) in subsection (a) and (b), by striking  
24 “national laboratories” each place it appears

1           and inserting “national security laboratories”;  
2           and  
3           (C) by striking subsections (e) and (f).

4           (2) CLERICAL AMENDMENT.—The table of con-  
5           tents at the beginning of the Atomic Energy Defense  
6           Act is amended by striking the item relating to sec-  
7           tion 4508 and inserting the following new item:

          “Sec. 4508. Report on security vulnerabilities of national security laboratory  
          computers.”.

8           (p) DOCUMENT REVIEW.—Section 4521 of the Atom-  
9           ic Energy Defense Act (50 U.S.C. 2671) is amended by  
10          striking subsection (c).

11          (q) REPORTS ON LOCAL IMPACT ASSISTANCE.—

12           (1) IN GENERAL.—Section 4604(f) of the  
13           Atomic Energy Defense Act (50 U.S.C. 2704(f)) is  
14           amended by adding at the end the following new  
15           paragraph:

16          “(3) In addition to the plans submitted under para-  
17          graph (1), the Secretary shall submit to Congress every  
18          six months a report setting forth a description of, and the  
19          amount or value of, all local impact assistance provided  
20          during the preceding six months under subsection (c)(6).”.

21           (2) CONFORMING AMENDMENT.—Section 4851  
22           of the Atomic Energy Defense Act (50 U.S.C. 2821)  
23           is repealed.

1           (3) CLERICAL AMENDMENT.—The table of con-  
2           tents at the beginning of the Atomic Energy Defense  
3           Act is amended by striking the item relating to sec-  
4           tion 4851.

5           (r) RECRUITMENT AND TRAINING.—Section 4622 of  
6           the Atomic Energy Defense Act (50 U.S.C. 2722) is  
7           amended—

8           (1) in subsection (b)—

9           (A) by striking “(1) As part of” and in-  
10          serting “As part of”; and

11          (B) by striking paragraph (2); and

12          (2) by striking subsection (d).

13          (s) FELLOWSHIP PROGRAM.—

14          (1) IN GENERAL.—Section 4623 of the Atomic  
15          Energy Defense Act (50 U.S.C. 2723) is amended—

16          (A) in the heading, by striking “**DEPART-**  
17          **MENT OF ENERGY NUCLEAR WEAPONS**  
18          **COMPLEX**” and inserting “**NUCLEAR SECU-**  
19          **RITY ENTERPRISE**”;

20          (B) in subsection (a), by striking “Depart-  
21          ment of Energy nuclear weapons complex” each  
22          place it appears and inserting “nuclear security  
23          enterprise”;

24          (C) in subsection (c), by striking “fol-  
25          lowing” and all that follows through the period

1 at the end and inserting “national security lab-  
2 oratories and nuclear weapons production facili-  
3 ties.”; and

4 (D) in subsection (f)(2), by striking “the  
5 Department of Energy for” and inserting “the  
6 nuclear security enterprise for”.

7 (2) CLERICAL AMENDMENT.—The table of con-  
8 tents at the beginning of the Atomic Energy Defense  
9 Act is amended by striking the item relating to sec-  
10 tion 4623 and inserting the following new item:

“Sec. 4623. Fellowship program for development of skills critical to the nuclear  
security enterprise.”.

11 (t) COST OVERRUNS.—Section 4713(a)(1)(A) of the  
12 Atomic Energy Defense Act (50 U.S.C. 2753(a)(1)(A)) is  
13 amended—

14 (1) by striking “for Nuclear Security”; and

15 (2) by striking “National Nuclear Security”.

16 (u) BUDGET REQUEST.—

17 (1) IN GENERAL.—Section 4731 of the Atomic  
18 Energy Defense Act (50 U.S.C. 2771) is repealed.

19 (2) CLERICAL AMENDMENT.—The table of con-  
20 tents at the beginning of the Atomic Energy Defense  
21 Act is amended by striking the item relating to sec-  
22 tion 4731.

1 (v) CONTRACTOR BONUSES.—Section 4802 of the  
2 Atomic Energy Defense Act (50 U.S.C. 2782) is amend-  
3 ed—

4 (2) by striking subsection (b); and

5 (3) by redesignating subsections (c) and (d) as  
6 subsections (b) and (c), respectively.

7 (w) FUNDS FOR RESEARCH AND DEVELOPMENT.—  
8 Section 4812 of the Atomic Energy Defense Act (50  
9 U.S.C. 2792) is amended—

10 (1) by striking subsections (b) through (d); and

11 (2) by redesignating subsection (e) as sub-  
12 section (b).

13 (x) TECHNOLOGY PARTNERSHIPS.—Section 4813(c)  
14 of the Atomic Energy Defense Act (50 U.S.C. 2794(e))  
15 is amended by striking paragraph (5).

16 (y) UNIVERSITY COLLABORATION.—Section 4814 of  
17 the Atomic Energy Defense Act (50 U.S.C. 2795) is  
18 amended by striking subsection (c).

19 (z) ENGINEERING AND MANUFACTURING RE-  
20 SEARCH.—Section 4832 of the Atomic Energy Defense  
21 Act (50 U.S.C. 2812) is amended—

22 (1) in subsection (b), by striking “nuclear  
23 weapons complex” and inserting “nuclear security  
24 enterprise”; and

25 (2) by striking subsections (c) through (e).

1 (aa) PILOT PROGRAM REPORT.—Section 4833 of the  
2 Atomic Energy Defense Act (50 U.S.C. 2813) is amended  
3 by striking subsection (e).

4 (bb) TECHNICAL AMENDMENTS.—

5 (1) IN GENERAL.—The Atomic Energy Defense  
6 Act (50 U.S.C. 2501 et seq.) is amended as follows:

7 (A) In section 4604(g)(3) (50 U.S.C.  
8 2704(g)(3)), by striking “; the Pinnellas Plant,  
9 Florida;”.

10 (B) In the heading of section 4852 (50  
11 U.S.C. 2822), by striking “**NEVADA TEST**  
12 **SITE**” and inserting “**NEVADA NATIONAL SE-**  
13 **CURITY SITE**”.

14 (C) By striking “Nevada Test Site” each  
15 place it appears and inserting “Nevada Na-  
16 tional Security Site”.

17 (D) By striking “Director of Central Intel-  
18 ligence” each place it appears and inserting  
19 “Director of National Intelligence”.

20 (2) CLERICAL AMENDMENT.—The table of con-  
21 tents at the beginning of the Atomic Energy Defense  
22 Act is further amended by striking the item relating  
23 to section 4852 and inserting the following new  
24 item:

“Sec. 4852. Payment of costs of operation and maintenance of infrastructure  
at Nevada National Security Site.”.

1 **SEC. 3132. IMPROVEMENTS TO THE NATIONAL NUCLEAR**  
2 **SECURITY ADMINISTRATION ACT.**

3 (a) NUCLEAR SECURITY ENTERPRISE REF-  
4 ERENCE.—

5 (1) FUTURE-YEARS NUCLEAR SECURITY PRO-  
6 GRAM.—Section 3253(b) of the National Nuclear Se-  
7 curity Administration Act (50 U.S.C. 2453(b)) is  
8 amended by striking “nuclear weapons complex”  
9 each place it appears and inserting “nuclear security  
10 enterprise”.

11 (2) GAO REPORTS.—Section 3255 of the Na-  
12 tional Nuclear Security Administration Act (50  
13 U.S.C. 2455) is amended—

14 (A) in subsection (a), by striking “nuclear  
15 security complex” each place it appears and in-  
16 serting “nuclear security enterprise”; and

17 (B) in subsection (b), by striking para-  
18 graph (3).

19 (3) DEFINITION.—Section 3281 of the National  
20 Nuclear Security Administration Act (50 U.S.C.  
21 2471) is amended by adding at the end the following  
22 new paragraph:

23 “(6) The term ‘nuclear security enterprise’  
24 means the physical facilities, technology, and human  
25 capital of the national security laboratories and the  
26 nuclear weapons production facilities.”.

1 (b) TRANSFER OF FUNCTIONS.—

2 (1) FUNDS AND PERSONNEL.—Section 3291 of  
3 the National Nuclear Security Administration Act  
4 (50 U.S.C. 2481) is amended—

5 (A) in subsection (c), by striking “specified  
6 in subsection (a)” and inserting “of the Admin-  
7 istration”; and

8 (B) by adding at the end the following new  
9 subsections:

10 “(d) TRANSFER OF FUNDS.—(1) Any balance of ap-  
11 propriations that the Secretary of Energy determines is  
12 available and needed to finance or discharge a function,  
13 power, or duty or an activity that is transferred to the  
14 Administration shall be transferred to the Administration  
15 and used for any purpose for which those appropriations  
16 were originally available. Balances of appropriations so  
17 transferred shall—

18 “(A) be credited to any applicable appropriation  
19 account of the Administration; or

20 “(B) be credited to a new account that may be  
21 established on the books of the Department of the  
22 Treasury;

23 and shall be merged with the funds already credited  
24 to that account and accounted for as one fund.

1       “(2) Balances of appropriations credited to an ac-  
2 count under paragraph (1)(A) are subject only to such  
3 limitations as are specifically applicable to that account.  
4 Balances of appropriations credited to an account under  
5 paragraph (1)(B) are subject only to such limitations as  
6 are applicable to the appropriations from which they are  
7 transferred.

8       “(e) PERSONNEL.—(1) With respect to any function,  
9 power, or duty or activity of the Department of Energy  
10 that is transferred to the Administration, those employees  
11 of the element of the Department of Energy from which  
12 the transfer is made that the Secretary of Energy deter-  
13 mines are needed to perform that function, power, or duty,  
14 or for that activity, as the case may be, shall be trans-  
15 ferred to the Administration.

16       “(2) The authorized strength in civilian employees of  
17 any element of the Department of Energy from which em-  
18 ployees are transferred under this section is reduced by  
19 the number of employees so transferred.”.

20               (2) APPLICABILITY OF EXISTING LAWS AND  
21 REGULATIONS.—Section 3296 of the National Nu-  
22 clear Security Administration Act (50 U.S.C. 2484)  
23 is amended to read as follows:

1 **“SEC. 3296. APPLICABILITY OF PREEXISTING LAWS AND**  
2 **REGULATIONS.**

3 “With respect to any facility, mission, or function of  
4 the Department of Energy that the Secretary of Energy  
5 transfers to the Administrator under section 3291, unless  
6 otherwise provided in this title, all provisions of law and  
7 regulations in effect immediately before the date of the  
8 transfer that are applicable to such facility, mission, or  
9 function shall continue to apply to the corresponding func-  
10 tions of the Administration.”.

11 (3) **RULE OF CONSTRUCTION.**—Nothing in sec-  
12 tion 3291 of the National Nuclear Security Adminis-  
13 tration Act (50 U.S.C. 2481), as amended by para-  
14 graph (1), may be construed to affect any function  
15 or activity transferred by the Secretary of Energy to  
16 the Administrator for Nuclear Security before the  
17 date of the enactment of this Act.

18 (c) **REPEAL OF EXPIRED PROVISIONS.**—

19 (1) **IN GENERAL.**—The following sections of the  
20 National Nuclear Security Administration Act (50  
21 U.S.C. 2401 et seq.) are repealed:

22 (A) Section 3242 (50 U.S.C. 2442).

23 (B) Section 3292 (50 U.S.C. 2482).

24 (C) Section 3295 (50 U.S.C. 2483).

25 (D) Section 3297 (50 U.S.C. 2401 note).

1           (2) CLERICAL AMENDMENTS.—The table of  
2 contents at the beginning of the National Nuclear  
3 Security Administration Act is amended by striking  
4 the items relating to sections 3242, 3292, 3295, and  
5 3297.

6           (d) TECHNICAL AMENDMENTS TO THE NNSA  
7 ACT.—The National Nuclear Security Administration Act  
8 (50 U.S.C. 2401 et seq.) is amended as follows:

9           (1) In section 3212(a)(2) (50 U.S.C.  
10 2402(a)(2)), by striking “as added by section 3202  
11 of this Act,”.

12           (2) In section 3253(b)(3) (50 U.S.C.  
13 2453(b)(3)), by striking “section 3158 of the Strom  
14 Thurmond National Defense Authorization Act for  
15 Fiscal Year 1999 (42 U.S.C. 2121 note)” and in-  
16 serting “section 4202(a) of the Atomic Energy De-  
17 fense Act (50 U.S.C. 2522(a))”.

18           (3) In section 3281(2) (50 U.S.C. 2471(2))—

19               (A) in subparagraph (C), by striking “Y-  
20 12 Plant” and inserting “Y-12 National Secu-  
21 rity Complex”; and

22               (B) in subparagraph (D), by striking “trit-  
23 ium operations facilities at the”.

1           (4) By striking “Nevada Test Site” each place  
2           it appears and inserting “Nevada National Security  
3           Site”.

4           (e) TECHNICAL AMENDMENT TO THE DOE ORGANI-  
5           ZATION ACT.—Section 643 of the Department of Energy  
6           Organization Act (42 U.S.C. 7253) is amended by redesi-  
7           gnating the second subsection (b) as subsection (c).

8           **SEC. 3133. CONSOLIDATED REPORTING REQUIREMENTS**  
9                               **RELATING TO NUCLEAR STOCKPILE STEW-**  
10                              **ARDSHIP, MANAGEMENT, AND INFRASTRUC-**  
11                              **TURE.**

12           (a) CONSOLIDATED PLAN FOR STEWARDSHIP, MAN-  
13           AGEMENT, AND CERTIFICATION OF WARHEADS IN THE  
14           NUCLEAR WEAPONS STOCKPILE.—

15           (1) IN GENERAL.—Section 4203 of the Atomic  
16           Energy Defense Act (50 U.S.C. 2523) is amended to  
17           read as follows:

18           **“SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP,**  
19                              **MANAGEMENT, AND INFRASTRUCTURE PLAN.**

20           “(a) PLAN REQUIREMENT.—The Administrator, in  
21           consultation with the Secretary of Defense and other ap-  
22           propriate officials of the departments and agencies of the  
23           Federal Government, shall develop and annually update  
24           a plan for sustaining the nuclear weapons stockpile. The  
25           plan shall cover, at a minimum, stockpile stewardship,

1 stockpile management, stockpile surveillance, program di-  
2 rection, infrastructure modernization, human capital, and  
3 nuclear test readiness. The plan shall be consistent with  
4 the programmatic and technical requirements of the most  
5 recent annual Nuclear Weapons Stockpile Memorandum.

6 “(b) SUBMISSIONS TO CONGRESS.—(1) In accord-  
7 ance with subsection (c), not later than March 15 of each  
8 even-numbered year, the Administrator shall submit to the  
9 congressional defense committees a summary of the plan  
10 developed under subsection (a).

11 “(2) In accordance with subsection (d), not later than  
12 March 15 of each odd-numbered year, the Administrator  
13 shall submit to the congressional defense committees a de-  
14 tailed report on the plan developed under subsection (a).

15 “(3) The summaries and reports required by this sub-  
16 section shall be submitted in unclassified form, but may  
17 include a classified annex.

18 “(c) ELEMENTS OF BIENNIAL PLAN SUMMARY.—  
19 Each summary of the plan submitted under subsection  
20 (b)(1) shall include, at a minimum, the following:

21 “(1) A summary of the status of the nuclear  
22 weapons stockpile, including the number and age of  
23 warheads (including both active and inactive) for  
24 each warhead type.

1           “(2) A summary of the status, plans, budgets,  
2           and schedules for warhead life extension programs  
3           and any other programs to modify, update, or re-  
4           place warhead types.

5           “(3) A summary of the methods and informa-  
6           tion used to determine that the nuclear weapons  
7           stockpile is safe and reliable, as well as the relation-  
8           ship of science-based tools to the collection and in-  
9           terpretation of such information.

10          “(4) A summary of the status of the nuclear se-  
11          curity enterprise, including programs and plans for  
12          infrastructure modernization and retention of human  
13          capital, as well as associated budgets and schedules.

14          “(5) Identification of any modifications or up-  
15          dates to the plan since the previous summary or de-  
16          tailed report was submitted under subsection (b).

17          “(6) Such other information as the Adminis-  
18          trator considers appropriate.

19          “(d) ELEMENTS OF BIENNIAL DETAILED REPORT.—  
20          Each detailed report on the plan submitted under sub-  
21          section (b)(2) shall include, at a minimum, the following:

22                 “(1) With respect to stockpile stewardship and  
23                 management—

24                         “(A) the status of the nuclear weapons  
25                         stockpile, including the number and age of war-

1 heads (including both active and inactive) for  
2 each warhead type;

3 “(B) for each five-year period occurring  
4 during the period beginning on the date of the  
5 report and ending on the date that is 20 years  
6 after the date of the report—

7 “(i) the planned number of nuclear  
8 warheads (including active and inactive)  
9 for each warhead type in the nuclear weap-  
10 ons stockpile; and

11 “(ii) the past and projected future  
12 total lifecycle cost of each type of nuclear  
13 weapon;

14 “(C) the status, plans, budgets, and sched-  
15 ules for warhead life extension programs and  
16 any other programs to modify, update, or re-  
17 place warhead types;

18 “(D) a description of the process by which  
19 the Administrator assesses the lifetimes, and re-  
20 quirements for life extension or replacement, of  
21 the nuclear and non-nuclear components of the  
22 warheads (including active and inactive war-  
23 heads) in the nuclear weapons stockpile;

24 “(E) a description of the process used in  
25 recertifying the safety, security, and reliability

1 of each warhead type in the nuclear weapons  
2 stockpile;

3 “(F) any concerns of the Administrator  
4 that would affect the ability of the Adminis-  
5 trator to recertify the safety, security, or reli-  
6 ability of warheads in the nuclear weapons  
7 stockpile (including active and inactive war-  
8 heads);

9 “(G) mechanisms to provide for the manu-  
10 facture, maintenance, and modernization of  
11 each warhead type in the nuclear weapons  
12 stockpile, as needed;

13 “(H) mechanisms to expedite the collection  
14 of information necessary for carrying out the  
15 stockpile management program required by sec-  
16 tion 4204, including information relating to the  
17 aging of materials and components, new manu-  
18 facturing techniques, and the replacement or  
19 substitution of materials;

20 “(I) mechanisms to ensure the appropriate  
21 assignment of roles and missions for each na-  
22 tional security laboratory and nuclear weapons  
23 production facility, including mechanisms for  
24 allocation of workload, mechanisms to ensure  
25 the carrying out of appropriate modernization

1 activities, and mechanisms to ensure the reten-  
2 tion of skilled personnel;

3 “(J) mechanisms to ensure that each na-  
4 tional security laboratory has full and complete  
5 access to all weapons data to enable a rigorous  
6 peer-review process to support the annual as-  
7 sessment of the condition of the nuclear weap-  
8 ons stockpile required under section 4205;

9 “(K) mechanisms for allocating funds for  
10 activities under the stockpile management pro-  
11 gram required by section 4204, including allo-  
12 cations of funds by weapon type and facility;  
13 and

14 “(L) for each of the five fiscal years fol-  
15 lowing the fiscal year in which the report is  
16 submitted, an identification of the funds needed  
17 to carry out the program required under section  
18 4204.

19 “(2) With respect to science-based tools—

20 “(A) a description of the information need-  
21 ed to determine that the nuclear weapons stock-  
22 pile is safe and reliable;

23 “(B) for each science-based tool used to  
24 collect information described in subparagraph  
25 (A), the relationship between such tool and

1 such information and the effectiveness of such  
2 tool in providing such information based on the  
3 criteria developed pursuant to section 4202(a);  
4 and

5 “(C) the criteria developed under section  
6 4202(a) (including any updates to such cri-  
7 teria).

8 “(3) An assessment of the stockpile stewardship  
9 program under section 4201 by the Administrator,  
10 in consultation with the directors of the national se-  
11 curity laboratories, which shall set forth—

12 “(A) an identification and description of—

13 “(i) any key technical challenges to  
14 the stockpile stewardship program; and

15 “(ii) the strategies to address such  
16 challenges without the use of nuclear test-  
17 ing;

18 “(B) a strategy for using the science-based  
19 tools (including advanced simulation and com-  
20 puting capabilities) of each national security  
21 laboratory to ensure that the nuclear weapons  
22 stockpile is safe, secure, and reliable without  
23 the use of nuclear testing;

24 “(C) an assessment of the science-based  
25 tools (including advanced simulation and com-

1           puting capabilities) of each national security  
2           laboratory that exist at the time of the assess-  
3           ment compared with the science-based tools ex-  
4           pected to exist during the period covered by the  
5           future-years nuclear security program; and

6                   “(D) an assessment of the core scientific  
7           and technical competencies required to achieve  
8           the objectives of the stockpile stewardship pro-  
9           gram and other weapons activities and weap-  
10          ons-related activities of the Administration, in-  
11          cluding—

12                   “(i) the number of scientists, engi-  
13           neers, and technicians, by discipline, re-  
14           quired to maintain such competencies; and

15                   “(ii) a description of any shortage of  
16           such individuals that exists at the time of  
17           the assessment compared with any short-  
18           age expected to exist during the period cov-  
19           ered by the future-years nuclear security  
20           program.

21                   “(4) With respect to the nuclear security infra-  
22          structure—

23                   “(A) a description of the modernization  
24           and refurbishment measures the Administrator

1 determines necessary to meet the requirements  
2 prescribed in—

3 “(i) the national security strategy of  
4 the United States as set forth in the most  
5 recent national security strategy report of  
6 the President under section 108 of the Na-  
7 tional Security Act of 1947 (50 U.S.C.  
8 404a) if such strategy has been submitted  
9 as of the date of the plan;

10 “(ii) the most recent quadrennial de-  
11 fense review if such strategy has not been  
12 submitted as of the date of the plan; and

13 “(iii) the most recent Nuclear Posture  
14 Review as of the date of the plan;

15 “(B) a schedule for implementing the  
16 measures described under subparagraph (A)  
17 during the 10-year period following the date of  
18 the plan; and

19 “(C) the estimated levels of annual funds  
20 the Administrator determines necessary to  
21 carry out the measures described under sub-  
22 paragraph (A), including a discussion of the cri-  
23 teria, evidence, and strategies on which such es-  
24 timated levels of annual funds are based.

1           “(5) With respect to the nuclear test readiness  
2 of the United States—

3           “(A) an estimate of the period of time that  
4 would be necessary for the Administrator to  
5 conduct an underground test of a nuclear weap-  
6 on once directed by the President to conduct  
7 such a test;

8           “(B) a description of the level of test read-  
9 iness that the Administrator, in consultation  
10 with the Secretary of Defense, determines to be  
11 appropriate;

12           “(C) a list and description of the workforce  
13 skills and capabilities that are essential to car-  
14 rying out an underground nuclear test at the  
15 Nevada National Security Site;

16           “(D) a list and description of the infra-  
17 structure and physical plants that are essential  
18 to carrying out an underground nuclear test at  
19 the Nevada National Security Site; and

20           “(E) an assessment of the readiness status  
21 of the skills and capabilities described in sub-  
22 paragraph (C) and the infrastructure and phys-  
23 ical plants described in subparagraph (D).

1           “(6) Identification of any modifications or up-  
2           dates to the plan since the previous summary or de-  
3           tailed report was submitted under subsection (b).

4           “(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—

5           (1) For each detailed report on the plan submitted under  
6           subsection (b)(2), the Nuclear Weapons Council estab-  
7           lished by section 179 of title 10, United States Code, shall  
8           conduct an assessment that includes the following:

9           “(A) An analysis of the plan, including—

10                   “(i) whether the plan supports the require-  
11                   ments of the national security strategy of the  
12                   United States or the most recent quadrennial  
13                   defense review, as applicable under subsection  
14                   (d)(4)(A), and the Nuclear Posture Review; and

15                   “(ii) whether the modernization and refur-  
16                   bishment measures described under subpara-  
17                   graph (A) of subsection (d)(4) and the schedule  
18                   described under subparagraph (B) of such sub-  
19                   section are adequate to support such require-  
20                   ments.

21           “(B) An analysis of whether the plan ade-  
22           quately addresses the requirements for infrastruc-  
23           ture recapitalization of the facilities of the nuclear  
24           security enterprise.

1           “(C) If the Nuclear Weapons Council deter-  
2 mines that the plan does not adequately support  
3 modernization and refurbishment requirements  
4 under subparagraph (A) or the nuclear security en-  
5 terprise facilities infrastructure recapitalization re-  
6 quirements under subparagraph (B), a risk assess-  
7 ment with respect to—

8                   “(i) supporting the annual certification of  
9 the nuclear weapons stockpile; and

10                   “(ii) maintaining the long-term safety, se-  
11 curity, and reliability of the nuclear weapons  
12 stockpile.

13           “(2) Not later than 180 days after the date on which  
14 the Administrator submits the plan under subsection  
15 (b)(2), the Nuclear Weapons Council shall submit to the  
16 congressional defense committees a report detailing the as-  
17 sessment required under paragraph (1).

18           “(f) DEFINITIONS.—In this section:

19                   “(1) The term ‘budget’, with respect to a fiscal  
20 year, means the budget for that fiscal year that is  
21 submitted to Congress by the President under sec-  
22 tion 1105(a) of title 31, United States Code.

23                   “(2) The term ‘future-years nuclear security  
24 program’ means the program required by section

1       3253 of the National Nuclear Security Administra-  
2       tion Act (50 U.S.C. 2453).

3           “(3) The term ‘nuclear security budget mate-  
4       rials’, with respect to a fiscal year, means the mate-  
5       rials submitted to Congress by the Administrator in  
6       support of the budget for that fiscal year.

7           “(4) The term ‘quadrennial defense review’  
8       means the review of the defense programs and poli-  
9       cies of the United States that is carried out every  
10       four years under section 118 of title 10, United  
11       States Code.

12          “(5) The term ‘weapons activities’ means each  
13       activity within the budget category of weapons ac-  
14       tivities in the budget of the Administration.

15          “(6) The term ‘weapons-related activities’  
16       means each activity under the Department of En-  
17       ergy that involves nuclear weapons, nuclear weapons  
18       technology, or fissile or radioactive materials, includ-  
19       ing activities related to—

20               “(A) nuclear nonproliferation;

21               “(B) nuclear forensics;

22               “(C) nuclear intelligence;

23               “(D) nuclear safety; and

24               “(E) nuclear incident response.”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
2           tents at the beginning of the Atomic Energy Defense  
3           Act is amended by striking the item relating to sec-  
4           tion 4203 and inserting the following new item:

          “Sec. 4203. Nuclear weapons stockpile stewardship, management, and infra-  
          structure plan.”.

5           (b) REPEAL OF REQUIREMENT FOR BIENNIAL RE-  
6           PORT ON STOCKPILE STEWARDSHIP CRITERIA.—

7           (1) IN GENERAL.—Section 4202 of the Atomic  
8           Energy Defense Act (50 U.S.C. 2522) is amended  
9           by striking subsections (c) and (d).

10          (2) TECHNICAL AMENDMENT.—The heading of  
11          such section is amended to read as follows:  
12          “**STOCKPILE STEWARDSHIP CRITERIA**”.

13          (3) CLERICAL AMENDMENT.—The table of con-  
14          tents at the beginning of the Atomic Energy Defense  
15          Act is amended by striking the item relating to sec-  
16          tion 4202 and inserting the following new item:

          “Sec. 4202. Stockpile stewardship criteria.”.

17          (c) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN  
18          ON MODERNIZATION AND REFURBISHMENT OF THE NU-  
19          CLEAR SECURITY COMPLEX.—

20          (1) IN GENERAL.—Section 4203A of the Atom-  
21          ic Energy Defense Act (50 U.S.C. 2523A) is re-  
22          pealed.

1           (2) CLERICAL AMENDMENT.—The table of con-  
2           tents for the Atomic Energy Defense Act is amended  
3           by striking the item relating to section 4203A.

4           (d) REPEAL OF REQUIREMENT FOR ANNUAL UP-  
5           DATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—  
6           Section 4204 of the Atomic Energy Defense Act (50  
7           U.S.C. 2524) is amended—

8           (1) in subsection (b)(2)(B), by striking “nuclear  
9           complex” and inserting “nuclear security enter-  
10          prise”;

11          (2) by striking subsections (c) and (d); and

12          (3) by redesignating subsection (e) as sub-  
13          section (c).

14          (e) REPEAL OF REQUIREMENT FOR REPORTS ON NU-  
15          CLEAR TEST READINESS.—

16          (1) AEDA.—

17                (A) IN GENERAL.—Section 4208 of the  
18                Atomic Energy Defense Act (50 U.S.C. 2528)  
19                is repealed.

20                (B) CLERICAL AMENDMENT.—The table of  
21                contents for the Atomic Energy Defense Act is  
22                amended by striking the item relating to section  
23                4208.

24          (2) NDAA FISCAL YEAR 1996.—Section 3152 of  
25          the National Defense Authorization Act for Fiscal

1 Year 1996 (Public Law 104–106; 110 Stat. 623) is  
2 repealed.

3 **SEC. 3134. REPEAL OF CERTAIN REPORTING REQUIRE-**  
4 **MENTS.**

5 (a) GAO ENVIRONMENTAL MANAGEMENT RE-  
6 PORTS.—Section 3134 of the National Defense Authoriza-  
7 tion Act for Fiscal Year 2010 (Public Law 111–84; 123  
8 Stat. 2713) is amended—

9 (1) in subsection (c)—

10 (A) in paragraph (1), by striking “The  
11 Comptroller” and all that follows through  
12 “(2),” and inserting “Beginning on the date on  
13 which the report under subsection (b)(2) is sub-  
14 mitted, the Comptroller General shall conduct a  
15 review”;

16 (B) by striking paragraph (2);

17 (C) by redesignating paragraph (3) as  
18 paragraph (2); and

19 (D) in paragraph (2), as so redesignated,  
20 by striking “the end of the period described in  
21 paragraph (2)” and inserting “August 30,  
22 2012”; and

23 (2) in subsection (d)—

1 (A) in paragraph (1), by striking “sub-  
2 section (c)(3)” and inserting “subsection  
3 (c)(2)”; and

4 (B) in paragraph (2), by striking “90  
5 days” and all that follows through “(c)(3)” and  
6 inserting “April 30, 2016, or the date that is  
7 210 days after the date on which the Secretary  
8 of Energy notifies the Comptroller General that  
9 all American Recovery and Reinvestment Act  
10 funds have been expended, whichever is ear-  
11 lier”.

12 (b) WORKFORCE RESTRUCTURING PLAN UP-  
13 DATES.—

14 (1) IN GENERAL.—Section 4604 of the Atomic  
15 Energy Defense Act (50 U.S.C. 2704), as amended  
16 by section 3131(q), is amended—

17 (A) in subsection (b)(1), by striking “and  
18 any updates of the plan under subsection (e)”;

19 (B) by striking subsection (e);

20 (C) in subsection (f)—

21 (i) by striking paragraph (2); and

22 (ii) by redesignating paragraph (3), as  
23 added by such section 3131(q), as para-  
24 graph (2); and

1 (D) by redesignating subsections (f) and  
2 (g) as subsections (e) and (f), respectively.

3 (2) CONFORMING AMENDMENT.—Section  
4 4643(d)(1) of the Atomic Energy Defense Act (50  
5 U.S.C. 2733(d)(1)) is amended by striking “section  
6 4604(g)” and inserting “section 4604(f)”.

7 (c) UNCLASSIFIED CONTROLLED NUCLEAR INFOR-  
8 MATION QUARTERLY REPORT.—Section 148 of the Atom-  
9 ic Energy Act of 1954 (42 U.S.C. 2168) is amended by  
10 striking subsection e.

## 11 **Subtitle D—Reports**

### 12 **SEC. 3141. REPORTS ON LIFETIME EXTENSION PROGRAMS.**

13 (a) PROTOTYPES.—Subtitle A of title XLII of the  
14 Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is  
15 amended by inserting after section 4215, as added by sec-  
16 tion 3114(a)(1), the following new section:

#### 17 **“SEC. 4216. REPORTS ON LIFETIME EXTENSION PROGRAMS.**

18 “(a) REPORTS REQUIRED.—Before proceeding be-  
19 yond phase 6.2 activities with respect to any lifetime ex-  
20 tension program, the Nuclear Weapons Council estab-  
21 lished by section 179 of title 10, United States Code, shall  
22 submit to the congressional defense committees a report  
23 on such phase 6.2 activities, including—

24 “(1) an assessment of the lifetime extension op-  
25 tions considered for the phase 6.2 activities, includ-

1       ing whether the subsystems and components in each  
2       option are considered to be a refurbishment, reuse,  
3       or replacement of such subsystem or component; and

4               “(2) an assessment of the option selected for  
5       the phase 6.2 activities, including—

6                       “(A) whether the subsystems and compo-  
7                       nents will be refurbished, reused, or replaced;  
8                       and

9                       “(B) the advantages and disadvantages of  
10                      refurbishment, reuse, and replacement for each  
11                      such subsystem and component.

12       “(b) PHASE 6.2 ACTIVITIES DEFINED.—In this sec-  
13       tion, the term ‘phase 6.2 activities’ means, with respect  
14       to a lifetime extension program, the phase 6.2 feasibility  
15       study and option down-select.”.

16       (b) CLERICAL AMENDMENT.—The table of contents  
17       at the beginning of such Act is amended by inserting after  
18       the item relating to section 4215, as added by section  
19       3114(a)(2), the following new item:

      “Sec. 4216. Reports on lifetime extension programs.”.

20       **SEC. 3142. NOTIFICATION OF NUCLEAR CRITICALITY AND**  
21                       **NON-NUCLEAR INCIDENTS.**

22       (a) NOTIFICATION.—

23               (1) IN GENERAL.—Subtitle C of title XLVI of  
24       the Atomic Energy Defense Act (50 U.S.C. 2731 et

1 seq.), as amended by section 3161(a), is amended by  
2 adding at the end the following new section:

3 **“SEC. 4646. NOTIFICATION OF NUCLEAR CRITICALITY AND**  
4 **NON-NUCLEAR INCIDENTS.**

5 “(a) NOTIFICATION.—The Secretary of Energy and  
6 the Administrator, as the case may be, shall submit to  
7 the appropriate congressional committees a notification of  
8 a nuclear criticality incident resulting from a covered pro-  
9 gram that results in an injury or fatality or results in the  
10 shutdown, or partial shutdown, of a covered facility by not  
11 later than 15 days after the date of such incident.

12 “(b) ELEMENTS OF NOTIFICATION.—Each notifica-  
13 tion submitted under subsection (a) shall include the fol-  
14 lowing:

15 “(1) A description of the incident, including the  
16 cause of the incident.

17 “(2) In the case of a criticality incident, wheth-  
18 er the incident caused a facility, or part of a facility,  
19 to be shut down.

20 “(3) The effect, if any, on the mission of the  
21 Administration or the Office of Environmental Man-  
22 agement of the Department of Energy.

23 “(4) Any corrective action taken in response to  
24 the incident.

1       “(c) DATABASE.—(1) The Secretary shall maintain  
2 a record of incidents described in paragraph (2).

3       “(2) An incident described in this paragraph is any  
4 of the following incidents resulting from a covered pro-  
5 gram:

6           “(A) A nuclear criticality incident that results  
7 in an injury or fatality or results in the shutdown,  
8 or partial shutdown, of a covered facility.

9           “(B) A non-nuclear incident that results in seri-  
10 ous bodily injury or fatality at a covered facility.

11       “(d) COOPERATION.—In carrying out this section,  
12 the Secretary and the Administrator shall ensure that  
13 each management and operating contractor of a covered  
14 facility cooperates in a timely manner.

15       “(e) DEFINITIONS.—In this section:

16           “(1) The term ‘appropriate congressional com-  
17 mittees’ means—

18           “(A) the congressional defense committees;

19           and

20           “(B) the Committee on Energy and Com-  
21 merce of the House of Representatives and the  
22 Committee on Energy and Natural Resources of  
23 the Senate.

24           “(2) The term ‘covered facility’ means—

1           “(A) a facility of the nuclear security en-  
2           terprise; and

3           “(B) a facility conducting activities for the  
4           defense environmental cleanup program of the  
5           Office of Environmental Management of the  
6           Department of Energy.

7           “(3) The term ‘covered program’ means—

8           “(A) programs of the Administration; and

9           “(B) defense environmental cleanup pro-  
10          grams of the Office of Environmental Manage-  
11          ment of the Department of Energy.”.

12          (2) CLERICAL AMENDMENT.—The table of con-  
13          tents at the beginning of such Act is amended by in-  
14          serting after the item relating to section 4645, as  
15          added by section 3161(b), the following new item:

“Sec. 4646. Notification of nuclear criticality and non-nuclear incidents.”.

16          (b) REPORT.—

17               (1) IN GENERAL.—Not later than 90 days after  
18               the date of the enactment of this Act, the Secretary  
19               of Energy and the Administrator for Nuclear Secu-  
20               rity shall each submit to the appropriate congres-  
21               sional committees a report detailing any incidents  
22               described in paragraph (2) that occurred during the  
23               10-year period before the date of the report.

24               (2) INCIDENTS DESCRIBED.—An incident de-  
25               scribed in this paragraph is any of the following inci-

1 dents that occurred as a result of programs of the  
2 National Nuclear Security Administration or defense  
3 environmental cleanup programs of the Office of En-  
4 vironmental Management of the Department of En-  
5 ergy:

6 (A) A nuclear criticality incident that re-  
7 sulted in an injury or fatality or resulted in the  
8 shutdown, or partial shutdown, of a facility of  
9 the nuclear security enterprise or a facility con-  
10 ducting activities for such defense environ-  
11 mental cleanup programs.

12 (B) A non-nuclear incident that results in  
13 serious bodily injury or fatality at such a facil-  
14 ity.

15 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
16 TEES DEFINED.—In this subsection, the term “ap-  
17 propriate congressional committees” means—

18 (A) the congressional defense committees;  
19 and

20 (B) the Committee on Energy and Com-  
21 merce of the House of Representatives and the  
22 Committee on Energy and Natural Resources of  
23 the Senate.

1 **SEC. 3143. QUARTERLY REPORTS TO CONGRESS ON FINAN-**  
2 **CIAL BALANCES FOR ATOMIC ENERGY DE-**  
3 **FENSE ACTIVITIES.**

4 (a) REPORTS REQUIRED.—Subtitle C of title XLVII  
5 of the Atomic Energy Defense Act (50 U.S.C. 2771 et  
6 seq.) is amended by adding at the end the following new  
7 section:

8 **“SEC. 4732. QUARTERLY REPORTS ON FINANCIAL BAL-**  
9 **ANCES FOR ATOMIC ENERGY DEFENSE AC-**  
10 **TIVITIES.**

11 “(a) REPORTS REQUIRED.—Not later than 15 days  
12 after the end of each fiscal year quarter, the Secretary  
13 of Energy shall submit to the congressional defense com-  
14 mittees a report on the financial balances for each atomic  
15 energy defense program at the budget control levels used  
16 in the report accompanying the most current Act appro-  
17 priating funds for energy and water development.

18 “(b) ELEMENTS.—Each report under subsection (a)  
19 shall set forth, for each program covered by such report,  
20 the following as of the end of the fiscal year quarter cov-  
21 ered by such report:

22 “(1) The total amount authorized to be appro-  
23 priated, including amounts authorized to be appro-  
24 priated in the current fiscal year and amounts au-  
25 thORIZED to be appropriated for prior fiscal years.

26 “(2) The amount unobligated.

1 “(3) The amount unobligated but committed.

2 “(4) The amount obligated but uncosted.

3 “(c) PRESENTATION.—Each report under subsection  
4 (a) shall present information as follows:

5 “(1) For each program, in summary form and  
6 by fiscal year.

7 “(2) With financial balances in connection with  
8 funding under recurring DOE national security au-  
9 thorizations (as that term is defined in section  
10 4701(1)) presented separately from balances in con-  
11 nection with funding under any other provisions of  
12 law.”.

13 (b) CLERICAL AMENDMENT.—The table of contents  
14 at the beginning of such Act is amended by inserting after  
15 the item relating to section 4731, as in effect before the  
16 amendment made by section 3131(u)(2) takes effect, the  
17 following new item:

“Sec. 4732. Quarterly reports on financial balances for atomic energy defense  
activities.”.

18 **SEC. 3144. NATIONAL ACADEMY OF SCIENCES STUDY ON**  
19 **PEER REVIEW AND DESIGN COMPETITION**  
20 **RELATED TO NUCLEAR WEAPONS.**

21 (a) STUDY.—Not later than 60 days after the date  
22 of the enactment of this Act, the Administrator for Nu-  
23 clear Security shall enter into an agreement with the Na-

1 tional Academy of Sciences to conduct a study of peer re-  
2 view and design competition related to nuclear weapons.

3 (b) ELEMENTS.—The study required by subsection  
4 (a) shall include an assessment of—

5 (1) the quality and effectiveness of peer review  
6 of designs, development plans, engineering and sci-  
7 entific activities, and priorities related to both nu-  
8 clear and non-nuclear aspects of nuclear weapons;

9 (2) incentives for effective peer review;

10 (3) the potential effectiveness, efficiency, and  
11 cost of alternative methods of conducting peer review  
12 and design competition related to both nuclear and  
13 non-nuclear aspects of nuclear weapons, as com-  
14 pared to current methods;

15 (4) the known instances where current peer re-  
16 view practices and design competition succeeded or  
17 failed to find problems or potential problems; and

18 (5) such other matters related to peer review  
19 and design competition related to nuclear weapons  
20 as the Administrator considers appropriate.

21 (c) COOPERATION AND ACCESS TO INFORMATION  
22 AND PERSONNEL.—The Administrator shall ensure that  
23 the National Academy of Sciences receives full and timely  
24 cooperation, including full access to information and per-  
25 sonnel, from the National Nuclear Security Administra-

1 tion and the management and operating contractors of the  
2 Administration for the purposes of conducting the study  
3 under subsection (a).

4 (d) REPORT.—

5 (1) IN GENERAL.—The National Academy of  
6 Sciences shall submit to the Administrator a report  
7 containing the results of the study conducted under  
8 subsection (a) and any recommendations resulting  
9 from the study.

10 (2) SUBMITTAL TO CONGRESS.—Not later than  
11 September 30, 2014, the Administrator shall submit  
12 to the Committees on Armed Services of the House  
13 of Representatives and the Senate the report sub-  
14 mitted under paragraph (1) and any comments or  
15 recommendations of the Administrator with respect  
16 to the report.

17 (3) FORM.—The report submitted under para-  
18 graph (1) shall be in unclassified form, but may in-  
19 clude a classified annex.

20 **SEC. 3145. REPORT ON DEFENSE NUCLEAR NON-**  
21 **PROLIFERATION PROGRAMS.**

22 (a) REPORT REQUIRED.—

23 (1) IN GENERAL.—Not later than March 1 of  
24 each year from 2013 through 2015, the Adminis-  
25 trator for Nuclear Security shall submit to the ap-

1       appropriate congressional committees a report on the  
2       budget, objectives, and metrics of the defense nu-  
3       clear nonproliferation programs of the National Nu-  
4       clear Security Administration.

5               (2) ELEMENTS.—The report required by para-  
6       graph (1) shall include the following:

7               (A) An identification and explanation of  
8       uncommitted balances that are more than the  
9       acceptable carryover thresholds, as determined  
10      by the Secretary of Energy, on a program-by-  
11      program basis.

12              (B) An identification of foreign countries  
13      that are sharing the cost of implementing de-  
14      fense nuclear nonproliferation programs, includ-  
15      ing an explanation of such cost sharing.

16              (C) A description of objectives and meas-  
17      urements for each defense nuclear nonprolifera-  
18      tion program.

19              (D) A description of the proliferation of  
20      nuclear weapons threat and how each defense  
21      nuclear nonproliferation program activity  
22      counters the threat.

23              (E) A description and assessment of non-  
24      proliferation activities coordinated with the De-

1           partment of Defense to maximize efficiency and  
2           avoid redundancies.

3           (F) A description of how the defense nu-  
4           clear nonproliferation programs are prioritized  
5           to meet the most urgent nonproliferation re-  
6           quirements.

7           (b) APPROPRIATE CONGRESSIONAL COMMITTEES  
8           DEFINED.—In this section, the term “appropriate con-  
9           gressional committees” means—

10           (1) the Committee on Armed Services and the  
11           Committee on Foreign Affairs of the House of Rep-  
12           resentatives; and

13           (2) the Committee on Armed Services and the  
14           Committee on Foreign Relations of the Senate.

15           (c) FORM.—The report required by subsection (a)(1)  
16           shall be submitted in unclassified form, but may include  
17           a classified annex.

18           **SEC. 3146. STUDY ON REUSE OF PLUTONIUM PITS.**

19           (a) STUDY.—Not later than 270 days after the date  
20           of the enactment of this Act, the Administrator for Nu-  
21           clear Security, in coordination with the Nuclear Weapons  
22           Council established by section 179 of title 10, United  
23           States Code, shall submit to the congressional defense  
24           committees a study of plutonium pits, including—

25           (1) the availability of plutonium pits—

1 (A) as of the date of the report; and

2 (B) after such date as a result of the dis-  
3 mantlement of nuclear weapons; and

4 (2) an assessment of the potential for reusing  
5 plutonium pits in future life extension programs.

6 (b) MATTERS INCLUDED.—The study submitted  
7 under subsection (a) shall include the following:

8 (1) The feasibility and practicability of potential  
9 full or partial reuse options with respect to pluto-  
10 nium pits.

11 (2) The benefits and risks of reusing plutonium  
12 pits.

13 (3) A list of technical challenges that must be  
14 resolved to certify aged plutonium under dynamic  
15 loading conditions and the full stockpile-to-target se-  
16 quence of weapons, including a program plan and  
17 timeline for resolving such technical challenges and  
18 an assessment of the importance of resolving out-  
19 standing materials issues on certifying aged pluto-  
20 nium pits.

21 (4) A list of the facilities that will perform the  
22 testing and experiments required to resolve the tech-  
23 nical challenges identified under paragraph (3).

24 (5) The potential costs and cost savings of such  
25 reuse.

1           (6) The effects of such reuse on the require-  
2           ments for plutonium pit manufacturing.

3           (7) An assessment of how such reuse affects  
4           plans to build a responsive nuclear weapons infra-  
5           structure.

6   **SEC. 3147. ASSESSMENT OF NUCLEAR WEAPON PIT PRO-**  
7                           **DUCTION REQUIREMENT.**

8           (a) ASSESSMENT.—The Secretary of Defense, in co-  
9           ordination with the Secretary of Energy and the Com-  
10          mander of the United States Strategic Command, shall  
11          assess the annual plutonium pit production requirement  
12          needed to sustain a safe, secure, and reliable nuclear  
13          weapon arsenal.

14          (b) REPORTS.—

15               (1) IN GENERAL.—Not later than 180 days  
16               after the date of the enactment of this Act, the Sec-  
17               retary of Defense, in coordination with the Secretary  
18               of Energy and the Commander of the United States  
19               Strategic Command, shall submit to the congress-  
20               sional defense committees a report regarding the as-  
21               sessment conducted under subsection (a), includ-  
22               ing—

23                       (A) an explanation of the rationale and as-  
24                       sumptions that led to the current 50 to 80 plu-  
25                       tonium pit production requirement, including

1 the factors considered in determining such re-  
2 quirement;

3 (B) an analysis of whether there are any  
4 changes to the current 50 to 80 plutonium pit  
5 production requirement, including the reasons  
6 for any such changes;

7 (C) the cost and implications for national  
8 security of various smaller and larger pit pro-  
9 duction capacities, including with respect to—

10 (i) the ability to respond to geo-  
11 political and technical risks;

12 (ii) the sustainment of the nuclear  
13 weapons stockpile, including options avail-  
14 able for life extension programs; and

15 (iii) impacts on the requirements for  
16 the inactive and reserve nuclear weapons  
17 stockpile.

18 (2) UPDATE.—If the report under paragraph  
19 (1) does not incorporate the results of the Nuclear  
20 Posture Review Implementation Study, the Sec-  
21 retary of Defense, in coordination with the Secretary  
22 of Energy and the Commander of the United States  
23 Strategic Command, shall submit to the congress-  
24 sional defense committees an update to the report  
25 under paragraph (1) that incorporates the results of

1 such study by not later than 90 days after the date  
2 on which such committees receive such study.

3 (c) FORM.—The reports under paragraphs (1) and  
4 (2) of subsection (b) shall be submitted in unclassified  
5 form, but may include a classified annex.

6 **SEC. 3148. STUDY ON A MULTIAGENCY GOVERNANCE**  
7 **MODEL FOR NATIONAL SECURITY LABORA-**  
8 **TORIES.**

9 (a) INDEPENDENT ASSESSMENT.—

10 (1) IN GENERAL.—The Administrator for Nu-  
11 clear Security shall commission an independent as-  
12 sessment regarding the transition of the national se-  
13 curity laboratories to multiagency federally funded  
14 research and development centers with direct  
15 sustainment and sponsorship by multiple national  
16 security agencies. The organization selected to con-  
17 duct the independent assessment shall have recog-  
18 nized credentials and expertise in national security  
19 science and engineering laboratories.

20 (2) BACKGROUND MATERIAL.—The assessment  
21 shall leverage previous studies, including—

22 (A) the report published in 2009 by the  
23 Stimson Center titled “Leveraging Science for  
24 Security: A Strategy for the Nuclear Weapons  
25 Laboratories in the 21st Century”; and

1 (B) the Phase 1 report published in 2012  
2 by the National Academy of Sciences titled  
3 “Managing for High-Quality Science and Engi-  
4 neering at the NNSA National Security labora-  
5 tories”.

6 (3) ELEMENTS.—The assessment conducted  
7 pursuant to paragraph (1) shall include the fol-  
8 lowing elements:

9 (A) An assessment of a new governance  
10 structure that—

11 (i) gives multiple national security  
12 agencies, including the Department of De-  
13 fense, the Department of Homeland Secu-  
14 rity, the Department of Energy, and the  
15 intelligence community, direct sponsorship  
16 of the national security laboratories as fed-  
17 erally funded research and development  
18 centers so that such agencies have more di-  
19 rect and rapid access to the assets avail-  
20 able at the laboratories and the responsi-  
21 bility to provide sustainable support for the  
22 science and technology needs of the agen-  
23 cies at the laboratories;

24 (ii) reduces costs to the Federal Gov-  
25 ernment for the use of the resources of the

1 laboratories, while enhancing the steward-  
2 ship of these national resources and maxi-  
3 mizing their service to the Nation;

4 (iii) enhances the overall quality of  
5 the scientific research and engineering ca-  
6 pability of the laboratories, including their  
7 ability to recruit and retain top scientists  
8 and engineers; and

9 (iv) maintains as paramount the capa-  
10 bilities required to support the nuclear  
11 stockpile stewardship and related nuclear  
12 missions.

13 (B) A recommendation as to which, if any,  
14 other laboratories associated with any national  
15 security agency should be included in the new  
16 governance structure.

17 (C) Options for implementing the new gov-  
18 ernance structure that minimize disruption of  
19 performance and costs to the government while  
20 rapidly achieving anticipated gains.

21 (D) Legislative changes and executive ac-  
22 tions that would need to be made in order to  
23 implement the new governance structure.

24 (b) REPORT.—



1 (b) PROCESS.—If the assessment of the Council in  
2 the report under subsection (a) is that excess facilities or  
3 duplicative functions exist and seeking efficiencies in the  
4 facilities and functions of the Administration is feasible  
5 and would reduce cost, the report shall include rec-  
6 ommendations for a process to determine the manner in  
7 which such efficiencies should be accomplished, including  
8 an estimate of the time required to complete the process.

9 (c) LIMITATION ON AVAILABILITY OF CERTAIN  
10 FUNDS PENDING REPORT.—Amounts authorized to be  
11 appropriated by this title and available for the facility  
12 projects in the Department of Energy Readiness and  
13 Technical Base designated 04–D–125 and 06–D–141 may  
14 not be obligated or expended for CD–3, Start of Construc-  
15 tion (as found in Department of Energy Order 413.3 B  
16 Program and Project Management for the Acquisition of  
17 Capital Assets), until the submittal under subsection (a)  
18 of the report required by that subsection.

19 **SEC. 3150. STUDY ON REGIONAL RADIOLOGICAL SECURITY**  
20 **ZONES.**

21 (a) STUDY.—

22 (1) IN GENERAL.—Not later than 180 days  
23 after the date of the enactment of this Act, the  
24 Comptroller General of the United States shall sub-

1 mit to the appropriate congressional committees a  
2 study in accordance with paragraph (3).

3 (2) CONSULTATION.—The Comptroller General  
4 may, in conducting the study required under para-  
5 graph (1), consult with the Secretary of Energy, the  
6 Secretary of Homeland Security, the Secretary of  
7 State, the Nuclear Regulatory Commission, and such  
8 other departments and agencies of the United States  
9 Government as the Comptroller General considers  
10 appropriate.

11 (3) MATTERS INCLUDED.—The study under  
12 paragraph (1) shall include the following:

13 (A) An assessment of the radioactive iso-  
14 topes and associated activity levels that present  
15 the greatest risk to national and international  
16 security.

17 (B) A review of current efforts by the Fed-  
18 eral Government to secure radiological mate-  
19 rials abroad, including coordination with foreign  
20 governments, the European Union, the Inter-  
21 national Atomic Energy Agency, other inter-  
22 national programs, and nongovernmental orga-  
23 nizations that identify, register, secure, remove,  
24 and provide for the disposition of high-risk ra-  
25 diological materials worldwide.

1 (C) A review of current efforts of the Fed-  
2 eral Government to secure radiological mate-  
3 rials domestically at civilian sites, including hos-  
4 pitals, industrial sites, and other locations.

5 (D) A definition of regional radiological se-  
6 curity zones, including the subset of the mate-  
7 rials of concern to be the immediate focus and  
8 the security best practices required to achieve  
9 that goal.

10 (E) An assessment of the feasibility, cost,  
11 desirability, and added benefit of establishing  
12 regional radiological security zones in high pri-  
13 ority areas worldwide in order to facilitate re-  
14 gional collaboration in—

15 (i) identifying and inventorying high-  
16 activity radiological sources at high-risk  
17 sites;

18 (ii) reviewing national level regula-  
19 tions, inspections, transportation security,  
20 and security upgrade options; and

21 (iii) assessing opportunities for the  
22 harmonization of regulations and security  
23 practices among the nations of the region.

24 (F) An assessment of the feasibility, cost,  
25 desirability, and added benefit of establishing

1 remote regional monitoring centers that would  
2 receive real-time data from radiological security  
3 sites, would be staffed by trained personnel  
4 from the countries in the region, and would  
5 alert local law enforcement in the event of a po-  
6 tential or actual terrorist incident or other  
7 emergency.

8 (G) An assessment of the feasibility and  
9 cost of securing radiological materials in the  
10 United States and through regional monitoring  
11 centers, taking into account the threat and con-  
12 sequences of a terrorist attack using fissile ma-  
13 terials as compared to the threat and con-  
14 sequences of a terrorist attack using radio-  
15 logical materials.

16 (H) A list and assessment of the best prac-  
17 tices used in the United States that are most  
18 critical in enhancing domestic radiological mate-  
19 rial security and could be used to enhance radi-  
20 ological security worldwide.

21 (I) An assessment of the United States en-  
22 tity or entities that would be best suited to lead  
23 efforts to establish a radiological security zone  
24 program.

1           (J) An estimate of the costs associated  
2 with the implementation of a radiological secu-  
3 rity zone program.

4           (K) An assessment of the known locations  
5 outside the United States housing high-risk ra-  
6 diological materials in excess of 1,000 curies.

7           (L) An assessment of how efforts to secure  
8 radiological materials might impact the avail-  
9 able resources, capabilities, and capacity of the  
10 United States that would be used to secure  
11 fissile materials.

12           (4) FORM.—The study required under para-  
13 graph (1) shall be submitted in unclassified form,  
14 but may include a classified annex.

15           (b) APPROPRIATE CONGRESSIONAL COMMITTEES  
16 DEFINED.—In this section, the term “appropriate con-  
17 gressional committees” means—

18           (1) the Committee on Armed Services, the  
19 Committee on Homeland Security and Governmental  
20 Affairs, and the Committee on Foreign Relations of  
21 the Senate; and

22           (2) the Committee on Armed Services, the  
23 Committee on Homeland Security, and the Com-  
24 mittee on Foreign Affairs of the House of Rep-  
25 resentatives.

1 **SEC. 3151. REPORT ON ABANDONED URANIUM MINES.**

2 (a) REPORT.—

3 (1) IN GENERAL.—The Secretary of Energy, in  
4 consultation with the Secretary of the Interior and  
5 the Administrator of the Environmental Protection  
6 Agency, shall undertake a review of, and prepare a  
7 report on, abandoned uranium mines in the United  
8 States that provided uranium ore for atomic energy  
9 defense activities of the United States.

10 (2) MATTERS TO BE ADDRESSED.—The report  
11 shall describe and analyze—

12 (A) the location of the abandoned uranium  
13 mines described in paragraph (1) on Federal,  
14 State, tribal, and private land, taking into ac-  
15 count any existing inventories undertaken by  
16 Federal agencies, States, and Indian tribes, and  
17 any additional information available to the Sec-  
18 retary;

19 (B) the extent to which the abandoned  
20 uranium mines—

21 (i) pose, or may pose, a significant ra-  
22 diation hazard or other significant threat  
23 to public health and safety; and

24 (ii) have caused, or may cause, signifi-  
25 cant water quality degradation or other en-  
26 vironmental degradation;

1 (C) a ranking of priority by category for  
2 the remediation and reclamation of the aban-  
3 doned uranium mines;

4 (D) the potential cost and feasibility of re-  
5 mediating and reclaiming, in accordance with  
6 applicable Federal law, each category of aban-  
7 doned uranium mines; and

8 (E) the status of any efforts to remediate  
9 and reclaim abandoned uranium mines.

10 (b) CONSULTATION.—In preparing the report under  
11 subsection (a), the Secretary shall consult with any other  
12 relevant Federal agencies, affected States and Indian  
13 tribes, and interested members of the public.

14 (c) REPORT TO CONGRESS.—

15 (1) IN GENERAL.—Not later than 18 months  
16 after the date of the enactment of this Act, the Sec-  
17 retary shall submit to the appropriate congressional  
18 committees the report under subsection (a)(1).

19 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
20 TEES DEFINED.—In this subsection, the term “ap-  
21 propriate congressional committees” means—

22 (A) the Committees on Armed Services of  
23 the Senate and the House of Representatives;  
24 and

1 (B) the Committee on Energy and Natural  
2 Resources of the Senate, the Committee on En-  
3 ergy and Commerce of the House of Represent-  
4 atives, and the Committee on Natural Re-  
5 sources of the House of Representatives.

6 (d) CONSTRUCTION.—Nothing in this section may be  
7 construed to affect any responsibility or liability of the  
8 Federal Government, a State, an Indian tribe, or a person  
9 with respect to the remediation of an abandoned uranium  
10 mine.

## 11 **Subtitle E—Other Matters**

### 12 **SEC. 3161. USE OF PROBABILISTIC RISK ASSESSMENT TO** 13 **ENSURE NUCLEAR SAFETY.**

14 (a) IN GENERAL.—Subtitle C of title XLVI of the  
15 Atomic Energy Defense Act (50 U.S.C. 2731 et seq.) is  
16 amended by adding at the end the following new section:

17 **“SEC. 4645. USE OF PROBABILISTIC RISK ASSESSMENT TO**  
18 **ENSURE NUCLEAR SAFETY OF FACILITIES OF**  
19 **THE ADMINISTRATION AND THE OFFICE OF**  
20 **ENVIRONMENTAL MANAGEMENT.**

21 “(a) NUCLEAR SAFETY AT NNSA AND DOE FACILI-  
22 TIES.—The Administrator and the Secretary of Energy  
23 shall ensure that the methods for assessing, certifying,  
24 and overseeing nuclear safety at the facilities specified in  
25 subsection (c) use national and international standards

1 and nuclear industry best practices, including probabilistic  
2 or quantitative risk assessment if sufficient data exist.

3 “(b) ADEQUATE PROTECTION.—The use of prob-  
4 abilistic or quantitative risk assessment under subsection  
5 (a) shall be to support, rather than replace, the require-  
6 ment under section 182 of the Atomic Energy Act of 1954  
7 (42 U.S.C. 2232) that the utilization or production of spe-  
8 cial nuclear material will be in accordance with the com-  
9 mon defense and security and will provide adequate pro-  
10 tection to the health and safety of the public.

11 “(c) FACILITIES SPECIFIED.—Subsection (a) shall  
12 apply—

13 “(1) to the Administrator with respect to the  
14 national security laboratories and the nuclear weap-  
15 ons production facilities; and

16 “(2) to the Secretary of Energy with respect to  
17 defense nuclear facilities of the Office of Environ-  
18 mental Management of the Department of Energy.”.

19 (b) CLERICAL AMENDMENT.—The table of contents  
20 at the beginning of such Act is amended by inserting after  
21 the item relating to section 4644 the following new item:

“Sec. 4645. Use of probabilistic risk assessment to ensure nuclear safety of fa-  
cilities of the Administration and the Office of Environmental  
Management.”.

1 **SEC. 3162. SUBMITTAL TO CONGRESS OF SELECTED ACQUI-**  
2 **SITION REPORTS AND INDEPENDENT COST**  
3 **ESTIMATES ON LIFE EXTENSION PROGRAMS**  
4 **AND NEW NUCLEAR FACILITIES.**

5 (a) SUBMITTAL REQUIRED.—Subtitle A of title XLII  
6 of the Atomic Energy Defense Act (50 U.S.C. 2521 et  
7 seq.) is amended by inserting after section 4216, as added  
8 by section 3141(a), the following new section:

9 **“SEC. 4217. SELECTED ACQUISITION REPORTS AND INDE-**  
10 **PENDENT COST ESTIMATES ON LIFE EXTEN-**  
11 **SION PROGRAMS AND NEW NUCLEAR FACILI-**  
12 **TIES.**

13 “(a) SELECTED ACQUISITION REPORTS.—(1) At the  
14 end of each fiscal-year quarter, the Secretary of Energy,  
15 acting through the Administrator, shall submit to the con-  
16 gressional defense committees a report on each nuclear  
17 weapon system undergoing life extension. The reports  
18 shall be known as Selected Acquisition Reports for the  
19 weapon system concerned.

20 “(2) The information contained in the Selected Ac-  
21 quisition Report for a fiscal-year quarter for a nuclear  
22 weapon system shall be the information contained in the  
23 Selected Acquisition Report for such fiscal-year quarter  
24 for a major defense acquisition program under section  
25 2432 of title 10, United States Code, expressed in terms  
26 of the nuclear weapon system.

1           “(b) INDEPENDENT COST ESTIMATES.—(1) The Sec-  
2 retary, acting through the Administrator, shall submit to  
3 the congressional defense committees and the Nuclear  
4 Weapons Council established under section 179 of title 10,  
5 United States Code, an independent cost estimate of the  
6 following:

7           “(A) Each nuclear weapon system undergoing  
8 life extension at the completion of phase 6.2A, relat-  
9 ing to design definition and cost study.

10           “(B) Each nuclear weapon system undergoing  
11 life extension before initiation of phase 6.5, relating  
12 to first production.

13           “(C) Each new nuclear facility within the nu-  
14 clear security enterprise that is estimated to cost  
15 more than \$500,000,000 before such facility  
16 achieves critical decision 2 in the acquisition process.

17           “(2) A cost estimate for purposes of this subsection  
18 may not be prepared by the Department of Energy or the  
19 Administration.

20           “(c) AUTHORITY FOR FURTHER ASSESSMENTS.—  
21 Upon the request of the Administrator, the Secretary of  
22 Defense, acting through the Director of Cost Assessment  
23 and Program Evaluation and in consultation with the Ad-  
24 ministrator, may conduct an independent cost assessment

1 of any initiative or program of the Administration that  
2 is estimated to cost more than \$500,000,000.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 at the beginning of such Act is amended by inserting after  
5 the item relating to 4216, as added by section 3141(b),  
6 the following new item:

“Sec. 4217. Selected Acquisition Reports and independent cost estimates on life  
extension programs and new nuclear facilities.”.

7 **SEC. 3163. CLASSIFICATION OF CERTAIN RESTRICTED**  
8 **DATA.**

9 Section 142 of the Atomic Energy Act of 1954 (42  
10 U.S.C. 2162) is amended—

11 (1) in subsection d.—

12 (A) by inserting “(1)” before “The Com-  
13 mission”; and

14 (B) by adding at the end the following:

15 “(2) The Commission may restore to the Restricted  
16 Data category any information related to the design of nu-  
17 clear weapons removed under paragraph (1) if the Com-  
18 mission and the Department of Defense jointly determine  
19 that—

20 “(A) the programmatic requirements that  
21 caused the information to be removed from the Re-  
22 stricted Data category are no longer applicable or  
23 have diminished;

1           “(B) the information would be more appro-  
2           priately protected as Restricted Data; and

3           “(C) restoring the information to the Restricted  
4           Data category is in the interest of national security.

5           “(3) In carrying out paragraph (2), information re-  
6           lated to the design of nuclear weapons shall be restored  
7           to the Restricted Data category in accordance with regula-  
8           tions prescribed for purposes of such paragraph.”; and

9           (2) in subsection e.—

10           (A) by inserting “(1)” before “The Com-  
11           mission”;

12           (B) by striking “Central” and inserting  
13           “National”; and

14           (C) by adding at the end the following:

15           “(2) The Commission may restore to the Restricted  
16           Data category any information concerning atomic energy  
17           programs of other nations removed under paragraph (1)  
18           if the Commission and the Director of National Intel-  
19           ligence jointly determine that—

20           “(A) the programmatic requirements that  
21           caused the information to be removed from the Re-  
22           stricted Data category are no longer applicable or  
23           have diminished;

24           “(B) the information would be more appro-  
25           priately protected as Restricted Data; and

1           “(C) restoring the information to the Restricted  
2           Data category is in the interest of national security.

3           “(3) In carrying out paragraph (2), information con-  
4           cerning atomic energy programs of other nations shall be  
5           restored to the Restricted Data category in accordance  
6           with regulations prescribed for purposes of such para-  
7           graph.”.

8   **SEC. 3164. ADVICE TO PRESIDENT AND CONGRESS REGARD-**  
9                           **ING SAFETY, SECURITY, AND RELIABILITY OF**  
10                          **UNITED STATES NUCLEAR WEAPONS STOCK-**  
11                          **PILE AND NUCLEAR FORCES.**

12           (a) IN GENERAL.—Section 1305 of the National De-  
13           fense Authorization Act for Fiscal Year 1998 (42 U.S.C.  
14           7274p) is—

15                   (1) transferred to the Atomic Energy Defense  
16           Act (50 U.S.C. 2501 et seq.);

17                   (2) inserted after section 4217 of such Act, as  
18           added by section 3162(a);

19                   (3) redesignated as section 4218; and

20                   (4) amended by amending subsection (f) to read  
21           as follows:

22           “(f) EXPRESSION OF INDIVIDUAL VIEWS.—

23                   “(1) IN GENERAL.—No individual, including  
24           representatives of the President, may take any ac-  
25           tion against, or otherwise constrain, a director of a

1 national security laboratory or a nuclear weapons  
2 production facility, a member of the Nuclear Weap-  
3 ons Council established under section 179 of title  
4 10, United States Code, or the Commander of the  
5 United States Strategic Command from presenting  
6 the professional views of the director, member, or  
7 Commander, as the case may be, to the President,  
8 the National Security Council, or Congress regard-  
9 ing—

10 “(A) the safety, security, reliability, or  
11 credibility of the nuclear weapons stockpile and  
12 nuclear forces; or

13 “(B) the status of, and plans for, the capa-  
14 bilities and infrastructure that support and sus-  
15 tain the nuclear weapons stockpile and nuclear  
16 forces.

17 “(2) CONSTRUCTION.—Nothing in paragraph  
18 (1)(B) may be construed to affect the interagency  
19 budget process.”.

20 (b) CONFORMING AMENDMENTS.—Section 4218 of  
21 the Atomic Energy Defense Act, as added by subsection  
22 (a), is amended—

23 (1) by striking “nuclear weapons laboratories”  
24 each place it appears and inserting “national secu-  
25 rity laboratories”;

1           (2) by striking “nuclear weapons laboratory”  
2           each place it appears and inserting “national secu-  
3           rity laboratory”;

4           (3) by striking “nuclear weapons production  
5           plants” each place it appears and inserting “nuclear  
6           weapons production facilities”;

7           (4) by striking “nuclear weapons production  
8           plant” each place it appears and inserting “nuclear  
9           weapons production facility”; and

10          (5) by amending subsection (g) to read as fol-  
11          lows:

12          “(g) REPRESENTATIVE OF THE PRESIDENT DE-  
13          FINED.—In this section, the term ‘representative of the  
14          President’ means the following:

15                 “(1) Any official of the Department of Defense  
16                 or the Department of Energy who is appointed by  
17                 the President and confirmed by the Senate.

18                 “(2) Any member or official of the National Se-  
19                 curity Council.

20                 “(3) Any member or official of the Joint Chiefs  
21                 of Staff.

22                 “(4) Any official of the Office of Management  
23                 and Budget.”.

24          (c) CLERICAL AMENDMENT.—The table of contents  
25          at the beginning of the Atomic Energy Defense Act is

1 amended by inserting after the item relating to section  
2 4217, as added by section 3162(b), the following new item:

“Sec. 4218. Advice to President and Congress regarding safety, security, and  
reliability of United States nuclear weapons stockpile.”.

3 **SEC. 3165. PILOT PROGRAM ON TECHNOLOGY COMMER-**  
4 **CIALIZATION.**

5 (a) PILOT PROGRAM.—The Secretary of Energy, in  
6 consultation with the Technology Transfer Coordinator  
7 appointed under section 1001(a) of the Energy Policy Act  
8 of 2005 (42 U.S.C. 16391(a)), may carry out a pilot pro-  
9 gram at a national security laboratory for the purpose of  
10 accelerating technology transfer from such laboratories to  
11 the marketplace with respect to technologies that directly  
12 advance the mission of the National Nuclear Security Ad-  
13 ministration.

14 (b) TERMINATION.—The authority to carry out the  
15 pilot program under subsection (a) shall terminate on the  
16 date that is two years after the date of the enactment of  
17 this Act.

18 (c) REPORTS.—

19 (1) IN GENERAL.—Not later than one year  
20 after the date of the enactment of this Act, the Sec-  
21 retary shall submit to the appropriate congressional  
22 committees a report on the pilot program under sub-  
23 section (a).

1           (2) ELEMENTS.—The report under paragraph  
2 (1) shall include the following:

3           (A) An identification of opportunities for  
4 accelerating technology transfer from national  
5 security laboratories to the marketplace.

6           (B) If the Secretary chooses to carry out  
7 the pilot program under subsection (a), a de-  
8 scription of the plan to carry out such program.

9           (C) If the Secretary chooses not to carry  
10 out the pilot program under subsection (a), a  
11 description of why the program will not be car-  
12 ried out.

13 (d) DEFINITIONS.—In this section:

14           (1) The term “appropriate congressional com-  
15 mittees” means the following:

16           (A) The Committees on Armed Services of  
17 the Senate and House of Representatives.

18           (B) The Committee on Commerce, Science,  
19 and Transportation of the Senate and the Com-  
20 mittee on Science, Space, and Technology of  
21 the House of Representatives.

22           (C) The Committee on Energy and Nat-  
23 ural Resources of the Senate and the Com-  
24 mittee on Energy and Commerce of the House  
25 of Representatives.

1           (2) The term “national security laboratory” has  
2           the meaning given that term in section 3281 of the  
3           National Nuclear Security Administration Act (50  
4           U.S.C. 2471).

5   **SEC. 3166. CONGRESSIONAL ADVISORY PANEL ON THE GOV-**  
6                           **ERNANCE OF THE NUCLEAR SECURITY EN-**  
7                           **TERPRISE.**

8           (a) ESTABLISHMENT.—There is established a con-  
9           gressional advisory panel to be known as the “Congres-  
10          sional Advisory Panel on the Governance of the Nuclear  
11          Security Enterprise” (in this section referred to as the  
12          “advisory panel”). The purpose of the advisory panel is  
13          to examine options and make recommendations for revis-  
14          ing the governance structure, mission, and management  
15          of the nuclear security enterprise.

16          (b) COMPOSITION AND MEETINGS.—

17                  (1) MEMBERSHIP.—The advisory panel shall be  
18          composed of 12 members appointed as follows:

19                          (A) Two by the chairman of the Committee  
20                          on Armed Services of the House of Representa-  
21                          tives.

22                          (B) Two by the ranking minority member  
23                          of the Committee on Armed Services of the  
24                          House of Representatives.

1 (C) Two by the chairman of the Committee  
2 on Armed Services of the Senate.

3 (D) Two by the ranking minority member  
4 of the Committee on Armed Services of the  
5 Senate.

6 (E) One by the Speaker of the House of  
7 Representatives.

8 (F) One by the minority leader of the  
9 House of Representatives.

10 (G) One by the majority leader of the Sen-  
11 ate.

12 (H) One by the minority leader of the Sen-  
13 ate.

14 (2) CO-CHAIRMEN.—Two members of the advi-  
15 sory panel shall serve as co-chairmen of the advisory  
16 panel. The co-chairmen shall be designated as fol-  
17 lows:

18 (A) The chairman of the Committee on  
19 Armed Services of the House of Representatives  
20 and the ranking minority member of the Com-  
21 mittee on Armed Services of the Senate, in con-  
22 sultation with the Speaker of the House of Rep-  
23 resentatives and the minority leader of the Sen-  
24 ate, shall jointly designate one member of the

1 advisory panel to serve as co-chairman of the  
2 advisory panel.

3 (B) The chairman of the Committee on  
4 Armed Services of the Senate and the ranking  
5 minority member of the Committee on Armed  
6 Services of the House of Representatives, in  
7 consultation with the majority leader of the  
8 Senate and the minority leader of the House of  
9 Representatives, shall jointly designate one  
10 member of the advisory panel to serve as co-  
11 chairman of the advisory panel.

12 (3) SECURITY CLEARANCE REQUIRED.—Each  
13 individual appointed as a member of the advisory  
14 panel shall possess (or have recently possessed be-  
15 fore the date of such appointment) the appropriate  
16 security clearance necessary to carry out the duties  
17 of the advisory panel.

18 (4) PERIOD OF APPOINTMENT; VACANCIES.—  
19 Each member of the advisory panel shall be ap-  
20 pointed for the life of the advisory panel. Any va-  
21 cancy in the advisory panel shall be filled in the  
22 same manner as the original appointment.

23 (5) MEETINGS.—The advisory panel shall com-  
24 mence its first meeting by not later than March 1,

1       2013, so long as at least two members have been ap-  
2       pointed under paragraph (1) by such date.

3       (c) COOPERATION FROM GOVERNMENT.—

4           (1) COOPERATION.—The advisory panel shall  
5       receive the full and timely cooperation of the Sec-  
6       retary of Defense, the Secretary of Energy, and any  
7       other Federal official in providing the advisory panel  
8       with analyses, briefings, and other information, in-  
9       cluding access to classified information, necessary  
10      for the advisory panel to carry out its duties under  
11      this section. With respect to access to classified in-  
12      formation, the Director of National Intelligence may  
13      determine which information is necessary under this  
14      paragraph.

15          (2) LIAISON.—The following heads of Federal  
16      agencies shall each designate at least one officer or  
17      employee of the respective agency to serve as a liai-  
18      son officer between the agency and the advisory  
19      panel:

20                  (A) The Secretary of State.

21                  (B) The Secretary of Defense.

22                  (C) The Secretary of Energy.

23                  (D) The Secretary of Homeland Security.

24                  (E) The Director of National Intelligence.

25      (d) REPORTS REQUIRED.—

1           (1) INTERIM REPORT.—Not later than 180  
2 days after the date of the enactment of this Act, the  
3 advisory panel shall submit to the President, the  
4 Secretary of Defense, the Secretary of Energy, the  
5 Committees on Armed Services and Energy and  
6 Natural Resources of the Senate, and the Commit-  
7 tees on Armed Services and Energy and Commerce  
8 of the House of Representatives an interim report on  
9 the initial findings, conclusions, and recommenda-  
10 tions of the advisory panel. To the extent prac-  
11 ticable, the interim report shall address the matters  
12 described in paragraph (2) and focus on the imme-  
13 diate, near-term actions the advisory panel rec-  
14 ommends be taken.

15           (2) REPORT.—Not later than February 1,  
16 2014, the advisory panel shall submit to the Presi-  
17 dent, the Secretary of Defense, the Secretary of En-  
18 ergy, the Committees on Armed Services and Energy  
19 and Natural Resources of the Senate, and the Com-  
20 mittees on Armed Services and Energy and Com-  
21 merce of the House of Representatives a report on  
22 the findings, conclusions, and recommendations of  
23 the advisory panel. The report shall include the fol-  
24 lowing:

1 (A) An assessment of each option consid-  
2 ered by the advisory panel for revising the gov-  
3 ernance structure, mission, and management of  
4 the nuclear security enterprise, including the  
5 advantages, disadvantages, costs, risks, and  
6 benefits of each such option.

7 (B) The recommendation of the advisory  
8 panel with respect to the most appropriate gov-  
9 ernance structure, mission, and management of  
10 the nuclear security enterprise.

11 (C) Recommendations of the advisory  
12 panel with respect to—

13 (i) the appropriate missions of the nu-  
14 clear security enterprise, including how  
15 complementary missions should be man-  
16 aged while ensuring focus on core missions;

17 (ii) the organization and structure of  
18 the nuclear security enterprise and the  
19 Federal agency responsible for such enter-  
20 prise;

21 (iii) the roles, responsibilities, and au-  
22 thorities of Federal agencies, Federal offi-  
23 cials, the national security laboratories and  
24 nuclear weapons production facilities, and  
25 the directors of such laboratories and fa-

1 cilities, including mechanisms for holding  
2 such officials and directors accountable;

3 (iv) the allocation of roles and respon-  
4 sibilities with respect to the mission, oper-  
5 ations, safety, and security of the nuclear  
6 security enterprise;

7 (v) the relationships among the Fed-  
8 eral agency responsible for the nuclear se-  
9 curity enterprise and the National Security  
10 Council, the Nuclear Weapons Council, the  
11 Department of Energy, the Department of  
12 Defense, and other Federal agencies;

13 (vi) the interagency planning, pro-  
14 gramming, and budgeting process for the  
15 nuclear security enterprise;

16 (vii) the appropriate means for man-  
17 aging and overseeing the nuclear security  
18 enterprise, including the role of federally  
19 funded research and development centers,  
20 the role and impact of various contracting  
21 and fee structures, the appropriate role of  
22 contract competition and nonprofit and  
23 for-profit contractors, and the use of per-  
24 formance-based and transactional over-  
25 sight;

1 (viii) the appropriate means for ensur-  
2 ing the health of the intellectual capital of  
3 the nuclear security enterprise, including  
4 recruitment and retention of personnel and  
5 enhancement of a robust professional cul-  
6 ture of excellence;

7 (ix) the appropriate means for ensur-  
8 ing the health and sustainment of the crit-  
9 ical capabilities and physical infrastructure  
10 of the nuclear security enterprise;

11 (x) infrastructure, rules, regulations,  
12 best practices, standards, and appropriate  
13 oversight mechanisms to ensure robust  
14 protection of the health and safety of  
15 workers and the public while also providing  
16 such workers the ability to effectively and  
17 efficiently carry out their mission;

18 (xi) the appropriate congressional  
19 committee structure for oversight of the  
20 nuclear security enterprise;

21 (xii) the length of the terms and sug-  
22 gested qualifications for senior officials of  
23 the Federal agency responsible for the nu-  
24 clear security enterprise;

1 (xiii) contracting, budget planning,  
2 program management, and regulatory  
3 changes to reduce the cost of programs  
4 and administration without eroding mis-  
5 sion effectiveness or requirements and en-  
6 suring robust protection of the health and  
7 safety of workers and the public; and

8 (xiv) statutory, regulatory, and policy  
9 changes necessary for implementing the  
10 recommendations of the advisory panel.

11 (D) An assessment of if and how the rec-  
12 ommendations of the advisory panel will lead to  
13 greater mission focus and more effective and ef-  
14 ficient program management for the nuclear se-  
15 curity enterprise.

16 (E) Any other information or recommenda-  
17 tions relating to the future of the nuclear secu-  
18 rity enterprise that the advisory panel considers  
19 appropriate.

20 (e) FUNDING.—Of the amounts authorized to be ap-  
21 propriated by this Act or otherwise made available for fis-  
22 cal year 2013 for the Department of Defense, not more  
23 than \$3,000,000 shall be made available to the advisory  
24 panel to carry out this section.

1 (f) TERMINATION.—The advisory panel shall termi-  
2 nate not later than June 1, 2014.

3 (g) DEFINITIONS.—In this section:

4 (1) The term “national security laboratory” has  
5 the meaning given that term in section 4002(6) of  
6 the Atomic Energy Defense Act, as amended by sec-  
7 tion 3131(a).

8 (2) The term “nuclear security enterprise” has  
9 the meaning given that term in section 4002(5) of  
10 the Atomic Energy Defense Act, as amended by sec-  
11 tion 3131(a).

12 (3) The term “nuclear weapons production fa-  
13 cility” has the meaning given that term in section  
14 4002(7) of the Atomic Energy Defense Act, as  
15 amended by section 3131(a).

## 16 **Subtitle F—American Medical** 17 **Isotopes Production**

### 18 **SEC. 3171. SHORT TITLE.**

19 This subtitle may be cited as the “American Medical  
20 Isotopes Production Act of 2012”.

### 21 **SEC. 3172. DEFINITIONS.**

22 In this subtitle:

23 (1) DEPARTMENT.—The term “Department”  
24 means the Department of Energy.

1           (2) HIGHLY ENRICHED URANIUM.—The term  
2           “highly enriched uranium” means uranium enriched  
3           to 20 percent or greater in the isotope U-235.

4           (3) LOW ENRICHED URANIUM.—The term “low  
5           enriched uranium” means uranium enriched to less  
6           than 20 percent in the isotope U-235.

7           (4) SECRETARY.—The term “Secretary” means  
8           the Secretary of Energy.

9   **SEC. 3173. IMPROVING THE RELIABILITY OF DOMESTIC**  
10                           **MEDICAL ISOTOPE SUPPLY.**

11           (a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

12                   (1) IN GENERAL.—The Secretary shall carry  
13                   out a technology-neutral program—

14                           (A) to evaluate and support projects for  
15                           the production in the United States, without  
16                           the use of highly enriched uranium, of signifi-  
17                           cant quantities of molybdenum-99 for medical  
18                           uses;

19                           (B) to be carried out in cooperation with  
20                           non-Federal entities; and

21                           (C) the costs of which shall be shared in  
22                           accordance with section 988 of the Energy Pol-  
23                           icy Act of 2005 (42 U.S.C. 16352).

24                   (2) CRITERIA.—Projects shall be evaluated  
25                   against the following primary criteria:

1 (A) The length of time necessary for the  
2 proposed project to begin production of molyb-  
3 denum-99 for medical uses within the United  
4 States.

5 (B) The capability of the proposed project  
6 to produce a significant percentage of United  
7 States demand for molybdenum-99 for medical  
8 uses.

9 (C) The capability of the proposed project  
10 to produce molybdenum-99 in a cost-effective  
11 manner.

12 (D) The cost of the proposed project.

13 (3) EXEMPTION.—An existing reactor in the  
14 United States fueled with highly enriched uranium  
15 shall not be disqualified from the program if the  
16 Secretary determines that—

17 (A) there is no alternative nuclear reactor  
18 fuel, enriched in the isotope U-235 to less than  
19 20 percent, that can be used in that reactor;

20 (B) the reactor operator has provided as-  
21 surances that, whenever an alternative nuclear  
22 reactor fuel, enriched in the isotope U-235 to  
23 less than 20 percent, can be used in that reac-  
24 tor, it will use that alternative in lieu of highly  
25 enriched uranium; and

1 (C) the reactor operator has provided a  
2 current report on the status of its efforts to  
3 convert the reactor to an alternative nuclear re-  
4 actor fuel enriched in the isotope U-235 to less  
5 than 20 percent, and an anticipated schedule  
6 for completion of conversion.

7 (4) PUBLIC PARTICIPATION AND REVIEW.—The  
8 Secretary shall—

9 (A) develop a program plan and annually  
10 update the program plan through public work-  
11 shops; and

12 (B) use the Nuclear Science Advisory  
13 Committee to conduct annual reviews of the  
14 progress made in achieving the program goals  
15 and make recommendations to improve program  
16 effectiveness.

17 (b) DEVELOPMENT ASSISTANCE.—The Secretary  
18 shall carry out a program to provide assistance for—

19 (1) the development of fuels, targets, and proc-  
20 esses for domestic molybdenum-99 production that  
21 do not use highly enriched uranium; and

22 (2) commercial operations using the fuels, tar-  
23 gets, and processes described in paragraph (1).

24 (c) URANIUM LEASE AND TAKE-BACK.—

1           (1) IN GENERAL.—The Secretary shall establish  
2 a program to make low enriched uranium available,  
3 through lease contracts, for irradiation for the pro-  
4 duction of molybdenum-99 for medical uses.

5           (2) TITLE.—The lease contracts shall provide  
6 for the producers of the molybdenum-99 to take title  
7 to and be responsible for the molybdenum-99 created  
8 by the irradiation, processing, or purification of ura-  
9 nium leased under this section.

10          (3) DUTIES.—

11           (A) SECRETARY.—The lease contracts  
12 shall require the Secretary—

13                   (i) to retain responsibility for the final  
14 disposition of spent nuclear fuel created by  
15 the irradiation, processing, or purification  
16 of uranium leased under this section for  
17 the production of medical isotopes; and

18                   (ii) to take title to and be responsible  
19 for the final disposition of radioactive  
20 waste created by the irradiation, proc-  
21 essing, or purification of uranium leased  
22 under this section for which the Secretary  
23 determines the producer does not have ac-  
24 cess to a disposal path.

1 (B) PRODUCER.—The producer of the  
2 spent nuclear fuel and radioactive waste shall  
3 accurately characterize, appropriately package,  
4 and transport the spent nuclear fuel and radio-  
5 active waste prior to acceptance by the Depart-  
6 ment.

7 (4) COMPENSATION.—

8 (A) IN GENERAL.—Subject to subpara-  
9 graph (B), the lease contracts shall provide for  
10 compensation in cash amounts equivalent to  
11 prevailing market rates for the sale of com-  
12 parable uranium products and for compensation  
13 in cash amounts equivalent to the net present  
14 value of the cost to the Federal Government  
15 for—

16 (i) the final disposition of spent nu-  
17 clear fuel and radioactive waste for which  
18 the Department is responsible under para-  
19 graph (3); and

20 (ii) other costs associated with car-  
21 rying out the uranium lease and take-back  
22 program authorized by this subsection.

23 (B) DISCOUNT RATE.—The discount rate  
24 used to determine the net present value of costs  
25 described in subparagraph (A)(ii) shall be not

1 greater than the average interest rate on mar-  
2 ketable Treasury securities.

3 (5) AUTHORIZED USE OF FUNDS.—Subject to  
4 the availability of appropriations, the Secretary may  
5 obligate and expend funds received under leases en-  
6 tered into under this subsection, which shall remain  
7 available until expended, for the purpose of carrying  
8 out the activities authorized by this subtitle, includ-  
9 ing activities related to the final disposition of spent  
10 nuclear fuel and radioactive waste for which the De-  
11 partment is responsible under paragraph (3).

12 (6) EXCHANGE OF URANIUM FOR SERVICES.—  
13 The Secretary shall not barter or otherwise sell or  
14 transfer uranium in any form in exchange for—

15 (A) services related to the final disposition  
16 of the spent nuclear fuel and radioactive waste  
17 for which the Department is responsible under  
18 paragraph (3); or

19 (B) any other services associated with car-  
20 rying out the uranium lease and take-back pro-  
21 gram authorized by this subsection.

22 (d) COORDINATION OF ENVIRONMENTAL RE-  
23 VIEWS.—The Department and the Nuclear Regulatory  
24 Commission shall ensure to the maximum extent prac-  
25 ticable that environmental reviews for the production of

1 the medical isotopes shall complement and not duplicate  
2 each review.

3 (e) OPERATIONAL DATE.—The Secretary shall estab-  
4 lish a program as described in subsection (c)(3) not later  
5 than 3 years after the date of enactment of this Act.

6 (f) RADIOACTIVE WASTE.—Notwithstanding section  
7 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
8 10101), radioactive material resulting from the production  
9 of medical isotopes that has been permanently removed  
10 from a reactor or subcritical assembly and for which there  
11 is no further use shall be considered low-level radioactive  
12 waste if the material is acceptable under Federal require-  
13 ments for disposal as low-level radioactive waste.

14 **SEC. 3174. EXPORTS.**

15 Section 134 of the Atomic Energy Act of 1954 (42  
16 U.S.C. 2160d) is amended by striking subsection c. and  
17 inserting the following:

18 “c. MEDICAL PRODUCTION LICENSE SUNSET.—Ef-  
19 fective 7 years after the date of enactment of the Amer-  
20 ican Medical Isotopes Production Act of 2012, the Com-  
21 mission may not issue a license for the export of highly  
22 enriched uranium from the United States for the purposes  
23 of medical isotope production.

24 “d. MEDICAL PRODUCTION LICENSE EXTENSION.—  
25 The period referred to in subsection c. may be extended

1 for no more than 6 years if, no earlier than 6 years after  
2 the date of enactment of the American Medical Isotopes  
3 Production Act of 2012, the Secretary of Energy certifies  
4 to the Committee on Energy and Commerce of the House  
5 of Representatives and the Committee on Energy and  
6 Natural Resources of the Senate that—

7           “(1) there is insufficient global supply of molyb-  
8           denum-99 produced without the use of highly en-  
9           riched uranium available to satisfy the domestic  
10          United States market; and

11          “(2) the export of United States-origin highly  
12          enriched uranium for the purposes of medical iso-  
13          tope production is the most effective temporary  
14          means to increase the supply of molybdenum-99 to  
15          the domestic United States market.

16          “e. PUBLIC NOTICE.—To ensure public review and  
17          comment, the development of the certification described  
18          in subsection d. shall be carried out through announce-  
19          ment in the Federal Register.

20          “f. JOINT CERTIFICATION.—

21                 “(1) IN GENERAL.—In accordance with para-  
22                 graph (2), the ban on the export of highly enriched  
23                 uranium for purposes of medical isotope production  
24                 referred to in subsections c. and d. shall not go into  
25                 effect unless the Secretary of Energy and the Sec-

1       retary of Health and Human Services have jointly  
2       certified that—

3               “(A) there is a sufficient supply of molyb-  
4               denum-99 produced without the use of highly  
5               enriched uranium available to meet the needs of  
6               patients in the United States; and

7               “(B) it is not necessary to export United  
8               States-origin highly enriched uranium for the  
9               purposes of medical isotope production in order  
10              to meet United States patient needs.

11             “(2) TIME OF CERTIFICATION.—The joint cer-  
12             tification under paragraph (1) shall be made not  
13             later than 7 years after the date of enactment of the  
14             American Medical Isotopes Production Act of 2012,  
15             except that, if the period referred to in subsection c.  
16             is extended under subsection d., the 7-year deadline  
17             under this paragraph shall be extended by a period  
18             equal to the period of such extension under sub-  
19             section d.

20             “g. SUSPENSION OF MEDICAL PRODUCTION LI-  
21             CENSE.—At any time after the restriction of export li-  
22             censes provided for in subsection c. becomes effective, if  
23             there is a critical shortage in the supply of molybdenum-  
24             99 available to satisfy the domestic United States medical

1 isotope needs, the restriction of export licenses may be  
2 suspended for a period of no more than 12 months, if—

3           “(1) the Secretary of Energy certifies to the  
4 Congress that the export of United States-origin  
5 highly enriched uranium for the purposes of medical  
6 isotope production is the only effective temporary  
7 means to increase the supply of molybdenum-99 nec-  
8 essary to meet United States medical isotope needs  
9 during that period; and

10           “(2) the Congress enacts a Joint Resolution ap-  
11 proving the temporary suspension of the restriction  
12 of export licenses.

13           “h. DEFINITIONS.—As used in this section—

14           “(1) the term ‘alternative nuclear reactor fuel  
15 or target’ means a nuclear reactor fuel or target  
16 which is enriched to less than 20 percent in the iso-  
17 tope U-235;

18           “(2) the term ‘highly enriched uranium’ means  
19 uranium enriched to 20 percent or more in the iso-  
20 tope U-235;

21           “(3) a fuel or target ‘can be used’ in a nuclear  
22 research or test reactor if—

23           “(A) the fuel or target has been qualified  
24 by the Reduced Enrichment Research and Test

1           Reactor Program of the Department of Energy;  
2           and

3           “(B) use of the fuel or target will permit  
4           the large majority of ongoing and planned ex-  
5           periments and medical isotope production to be  
6           conducted in the reactor without a large per-  
7           centage increase in the total cost of operating  
8           the reactor; and

9           “(4) the term ‘medical isotope’ includes molyb-  
10          denum-99, iodine-131, xenon-133, and other radio-  
11          active materials used to produce a radiopharma-  
12          ceutical for diagnostic or therapeutic procedures or  
13          for research and development.”.

14   **SEC. 3175. REPORT ON DISPOSITION OF EXPORTS.**

15          Not later than 1 year after the date of the enactment  
16          of this Act, the Chairman of the Nuclear Regulatory Com-  
17          mission, after consulting with other relevant agencies,  
18          shall submit to the Congress a report detailing the current  
19          disposition of previous United States exports of highly en-  
20          riched uranium used as fuel or targets in a nuclear re-  
21          search or test reactor, including—

- 22                 (1) their location;  
23                 (2) whether they are irradiated;  
24                 (3) whether they have been used for the pur-  
25          pose stated in their export license;

1           (4) whether they have been used for an alter-  
2           native purpose and, if so, whether such alternative  
3           purpose has been explicitly approved by the Commis-  
4           sion;

5           (5) the year of export, and reimportation, if ap-  
6           plicable;

7           (6) their current physical and chemical forms;  
8           and

9           (7) whether they are being stored in a manner  
10          which adequately protects against theft and unau-  
11          thorized access.

12 **SEC. 3176. DOMESTIC MEDICAL ISOTOPE PRODUCTION.**

13          (a) IN GENERAL.—Chapter 10 of the Atomic Energy  
14 Act of 1954 (42 U.S.C. 2131 et seq.) is amended by add-  
15 ing at the end the following:

16          “SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUC-  
17 TION.—

18          “a. The Commission may issue a license, or grant an  
19 amendment to an existing license, for the use in the  
20 United States of highly enriched uranium as a target for  
21 medical isotope production in a nuclear reactor, only if,  
22 in addition to any other requirement of this Act—

23                 “(1) the Commission determines that—

1           “(A) there is no alternative medical isotope  
2           production target that can be used in that reac-  
3           tor; and

4           “(B) the proposed recipient of the medical  
5           isotope production target has provided assur-  
6           ances that, whenever an alternative medical iso-  
7           tope production target can be used in that reac-  
8           tor, it will use that alternative in lieu of highly  
9           enriched uranium; and

10          “(2) the Secretary of Energy has certified that  
11          the United States Government is actively supporting  
12          the development of an alternative medical isotope  
13          production target that can be used in that reactor.

14          “b. As used in this section—

15                 “(1) the term ‘alternative medical isotope pro-  
16                 duction target’ means a nuclear reactor target which  
17                 is enriched to less than 20 percent of the isotope U-  
18                 235;

19                 “(2) a target ‘can be used’ in a nuclear re-  
20                 search or test reactor if—

21                         “(A) the target has been qualified by the  
22                         Reduced Enrichment Research and Test Reac-  
23                         tor Program of the Department of Energy; and

24                         “(B) use of the target will permit the large  
25                         majority of ongoing and planned experiments

1 and medical isotope production to be conducted  
2 in the reactor without a large percentage in-  
3 crease in the total cost of operating the reactor;

4 “(3) the term ‘highly enriched uranium’ means  
5 uranium enriched to 20 percent or more in the iso-  
6 tope U-235; and

7 “(4) the term ‘medical isotope’ includes molyb-  
8 denum-99, iodine-131, xenon-133, and other radio-  
9 active materials used to produce a radiopharma-  
10 ceutical for diagnostic or therapeutic procedures or  
11 for research and development.”

12 (b) TABLE OF CONTENTS.—The table of contents for  
13 the Atomic Energy Act of 1954 is amended by inserting  
14 the following new item at the end of the items relating  
15 to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”

16 **SEC. 3177. ANNUAL DEPARTMENT REPORTS.**

17 (a) IN GENERAL.—Not later than 1 year after the  
18 date of enactment of this Act, and annually thereafter for  
19 5 years, the Secretary shall report to Congress on Depart-  
20 ment actions to support the production in the United  
21 States, without the use of highly enriched uranium, of mo-  
22 lybdenum-99 for medical uses.

23 (b) CONTENTS.—The reports shall include the fol-  
24 lowing:

25 (1) For medical isotope development projects—

1 (A) the names of any recipients of Depart-  
2 ment support under section 3173;

3 (B) the amount of Department funding  
4 committed to each project;

5 (C) the milestones expected to be reached  
6 for each project during the year for which sup-  
7 port is provided;

8 (D) how each project is expected to sup-  
9 port the increased production of molybdenum-  
10 99 for medical uses;

11 (E) the findings of the evaluation of  
12 projects under section 3173(a)(2); and

13 (F) the ultimate use of any Department  
14 funds used to support projects under section  
15 3173.

16 (2) A description of actions taken in the pre-  
17 vious year by the Secretary to ensure the safe dis-  
18 position of spent nuclear fuel and radioactive waste  
19 for which the Department is responsible under sec-  
20 tion 3173(c).

21 **SEC. 3178. NATIONAL ACADEMY OF SCIENCES REPORT.**

22 (a) IN GENERAL.—The Secretary shall enter into an  
23 arrangement with the National Academy of Sciences to  
24 conduct a study of the state of molybdenum-99 production

1 and utilization, to be provided to Congress not later than  
2 5 years after the date of enactment of this Act.

3 (b) CONTENTS.—The report shall include the fol-  
4 lowing:

5 (1) For molybdenum-99 production—

6 (A) a list of all facilities in the world pro-  
7 ducing molybdenum-99 for medical uses, includ-  
8 ing an indication of whether these facilities use  
9 highly enriched uranium in any way;

10 (B) a review of international production of  
11 molybdenum-99 over the previous 5 years, in-  
12 cluding—

13 (i) whether any new production was  
14 brought online;

15 (ii) whether any facilities halted pro-  
16 duction unexpectedly; and

17 (iii) whether any facilities used for  
18 production were decommissioned or other-  
19 wise permanently removed from service;  
20 and

21 (C) an assessment of progress made in the  
22 previous 5 years toward establishing domestic  
23 production of molybdenum-99 for medical uses,  
24 including the extent to which other medical iso-  
25 topes that have been produced with molyb-

1 denum-99, such as iodine-131 and xenon-133,  
2 are being used for medical purposes.

3 (2) An assessment of the progress made by the  
4 Department and others to eliminate all worldwide  
5 use of highly enriched uranium in reactor fuel, reac-  
6 tor targets, and medical isotope production facilities.

7 **TITLE XXXII—DEFENSE NU-**  
8 **CLEAR FACILITIES SAFETY**  
9 **BOARD**

Sec. 3201. Authorization.

Sec. 3202. Improvements to the Defense Nuclear Facilities Safety Board.

10 **SEC. 3201. AUTHORIZATION.**

11 There are authorized to be appropriated for fiscal  
12 year 2013, \$29,415,000 for the operation of the Defense  
13 Nuclear Facilities Safety Board under chapter 21 of the  
14 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

15 **SEC. 3202. IMPROVEMENTS TO THE DEFENSE NUCLEAR FA-**  
16 **CILITIES SAFETY BOARD.**

17 (a) ESTABLISHMENT.—Section 311 of the Atomic  
18 Energy Act of 1954 (42 U.S.C. 2286) is amended—

19 (1) in subsection (b), by striking paragraph (4);

20 (2) in subsection (c)—

21 (A) in the heading, by striking “AND VICE  
22 CHAIRMAN” and inserting “, VICE CHAIRMAN,  
23 AND MEMBERS”;

1 (B) in paragraph (2), by striking “The  
2 Chairman” and inserting “In accordance with  
3 paragraph (5), the Chairman”; and

4 (C) by adding at the end the following new  
5 paragraph:

6 “(5) Each member of the Board, including the Chair-  
7 man and Vice Chairman, shall—

8 “(A) have equal responsibility and authority in  
9 establishing decisions and determining actions of the  
10 Board;

11 “(B) have full access to all information relating  
12 to the performance of the Board’s functions, powers,  
13 and mission; and

14 “(C) have one vote.”.

15 (b) MISSION AND FUNCTIONS.—

16 (1) IN GENERAL.—Section 312 of the Atomic  
17 Energy Act of 1954 (42 U.S.C. 2286a) is amend-  
18 ed—

19 (A) in the heading, by inserting “**MISSION**  
20 **AND**” before “**FUNCTIONS**”;

21 (B) by redesignating subsections (a) and  
22 (b) as subsections (b) and (c), respectively;

23 (C) by inserting before subsection (b), as  
24 redesignated by subparagraph (B), the fol-  
25 lowing new subsection (a):

1       “(a) MISSION.—The mission of the Board shall be  
2 to provide independent analysis, advice, and recommenda-  
3 tions to the Secretary of Energy to inform the Secretary,  
4 in the role of the Secretary as operator and regulator of  
5 the defense nuclear facilities of the Department of Energy,  
6 in providing adequate protection of public health and safe-  
7 ty at such defense nuclear facilities.”; and

8               (D) in subsection (b), as so redesignated—

9                       (i) in the heading, by striking “IN  
10 GENERAL” and inserting “FUNCTIONS”;

11                      and

12                       (ii) in paragraph (5), by inserting “,  
13 and specifically assess risk (whenever suffi-  
14 cient data exists),” after “shall consider”.

15       (2) CLERICAL AMENDMENT.—The table of con-  
16 tents for the Atomic Energy Act of 1954 is amended  
17 by striking the item relating to section 312 and in-  
18 serting the following new item:

“Sec. 312. Mission and functions of the Board.”.

19       (c) BOARD RECOMMENDATIONS.—

20               (1) IN GENERAL.—Section 315 of the Atomic  
21 Energy Act of 1954 (42 U.S.C. 2286d) is amend-  
22 ed—

23                       (A) by redesignating subsections (a)  
24 through (h) as subsections (b) through (i), re-  
25 spectively;

1 (B) by inserting before subsection (b), as  
2 redesignated by subparagraph (A), the following  
3 new subsection:

4 “(a) SUBMISSION OF RECOMMENDATIONS.—(1) Sub-  
5 ject to subsections (h) and (i), not later than 30 days be-  
6 fore the date on which the Board transmits a rec-  
7 ommendation to the Secretary of Energy under section  
8 312, the Board shall transmit to the Secretary in writing  
9 a draft of such recommendation and any related findings,  
10 supporting data, and analyses to ensure the Secretary is  
11 adequately informed of a formal recommendation and to  
12 provide the Secretary an opportunity to provide input to  
13 the Board before such recommendation is finalized.

14 “(2) The Secretary may provide to the Board com-  
15 ments on a draft recommendation transmitted by the  
16 Board under paragraph (1) by not later than 30 days after  
17 the date on which the Secretary receives the draft rec-  
18 ommendation. The Board may grant, upon request by the  
19 Secretary, additional time for the Secretary to transmit  
20 comments to the Board.

21 “(3) After the period of time in which the Secretary  
22 may provide comments under paragraph (2) elapses, the  
23 Board may transmit a final recommendation to the Sec-  
24 retary.”; and

1 (C) by amending subsection (b), as so re-  
2 designated, to read as follows:

3 “(b) PUBLIC AVAILABILITY AND COMMENT.—Sub-  
4 ject to subsections (h) and (i), after the Secretary of En-  
5 ergy receives a recommendation from the Board under  
6 subsection (a)(3), the Board shall promptly make available  
7 to the public such recommendation and any related cor-  
8 respondence from the Secretary by—

9 “(1) providing such recommendation and cor-  
10 respondence to the public in the regional public  
11 reading rooms of the Department of Energy; and

12 “(2) publishing in the Federal Register—

13 “(A) such recommendation and cor-  
14 respondence; and

15 “(B) a request for the submission to the  
16 Board of public comments on such rec-  
17 ommendation that provides interested persons  
18 with 30 days after the date of the publication  
19 in which to submit comments, data, views, or  
20 arguments to the Board concerning the rec-  
21 ommendation.”.

22 (2) TECHNICAL AND CONFORMING AMEND-  
23 MENTS.—Such section 315 is further amended—

24 (A) in subsection (c), as redesignated by  
25 paragraph (1)(A)—

1 (i) in paragraph (1), by striking “sub-  
2 section (a)” and inserting “subsection  
3 (b)”;

4 (ii) in paragraph (2), by striking  
5 “subsection (h)” and inserting “subsection  
6 (i)”;

7 (B) in subsection (d), as so redesignated,  
8 by striking “subsection (a) or (b)” and insert-  
9 ing “subsection (b) or (c)”;

10 (C) in subsection (e), as so redesignated—

11 (i) by striking “subsection (b)(1)” and  
12 inserting “subsection (c)(1)”;

13 (ii) by striking “subsection (h)” and  
14 inserting “subsection (i)”;

15 (D) in subsection (g), as so redesignated—

16 (i) in paragraph (1), as so redesign-  
17 ated, by striking “subsection (e)” and in-  
18 serting “subsection (f)”;

19 (ii) in paragraph (2), by striking “, to  
20 the Committees on Armed Services and on  
21 Appropriations of the Senate, and to the  
22 Speaker of the House of Representatives”  
23 and inserting “and to such committees”;

24 (E) in subsection (h), as so redesignated—

1 (i) in paragraph (1), as so redesign-  
2 nated, by striking “through (d)” and in-  
3 sserting “through (e)”; and

4 (ii) in paragraph (3), by striking “and  
5 the Speaker”; and

6 (F) by striking “Committees on Armed  
7 Services and on Appropriations of the Senate  
8 and to the Speaker of the House of Representa-  
9 tives” each place it appears and inserting  
10 “Committees on Armed Services, Appropria-  
11 tions, and Energy and Commerce of the House  
12 of Representatives and the Committees on  
13 Armed Services, Appropriations, and Energy  
14 and Natural Resources of the Senate”.

15 (d) REPORTS.—Section 316 of the Atomic Energy  
16 Act of 1954 (42 U.S.C. 2286e) is amended by striking  
17 “Committees on Armed Services and on Appropriations of  
18 the Senate and to the Speaker of the House of Represent-  
19 atives” each place it appears and inserting “Committees  
20 on Armed Services, Appropriations, and Energy and Com-  
21 merce of the House of Representatives and the Commit-  
22 tees on Armed Services, Appropriations, and Energy and  
23 Natural Resources of the Senate”.

1 (e) INFORMATION TO CONGRESS.—Section 320 of the  
2 Atomic Energy Act of 1954 (42 U.S.C. 2286h–1) is  
3 amended—

4 (1) by striking “submitted to the Congress”  
5 and inserting “submitted to the Committees on  
6 Armed Services, Appropriations, and Energy and  
7 Commerce of the House of Representatives and the  
8 Committees on Armed Services, Appropriations, and  
9 Energy and Natural Resources of the Senate”; and  
10 (2) by striking “the Congress.” and inserting  
11 “such committees.”.

12 (f) INSPECTOR GENERAL.—

13 (1) IN GENERAL.—Chapter 21 of the Atomic  
14 Energy Act of 1954 (42 U.S.C. 2286 et seq.) is  
15 amended by adding at the end the following new sec-  
16 tion:

17 **“SEC. 322. INSPECTOR GENERAL.**

18 “(a) IN GENERAL.—Not later than October 1, 2013,  
19 the Board shall enter into an agreement with an agency  
20 of the Federal Government to procure the services of the  
21 Inspector General of such agency for the Board, in accord-  
22 ance with the Inspector General Act of 1978 (5 U.S.C.  
23 App.). Such Inspector General shall have expertise relat-  
24 ing to the mission of the Board.

1       “(b) BUDGET.—In the budget materials submitted to  
2 the President by the Board in connection with the submis-  
3 sion to Congress, pursuant to section 1105 of title 31,  
4 United States Code, of the budget for each fiscal year,  
5 the Board shall ensure that a separate, dedicated procure-  
6 ment line item is designated for the services of an Inspec-  
7 tor General under subsection (a).”.

8           (2) CLERICAL AMENDMENT.—The table of con-  
9 tents for the Atomic Energy Act of 1954 is amended  
10 by inserting after the item relating to section 321  
11 the following new item:

“Sec. 322. Inspector General.”.

12       (g) TECHNICAL AMENDMENT.—Section 313(j)(2) of  
13 the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is  
14 amended by striking “section” and all that follows through  
15 “implementation” and inserting “section 312(b)(1), the  
16 implementation”.

17       (h) SAFETY STANDARDS.—Nothing in this section or  
18 in the amendments made by this section shall be construed  
19 to cause a reduction in nuclear safety standards.

20                   **TITLE XXXIV—NAVAL**  
21                   **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

22       **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

23       (a) AMOUNT.—There are hereby authorized to be ap-  
24 propriated to the Secretary of Energy \$14,909,000 for fis-

1 cal year 2013 for the purpose of carrying out activities  
2 under chapter 641 of title 10, United States Code, relating  
3 to the naval petroleum reserves.

4 (b) PERIOD OF AVAILABILITY.—Funds appropriated  
5 pursuant to the authorization of appropriations in sub-  
6 section (a) shall remain available until expended.

7 **TITLE XXXV—MARITIME**  
8 **ADMINISTRATION**

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.

Sec. 3502. Application of the Federal Acquisition Regulation.

Sec. 3503. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.

Sec. 3504. Donation of excess fuel to maritime academies.

Sec. 3505. Clarification of heading.

Sec. 3506. Transfer of vessels to the National Defense Reserve Fleet.

Sec. 3507. Amendments relating to the National Defense Reserve Fleet.

Sec. 3508. Extension of Maritime Security Fleet program.

Sec. 3509. Container-on-barge transportation.

Sec. 3510. Short sea transportation.

Sec. 3511. Maritime environmental and technical assistance.

Sec. 3512. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.

Sec. 3513. Maritime workforce study.

Sec. 3514. Maritime administration vessel recycling contract award practices.

Sec. 3515. Requirement for barge design.

Sec. 3516. Eligibility to receive surplus training equipment.

Sec. 3517. Coordination with other laws.

9 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NA-**  
10 **TIONAL SECURITY ASPECTS OF THE MER-**  
11 **CHANT MARINE FOR FISCAL YEAR 2013.**

12 Funds are hereby authorized to be appropriated for  
13 fiscal year 2013, to be available without fiscal year limita-  
14 tion if so provided in appropriations Acts, for the use of  
15 the Department of Transportation for Maritime Adminis-

1 tration programs associated with maintaining national se-  
2 curity aspects of the merchant marine, as follows:

3 (1) For expenses necessary for operations of the  
4 United States Merchant Marine Academy,  
5 \$77,253,000, of which—

6 (A) \$67,253,000 shall remain available  
7 until expended for Academy operations; and

8 (B) \$10,000,000 shall remain available  
9 until expended for capital asset management at  
10 the Academy.

11 (2) For expenses necessary to support the State  
12 maritime academies, \$16,045,000, of which—

13 (A) \$2,400,000 shall remain available until  
14 expended for student incentive payments;

15 (B) \$2,545,000 shall remain available until  
16 expended for direct payments to such acad-  
17 emies; and

18 (C) \$11,100,000 shall remain available  
19 until expended for maintenance and repair of  
20 State maritime academy training vessels.

21 (3) For expenses necessary to dispose of vessels  
22 in the National Defense Reserve Fleet, \$12,717,000,  
23 to remain available until expended.

24 (4) For expenses to maintain and preserve a  
25 United States-flag merchant marine to serve the na-

1 tional security needs of the United States under  
2 chapter 531 of title 46, United States Code,  
3 \$186,000,000.

4 (5) For the cost (as defined in section 502(5)  
5 of the Federal Credit Reform Act of 1990 (2 U.S.C.  
6 661a(5)) of loan guarantees under the program au-  
7 thorized by chapter 537 of title 46, United States  
8 Code, \$3,750,000, all of which shall remain available  
9 until expended for administrative expenses of the  
10 program.

11 **SEC. 3502. APPLICATION OF THE FEDERAL ACQUISITION**  
12 **REGULATION.**

13 Section 3502(b) of the Floyd D. Spence National De-  
14 fense Authorization Act for Fiscal Year 2001, as enacted  
15 into law by Public Law 106–398 (114 Stat. 1654A–490),  
16 is amended by striking “the enactment of this Act” and  
17 inserting “contract award”.

18 **SEC. 3503. LIMITATION OF NATIONAL DEFENSE RESERVE**  
19 **FLEET VESSELS TO THOSE OVER 1,500 GROSS**  
20 **TONS.**

21 Section 57101(a) of title 46, United States Code, is  
22 amended by inserting “of 1,500 gross tons or more or such  
23 other vessels as the Secretary of Transportation shall de-  
24 termine are appropriate” after “Administration”.

1 **SEC. 3504. DONATION OF EXCESS FUEL TO MARITIME**  
2 **ACADEMIES.**

3 Section 51103(b) of title 46, United States Code, is  
4 amended by striking so much as precedes paragraph (2)  
5 and inserting the following:

6 “(b) PROPERTY FOR INSTRUCTIONAL PURPOSES.—

7 “(1) IN GENERAL.—The Secretary of Transpor-  
8 tation may cooperate with and assist the institutions  
9 named in paragraph (2) by making vessels, fuel,  
10 shipboard equipment, and other marine equipment,  
11 owned by the United States Government and deter-  
12 mined by the entity having custody and control of  
13 such property to be excess or surplus, available to  
14 those institutions for instructional purposes, by gift,  
15 loan, sale, lease, or charter on terms and conditions  
16 the Secretary considers appropriate. The consent of  
17 the Secretary of the Navy shall be obtained with re-  
18 spect to any property from National Defense Re-  
19 serve Fleet vessels (50 U.S.C. App. 1744) where  
20 such vessels are either Ready Reserve Force vessels  
21 or other National Defense Reserve Fleet vessels de-  
22 termined to be of sufficient value to the Navy to  
23 warrant their further preservation and retention.”.

1 **SEC. 3505. CLARIFICATION OF HEADING.**

2 (a) IN GENERAL.—The section designation and head-  
3 ing for section 57103 of title 46, United States Code, is  
4 amended to read as follows:

5 **“§ 57103. Donation of nonretention vessels in the Na-  
6 tional Defense Reserve Fleet”.**

7 (b) CLERICAL AMENDMENT.—The analysis for chap-  
8 ter 571 of title 46, United States Code, is amended by  
9 striking the item relating to section 57103 and inserting  
10 the following:

“57103. Donation of nonretention vessels in the National Defense Reserve  
Fleet.”.

11 **SEC. 3506. TRANSFER OF VESSELS TO THE NATIONAL DE-  
12 FENSE RESERVE FLEET.**

13 Section 57101 of title 46, United States Code, is  
14 amended by adding at the end the following:

15 **“(c) AUTHORITY OF FEDERAL ENTITIES TO TRANS-  
16 FER VESSELS.—All Federal entities are authorized to  
17 transfer vessels to the National Defense Reserve Fleet  
18 without reimbursement subject to the approval of the Sec-  
19 retary of Transportation and the Secretary of the Navy  
20 with respect to Ready Reserve Force vessels and the Sec-  
21 retary of Transportation with respect to all other vessels.”.**

1 **SEC. 3507. AMENDMENTS RELATING TO THE NATIONAL DE-**  
2 **FENSE RESERVE FLEET.**

3 Subparagraphs (B), (C), and (D) of section 11(e)(1)  
4 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App.  
5 1744(e)(1)) are amended to read as follows:

6 “(B) activate and conduct sea trials on  
7 each vessel at a frequency that is deemed nec-  
8 essary;

9 “(C) maintain and adequately crew, as  
10 necessary, in an enhanced readiness status  
11 those vessels that are scheduled to be activated  
12 in 5 or less days;

13 “(D) locate those vessels that are sched-  
14 uled to be activated near embarkation ports  
15 specified for those vessels; and”.

16 **SEC. 3508. EXTENSION OF MARITIME SECURITY FLEET PRO-**  
17 **GRAM.**

18 (a) DEFINITIONS.—Section 53101 of title 46, United  
19 States Code, is amended—

20 (1) by amending paragraph (4) to read as fol-  
21 lows:

22 “(4) FOREIGN COMMERCE.—The term ‘foreign  
23 commerce’ means—

24 “(A) commerce or trade between the  
25 United States, its territories or possessions, or

1 the District of Columbia, and a foreign country;  
2 and

3 “(B) commerce or trade between foreign  
4 countries.”;

5 (2) by striking paragraph (5);

6 (3) by redesignating paragraphs (6) through  
7 (13) as paragraphs (5) through (12), respectively;  
8 and

9 (4) by amending paragraph (5), as so redesign-  
10 nated, to read as follows:

11 “(5) PARTICIPATING FLEET VESSEL.—The  
12 term ‘participating fleet vessel’ means any vessel  
13 that—

14 “(A) on October 1, 2015—

15 “(i) meets the requirements of para-  
16 graph (1), (2), (3), or (4) of section  
17 53102(c); and

18 “(ii) is less than 20 years of age if the  
19 vessel is a tank vessel, or is less than 25  
20 years of age for all other vessel types; and

21 “(B) on December 31, 2014, is covered by  
22 an operating agreement under this chapter.”.

23 (b) VESSEL ELIGIBILITY.—Section 53102(b) of such  
24 title is amended to read as follows:

1       “(b) VESSEL ELIGIBILITY.—A vessel is eligible to be  
2 included in the Fleet if—

3           “(1) the vessel meets the requirements of para-  
4 graph (1), (2), (3), or (4) of subsection (c);

5           “(2) the vessel is operated (or in the case of a  
6 vessel to be constructed, will be operated) in pro-  
7 viding transportation in foreign commerce;

8           “(3) the vessel is self-propelled and—

9           “(A) is a tank vessel that is 10 years of  
10 age or less on the date the vessel is included in  
11 the Fleet; or

12           “(B) is any other type of vessel that is 15  
13 years of age or less on the date the vessel is in-  
14 cluded in the Fleet;

15           “(4) the vessel—

16           “(A) is suitable for use by the United  
17 States for national defense or military purposes  
18 in time of war or national emergency, as deter-  
19 mined by the Secretary of Defense; and

20           “(B) is commercially viable, as determined  
21 by the Secretary; and

22           “(5) the vessel—

23           “(A) is a United States-documented vessel;  
24 or

1           “(B) is not a United States-documented  
2 vessel, but—

3           “(i) the owner of the vessel has dem-  
4 onstrated an intent to have the vessel doc-  
5 umented under chapter 121 of this title if  
6 it is included in the Fleet; and

7           “(ii) at the time an operating agree-  
8 ment for the vessel is entered into under  
9 this chapter, the vessel is eligible for docu-  
10 mentation under chapter 121 of this  
11 title.”.

12       (c) OPERATING AGREEMENTS.—Section 53103 of  
13 such title is amended—

14           (1) by amending subsection (b) to read as fol-  
15 lows:

16       “(b) EXTENSION OF EXISTING OPERATING AGREE-  
17 MENTS.—

18           “(1) OFFER TO EXTEND.—Not later than 60  
19 days after the date of enactment of this paragraph,  
20 the Secretary shall offer, to an existing contractor,  
21 to extend, through September 30, 2025, an oper-  
22 ating agreement that is in existence on the date of  
23 enactment of this paragraph. The terms and condi-  
24 tions of the extended operating agreement shall in-

1       clude terms and conditions authorized under this  
2       chapter, as amended from time to time.

3               “(2) TIME LIMIT.—An existing contractor shall  
4       have not later than 120 days after the date the Sec-  
5       retary offers to extend an operating agreement to  
6       agree to the extended operating agreement.

7               “(3) SUBSEQUENT AWARD.—The Secretary  
8       may award an operating agreement to an applicant  
9       that is eligible to enter into an operating agreement  
10      for fiscal years 2016 through 2025 if the existing  
11      contractor does not agree to the extended operating  
12      agreement under paragraph (2).”; and

13              (2) by amending subsection (c) to read as fol-  
14      lows:

15              “(c) PROCEDURE FOR AWARDING NEW OPERATING  
16      AGREEMENTS.—The Secretary may enter into a new oper-  
17      ating agreement with an applicant that meets the require-  
18      ments of section 53102(c) (for vessels that meet the quali-  
19      fications of section 53102(b)) on the basis of priority for  
20      vessel type established by military requirements of the  
21      Secretary of Defense. The Secretary shall allow an appli-  
22      cant at least 30 days to submit an application for a new  
23      operating agreement. After consideration of military re-  
24      quirements, priority shall be given to an applicant that  
25      is a United States citizen under section 50501 of this title.

1 The Secretary may not approve an application without the  
2 consent of the Secretary of Defense. The Secretary shall  
3 enter into an operating agreement with the applicant or  
4 provide a written reason for denying the application.”.

5 (d) REPEAL OF EARLY TERMINATION BY CON-  
6 TRACTOR.—Section 53104 of such title is amended—

7 (1) in subsection (c), by striking paragraph (3);

8 and

9 (2) in subsection (e), by striking “an operating  
10 agreement under this chapter is terminated under  
11 subsection (c)(3), or if”.

12 (e) TRANSFER OF OPERATING AGREEMENTS.—Sec-  
13 tion 53105 of such title is amended—

14 (1) by amending subsection (e) to read as fol-  
15 lows:

16 “(e) TRANSFER OF OPERATING AGREEMENTS.—A  
17 contractor under an operating agreement may transfer the  
18 agreement (including all rights and obligations under the  
19 operating agreement) to any person that is eligible to  
20 enter into the operating agreement under this chapter if  
21 the Secretary and the Secretary of Defense determine that  
22 the transfer is in the best interests of the United States.  
23 A transaction shall not be considered a transfer of an op-  
24 erating agreement if the same legal entity with the same

1 vessels remains the contracting party under the operating  
2 agreement.”; and

3 (2) by amending subsection (f) to read as fol-  
4 lows:

5 “(f) REPLACEMENT VESSELS.—A contractor may re-  
6 place a vessel under an operating agreement with another  
7 vessel that is eligible to be included in the Fleet under  
8 section 53102(b), if the Secretary, in conjunction with the  
9 Secretary of Defense, approves the replacement of the ves-  
10 sel.”.

11 (f) PAYMENTS.—Section 53106 of such title is  
12 amended—

13 (1) in subsection (a)(1), by striking “and” after  
14 the semicolon at the end of subparagraph (B), and  
15 by striking subparagraph (C) and inserting the fol-  
16 lowing:

17 “(C) \$3,100,000 for each of fiscal years  
18 2012, 2013, 2014, 2015, 2016, 2017, and  
19 2018;

20 “(D) \$3,500,000 for each of fiscal years  
21 2019, 2020, and 2021; and

22 “(E) \$3,700,000 for each of fiscal years  
23 2022, 2023, 2024, and 2025.”;

1           (2) in subsection (c)(3)(C), by striking “a  
2 LASH vessel.” and inserting “a lighter aboard ship  
3 vessel.”; and

4           (3) by striking subsection (f).

5           (g) EMERGENCY PREPAREDNESS AGREEMENTS.—  
6 Section 53107(b)(1) of such title is amended to read as  
7 follows:

8           “(1) IN GENERAL.—An Emergency Prepared-  
9 ness Agreement under this section shall require that  
10 a contractor for a vessel covered by an operating  
11 agreement under this chapter shall make commercial  
12 transportation resources (including services) avail-  
13 able, upon request by the Secretary of Defense dur-  
14 ing a time of war or national emergency, or when-  
15 ever the Secretary of Defense determines that it is  
16 necessary for national security or contingency oper-  
17 ation (as that term is defined in section 101 of title  
18 10, United States Code).”.

19           (h) REPEAL OF WAIVER OF AGE RESTRICTION.—  
20 Section 53109 of such title is repealed.

21           (i) AUTHORIZATION OF APPROPRIATIONS.—Section  
22 53111 of such title is amended—

23           (1) by striking “and” at the end of paragraph  
24           (2); and

1           (2) by amending paragraph (3) to read as fol-  
2           lows:

3           “(3) \$186,000,000 for each of fiscal years  
4           2012, 2013, 2014, 2015, 2016, 2017, and 2018;

5           “(4) \$210,000,000 for each of fiscal years  
6           2019, 2020, and 2021; and

7           “(5) \$222,000,000 for each fiscal year there-  
8           after through fiscal year 2025.”.

9           (j) **EFFECTIVE DATE OF AMENDMENTS.**—The  
10          amendments made by—

11           (1) paragraphs (2), (3), and (4) of subsection  
12          (a) take effect on December 31, 2014; and

13           (2) subsection (f)(2) take effect on December  
14          31, 2014.

15          **SEC. 3509. CONTAINER-ON-BARGE TRANSPORTATION.**

16          (a) **ASSESSMENT.**—The Maritime Administrator  
17          shall assess the potential for using container-on-barge  
18          transportation in short sea transportation (as such term  
19          is defined in section 55605 of title 46, United States  
20          Code).

21          (b) **FACTORS.**—In conducting the assessment under  
22          subsection (a), the Administrator shall consider—

23           (1) the environmental benefits of increasing  
24          container-on-barge movements in short sea transpor-  
25          tation;

1           (2) the regional differences in the use of short  
2 sea transportation;

3           (3) the existing programs established at coastal  
4 and Great Lakes ports for establishing awareness of  
5 deep sea shipping operations;

6           (4) the mechanisms necessary to ensure that  
7 implementation of a plan under subsection (c) will  
8 not be inconsistent with antitrust laws; and

9           (5) the potential frequency of container-on-  
10 barge service at short sea transportation ports.

11       (c) **RECOMMENDATIONS.**—The assessment under  
12 subsection (a) may include recommendations for a plan  
13 to increase awareness of the potential for use of container-  
14 on-barge transportation.

15       (d) **DEADLINE.**—Not later than 180 days after the  
16 date of enactment of this title, the Administrator shall  
17 submit the assessment required under this section to the  
18 Committee on Commerce, Science, and Transportation of  
19 the Senate and the Committee on Transportation and In-  
20 frastructure of the House of Representatives.

21 **SEC. 3510. SHORT SEA TRANSPORTATION.**

22       (a) **PURPOSE.**—Section 55601 of title 46, United  
23 States Code, is amended—

1 (1) in subsection (a), by striking “landside con-  
2 gestion.” and inserting “landside congestion or to  
3 promote short sea transportation.”;

4 (2) in subsection (c), by striking “coastal cor-  
5 ridors” and inserting “coastal corridors or to pro-  
6 mote short sea transportation”;

7 (3) in subsection (d), by striking “that the  
8 project may” and all that follows through the end of  
9 the subsection and inserting “that the project uses  
10 documented vessels and—

11 “(1) mitigates landside congestion; or

12 “(2) promotes short sea transportation.”; and

13 (4) in subsection (f), by striking “shall” each  
14 place it appears and inserting “may”.

15 (b) DOCUMENTATION.—Section 55605 of title 46,  
16 United States Code, is amended in the matter preceding  
17 paragraph (1) by striking “by vessel” and inserting “by  
18 a documented vessel”.

19 **SEC. 3511. MARITIME ENVIRONMENTAL AND TECHNICAL**  
20 **ASSISTANCE.**

21 (a) IN GENERAL.—Chapter 503 of title 46, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing:

1 **“§ 50307. Maritime environmental and technical as-**  
2 **sistance**

3 “(a) IN GENERAL.—The Secretary of Transportation  
4 may engage in the environmental study, research, develop-  
5 ment, assessment, and deployment of emerging marine  
6 technologies and practices related to the marine transpor-  
7 tation system through the use of public vessels under the  
8 control of the Maritime Administration or private vessels  
9 under United States registry, and through partnerships  
10 and cooperative efforts with academic, public, private, and  
11 non-governmental entities and facilities.

12 “(b) REQUIREMENTS.—The Secretary of Transpor-  
13 tation may—

14 “(1) identify, study, evaluate, test, demonstrate,  
15 or improve emerging marine technologies and prac-  
16 tices that are likely to achieve environmental im-  
17 provements by—

18 “(A) reducing air emissions, water emis-  
19 sions, or other ship discharges;

20 “(B) increasing fuel economy or the use of  
21 alternative fuels and alternative energy (includ-  
22 ing the use of shore power); or

23 “(C) controlling aquatic invasive species;  
24 and

25 “(2) coordinate with the Environmental Protec-  
26 tion Agency, the United States Coast Guard, and

1 other Federal, State, local, or tribal agencies, as ap-  
2 propriate.

3 “(c) COORDINATION.—Coordination under subsection  
4 (b)(2) may include—

5 “(1) activities that are associated with the de-  
6 velopment or approval of validation and testing re-  
7 gimes; and

8 “(2) certification or validation of emerging  
9 technologies or practices that demonstrate signifi-  
10 cant environmental benefits.

11 “(d) ASSISTANCE.—The Secretary of Transportation  
12 may accept gifts, or enter into cooperative agreements,  
13 contracts, or other agreements with academic, public, pri-  
14 vate, and non-governmental entities to carry out the activi-  
15 ties authorized under subsection (a).”.

16 (b) CONFORMING AMENDMENT.—The table of con-  
17 tents for chapter 503 of title 46, United States Code, is  
18 amended by inserting after the item relating to section  
19 50306 the following:

“50307. Maritime environmental and technical assistance.”.

20 **SEC. 3512. IDENTIFICATION OF ACTIONS TO ENABLE**  
21 **QUALIFIED UNITED STATES FLAG CAPACITY**  
22 **TO MEET NATIONAL DEFENSE REQUIRE-**  
23 **MENTS.**

24 Section 501(b) of title 46, United States Code, is  
25 amended—

1           (1) by striking “When the head” and inserting  
2 the following:

3           “(1) IN GENERAL.—When the head”; and

4           (2) by adding at the end the following:

5           “(2) DETERMINATIONS.—The Maritime Admin-  
6 istrator shall—

7           “(A) for each determination referred to in  
8 paragraph (1), identify any actions that could  
9 be taken to enable qualified United States flag  
10 capacity to meet national defense requirements;

11           “(B) provide notice of each such deter-  
12 mination to the Secretary of Transportation  
13 and the head of the agency referred to in para-  
14 graph (1) for which the determination is made;  
15 and

16           “(C) publish each such determination on  
17 the Internet Web site of the Department of  
18 Transportation not later than 48 hours after  
19 notice of the determination is provided to the  
20 Secretary of Transportation.

21           “(3) NOTICE TO CONGRESS.—

22           “(A) IN GENERAL.—The head of an agen-  
23 cy referred to in paragraph (1) shall notify the  
24 Committee on Transportation and Infrastruc-  
25 ture and the Committee on Armed Services of

1 the House of Representatives and the Com-  
2 mittee on Commerce, Science, and Transpor-  
3 tation and the Committee on Armed Services of  
4 the Senate—

5 “(i) of any request for a waiver of the  
6 navigation or vessel-inspection laws under  
7 this section not later than 48 hours after  
8 receiving such a request; and

9 “(ii) of the issuance of any such waiv-  
10 er not later than 48 hours after such  
11 issuance.

12 “(B) CONTENTS.—Such head of an agency  
13 shall include in each notification under subpara-  
14 graph (A)(ii) an explanation of—

15 “(i) the reasons the waiver is nec-  
16 essary; and

17 “(ii) the reasons actions referred to in  
18 paragraph (2)(A) are not feasible.”.

19 **SEC. 3513. MARITIME WORKFORCE STUDY.**

20 (a) TRAINING STUDY.—The Comptroller General of  
21 the United States shall conduct a study on the training  
22 needs of the maritime workforce.

23 (b) STUDY COMPONENTS.—The study shall—

24 (1) analyze the impact of maritime training re-  
25 quirements imposed by domestic and international

1 regulations and conventions, companies, and govern-  
2 ment agencies that charter or operate vessels;

3 (2) evaluate the ability of the United States  
4 maritime training infrastructure to meet the needs  
5 of the maritime industry;

6 (3) identify trends in maritime training;

7 (4) compare the training needs of United States  
8 mariners with the vocational training and edu-  
9 cational assistance programs available from Federal  
10 agencies to evaluate the ability of Federal programs  
11 to meet the training needs of United States mari-  
12 ners;

13 (5) include recommendations to enhance the ca-  
14 pabilities of the United States maritime training in-  
15 frastructure; and

16 (6) include recommendations to assist United  
17 States mariners and those entering the maritime  
18 profession to achieve the required training.

19 (c) FINAL REPORT.—Not later than 1 year after the  
20 date of enactment of this title, the Comptroller General  
21 shall submit a report on the results of the study to the  
22 Committee on Commerce, Science, and Transportation  
23 and the Committee on Armed Services of the Senate and  
24 the Committee on Transportation and Infrastructure and

1 the Committee on Armed Services of the House of Rep-  
2 resentatives.

3 **SEC. 3514. MARITIME ADMINISTRATION VESSEL RECY-**  
4 **CLING CONTRACT AWARD PRACTICES.**

5 (a) IN GENERAL.—Not later than 12 months after  
6 the date of enactment of this title, the Comptroller Gen-  
7 eral of the United States shall conduct an assessment of  
8 the source selection procedures and practices used to  
9 award the Maritime Administration’s National Defense  
10 Reserve Fleet vessel recycling contracts. The Comptroller  
11 General shall assess the process, procedures, and practices  
12 used for the Maritime Administration’s qualification of  
13 vessel recycling facilities. The Comptroller General shall  
14 report the findings to the Committee on Commerce,  
15 Science, and Transportation and the Committee on Armed  
16 Services of the Senate, and the Committee on Transpor-  
17 tation and Infrastructure and the Committee on Armed  
18 Services of the House of Representatives.

19 (b) ASSESSMENT.—The assessment under subsection  
20 (a) shall include a review of whether the Maritime Admin-  
21 istration’s contract source selection procedures and prac-  
22 tices are consistent with law, the Federal Acquisition Reg-  
23 ulation (FAR), and Federal best practices associated with  
24 making source selection decisions.

1 (c) CONSIDERATIONS.—In making the assessment  
2 under subsection (a), the Comptroller General may con-  
3 sider any other aspect of the Maritime Administration’s  
4 vessel recycling process that the Comptroller General  
5 deems appropriate to review.

6 **SEC. 3515. REQUIREMENT FOR BARGE DESIGN.**

7 Not later than 270 days after the date of enactment  
8 of this title, the Maritime Administrator shall complete the  
9 design for a containerized, articulated barge, as identified  
10 in the dual-use vessel study carried out by the Adminis-  
11 trator and the Secretary of Defense, that is able to utilize  
12 roll-on/roll-off or load-on/load-off technology in marine  
13 highway maritime commerce.

14 **SEC. 3516. ELIGIBILITY TO RECEIVE SURPLUS TRAINING**  
15 **EQUIPMENT.**

16 Section 51103(b)(2)(C) of title 46, United States  
17 Code, is amended by inserting “or a training institution  
18 that is an instrumentality of a State, Territory, or Com-  
19 monwealth of the United States or District of Columbia  
20 or a unit of local government thereof” after “a nonprofit  
21 training institution”.

22 **SEC. 3517. COORDINATION WITH OTHER LAWS.**

23 (a) EARLIER ENACTMENT OF COAST GUARD AND  
24 MARITIME TRANSPORTATION ACT OF 2012.—If the date  
25 of the enactment of the Coast Guard and Maritime Trans-

1 portation Act of 2012 (H.R. 2838, 112th Congress) is be-  
2 fore the date of the enactment of this Act:

3 (1) Sections 3501, 3503 through 3507, and  
4 3509 through 3516 of this Act, and any amend-  
5 ments made by those sections, shall not go into ef-  
6 fect.

7 (2) Section 501(b)(3)(A) of title 46, United  
8 States Code (as added by section 301(2) of the  
9 Coast Guard and Maritime Transportation Act of  
10 2012), is amended by striking “the Committee on  
11 Transportation and Infrastructure of the House of  
12 Representatives and the Committee on Commerce,  
13 Science, and Transportation of the Senate” and in-  
14 sserting “the Committee on Transportation and In-  
15 frastructure and the Committee on Armed Services  
16 of the House of Representatives and the Committee  
17 on Commerce, Science, and Transportation and the  
18 Committee on Armed Services of the Senate”.

19 (3) Section 414(c) of the Coast Guard and  
20 Maritime Transportation Act of 2012 is amended by  
21 striking “the Committee on Commerce, Science, and  
22 Transportation of the Senate and the Committee on  
23 Transportation and Infrastructure of the House of  
24 Representatives” and inserting “the Committee on  
25 Commerce, Science, and Transportation and the

1 Committee on Armed Services of the Senate and the  
2 Committee on Transportation and Infrastructure  
3 and the Committee on Armed Services of the House  
4 of Representatives”.

5 (b) LATER ENACTMENT OF COAST GUARD AND MAR-  
6 ITIME TRANSPORTATION ACT OF 2012.—If the date of the  
7 enactment of the Coast Guard and Maritime Transpor-  
8 tation Act of 2012 (H.R. 2838, 112th Congress) is after  
9 the date of the enactment of this Act, sections 301, 402  
10 through 408, 410 through 412, 414, and 415 of such Act,  
11 and any amendments made by those sections, shall not  
12 go into effect.

## 13 **DIVISION D—FUNDING TABLES**

Sec. 4001. Authorization of amounts in funding tables.

### TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

### TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.

Sec. 4202. Research, development, test, and evaluation for overseas contingency  
operations.

### TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

### TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.

Sec. 4402. Military personnel for overseas contingency operations.

### TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.

Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.

Sec. 4602. Military construction for overseas contingency operations.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy National Security programs.

1 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-**  
2 **BLES.**

3 (a) IN GENERAL.—Whenever a funding table in this  
4 division specifies a dollar amount authorized for a project,  
5 program, or activity, the obligation and expenditure of the  
6 specified dollar amount for the project, program, or activ-  
7 ity is hereby authorized, subject to the availability of ap-  
8 propriations.

9 (b) MERIT-BASED DECISIONS.—A decision to com-  
10 mit, obligate, or expend funds with or to a specific entity  
11 on the basis of a dollar amount authorized pursuant to  
12 subsection (a) shall—

13 (1) be based on merit-based selection proce-  
14 dures in accordance with the requirements of sec-  
15 tions 2304(k) and 2374 of title 10, United States  
16 Code, or on competitive procedures; and

17 (2) comply with other applicable provisions of  
18 law.

19 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-  
20 MING AUTHORITY.—An amount specified in the funding  
21 tables in this division may be transferred or repro-

1 grammed under a transfer or reprogramming authority  
 2 provided by another provision of this Act or by other law.  
 3 The transfer or reprogramming of an amount specified in  
 4 such funding tables shall not count against a ceiling on  
 5 such transfers or reprogrammings under section 1001 or  
 6 section 1522 of this Act or any other provision of law,  
 7 unless such transfer or reprogramming would move funds  
 8 between appropriation accounts.

9 (d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This  
 10 section applies to any classified annex that accompanies  
 11 this Act.

12 (e) **ORAL AND WRITTEN COMMUNICATIONS.**—No  
 13 oral or written communication concerning any amount  
 14 specified in the funding tables in this division shall super-  
 15 sede the requirements of this section.

16 **TITLE XLI—PROCUREMENT**

17 **SEC. 4101. PROCUREMENT.**

<b>SEC. 4101. PROCUREMENT</b> (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
<b>AIRCRAFT PROCUREMENT, ARMY</b>			
<b>FIXED WING</b>			
001	UTILITY F/W AIRCRAFT .....	18,639	18,639
003	MQ-1 UAV .....	518,088	518,088
004	RQ-11 (RAVEN) .....	25,798	25,798
<b>ROTARY</b>			
006	HELICOPTER, LIGHT UTILITY (LUH) .....	271,983	271,983
007	AH-64 APACHE BLOCK IIIA REMAN .....	577,115	577,115
008	ADVANCE PROCUREMENT (CY) .....	107,707	107,707
009	AH-64 APACHE BLOCK IIIB NEW BUILD .....	153,993	153,993
010	ADVANCE PROCUREMENT (CY) .....	146,121	146,121
013	UH-60 BLACKHAWK M MODEL (MYP) .....	1,107,087	1,107,087
014	ADVANCE PROCUREMENT (CY) .....	115,113	115,113
015	CH-47 HELICOPTER .....	1,076,036	1,076,036
016	ADVANCE PROCUREMENT (CY) .....	83,346	83,346
<b>MODIFICATION OF AIRCRAFT</b>			
018	MQ-1 PAYLOAD—UAS .....	231,508	231,508
020	GUARDRAIL MODS (MIP) .....	16,272	16,272
021	MULTI SENSOR ABN RECON (MIP) .....	4,294	4,294
022	AH-64 MODS .....	178,805	178,805
023	CH-47 CARGO HELICOPTER MODS (MYP) .....	39,135	39,135
024	UTILITY/CARGO AIRPLANE MODS .....	24,842	24,842
026	UTILITY HELICOPTER MODS .....	73,804	73,804
027	KIOWA WARRIOR MODS .....	192,484	192,484

<b>SEC. 4101. PROCUREMENT</b> (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
029	NETWORK AND MISSION PLAN .....	190,789	190,789
030	COMMS, NAV SURVEILLANCE .....	133,191	133,191
031	GATM ROLLUP .....	87,280	87,280
032	RQ-7 UAV MODS .....	104,339	104,339
<b>GROUND SUPPORT AVIONICS</b>			
034	AIRCRAFT SURVIVABILITY EQUIPMENT .....	34,037	34,037
036	CMWS .....	127,751	127,751
<b>OTHER SUPPORT</b>			
037	AVIONICS SUPPORT EQUIPMENT .....	4,886	4,886
038	COMMON GROUND EQUIPMENT .....	82,511	82,511
039	AIRCREW INTEGRATED SYSTEMS .....	77,381	77,381
040	AIR TRAFFIC CONTROL .....	47,235	47,235
041	INDUSTRIAL FACILITIES .....	1,643	1,643
042	LAUNCHER, 2.75 ROCKET .....	516	516
<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b>		<b>5,853,729</b>	<b>5,853,729</b>
<b>MISSILE PROCUREMENT, ARMY</b>			
<b>SURFACE-TO-AIR MISSILE SYSTEM</b>			
001	PATRIOT SYSTEM SUMMARY .....	646,590	696,590
	Additional PAC-3 missiles .....		[50,000]
002	MSE MISSILE .....	12,850	12,850
<b>AIR-TO-SURFACE MISSILE SYSTEM</b>			
004	HELLFIRE SYS SUMMARY .....	1,401	1,401
<b>ANTI-TANK/ASSAULT MISSILE SYS</b>			
005	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	81,121	81,121
006	TOW 2 SYSTEM SUMMARY .....	64,712	64,712
007	ADVANCE PROCUREMENT (CY) .....	19,931	19,931
008	GUIDED MLRS ROCKET (GMLRS) .....	218,679	218,679
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....	18,767	18,767
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	12,051	12,051
<b>MODIFICATIONS</b>			
011	PATRIOT MODS .....	199,565	199,565
013	MLRS MODS .....	2,466	2,466
014	HIMARS MODIFICATIONS .....	6,068	6,068
<b>SPARES AND REPAIR PARTS</b>			
016	SPARES AND REPAIR PARTS .....	7,864	7,864
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
017	AIR DEFENSE TARGETS .....	3,864	3,864
018	ITEMS LESS THAN \$5 MILLION (MISSILES) .....	1,560	1,560
019	PRODUCTION BASE SUPPORT .....	5,200	5,200
<b>TOTAL MISSILE PROCUREMENT, ARMY</b>		<b>1,302,689</b>	<b>1,352,689</b>
<b>PROCUREMENT OF W&amp;TCV, ARMY</b>			
<b>TRACKED COMBAT VEHICLES</b>			
001	STRYKER VEHICLE .....	286,818	286,818
<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>			
003	STRYKER (MOD) .....	60,881	60,881
004	FIST VEHICLE (MOD) .....	57,257	57,257
005	BRADLEY PROGRAM (MOD) .....	148,193	288,193
	Program increase .....		[140,000]
006	HOWITZER, MED SP FT 155MM M109A6 (MOD) .....	10,341	10,341
007	PALADIN PIM MOD IN SERVICE .....	206,101	206,101
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....	107,909	169,909
	Program increase .....		[62,000]
009	ASSAULT BREACHER VEHICLE .....	50,039	50,039
010	M88 FOV MODS .....	29,930	29,930
011	M1 ABRAMS TANK (MOD) .....	129,090	129,090
012	ABRAMS UPGRADE PROGRAM .....	74,433	210,433
	Program increase .....		[136,000]
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
013	PRODUCTION BASE SUPPORT (TCV-WTCV) .....	1,145	1,145
<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>			
014	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY .....	506	506
017	LIGHTWEIGHT .50 CALIBER MACHINE GUN .....	25,183	0
	Program termination .....		[-25,183]
019	MORTAR SYSTEMS .....	8,104	8,104
021	XM320 GRENADE LAUNCHER MODULE (GLM) .....	14,096	14,096
024	CARBINE .....	21,272	21,272
025	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) .....	6,598	6,598
026	COMMON REMOTELY OPERATED WEAPONS STATION .....	56,725	56,725
027	HOWITZER LT WT 155MM (T) .....	13,827	13,827
<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>			
029	M777 MODS .....	26,843	26,843
030	M4 CARBINE MODS .....	27,243	27,243
031	M2 50 CAL MACHINE GUN MODS .....	39,974	39,974
032	M249 SAW MACHINE GUN MODS .....	4,996	4,996
033	M240 MEDIUM MACHINE GUN MODS .....	6,806	6,806
034	SNIPER RIFLES MODIFICATIONS .....	14,113	14,113

<b>SEC. 4101. PROCUREMENT</b> <b>(In Thousands of Dollars)</b>			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
035	M119 MODIFICATIONS .....	20,727	20,727
036	M16 RIFLE MODS .....	3,306	3,306
037	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....	3,072	3,072
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
038	ITEMS LESS THAN \$5 MILLION (WOCV-WTCV) .....	2,026	2,026
039	PRODUCTION BASE SUPPORT (WOCV-WTCV) .....	10,115	10,115
040	INDUSTRIAL PREPAREDNESS .....	442	442
041	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....	2,378	2,378
<b>SPARES</b>			
042	SPARES AND REPAIR PARTS (WTCV) .....	31,217	31,217
<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....		<b>1,501,706</b>	<b>1,814,523</b>
<b>PROCUREMENT OF AMMUNITION, ARMY</b>			
<b>SMALL/MEDIUM CAL AMMUNITION</b>			
001	CTG, 5.56MM, ALL TYPES .....	158,313	123,513
	Unit cost savings .....		[-34,800]
002	CTG, 7.62MM, ALL TYPES .....	91,438	91,438
003	CTG, HANDGUN, ALL TYPES .....	8,954	8,954
004	CTG, .50 CAL, ALL TYPES .....	109,604	109,604
005	CTG, 20MM, ALL TYPES .....	4,041	4,041
006	CTG, 25MM, ALL TYPES .....	12,654	12,654
007	CTG, 30MM, ALL TYPES .....	72,154	54,154
	Pricing adjustments for target practice round and light-weight dual-purpose round .....		[-18,000]
008	CTG, 40MM, ALL TYPES .....	60,138	0
	Decrease for excess .....		[-60,138]
<b>MORTAR AMMUNITION</b>			
009	60MM MORTAR, ALL TYPES .....	44,375	44,375
010	81MM MORTAR, ALL TYPES .....	27,471	27,471
011	120MM MORTAR, ALL TYPES .....	87,811	87,811
<b>TANK AMMUNITION</b>			
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....	112,380	112,380
<b>ARTILLERY AMMUNITION</b>			
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP .....	50,861	50,861
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	26,227	26,227
015	PROJ 155MM EXTENDED RANGE XM982 .....	110,329	55,329
	Excalibur I-b round schedule delay .....		[-55,000]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....	43,924	43,924
<b>MINES</b>			
017	MINES & CLEARING CHARGES, ALL TYPES .....	3,775	3,775
<b>NETWORKED MUNITIONS</b>			
018	SPIDER NETWORK MUNITIONS, ALL TYPES .....	17,408	17,408
<b>ROCKETS</b>			
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....	1,005	1,005
020	ROCKET, HYDRA 70, ALL TYPES .....	123,433	123,433
<b>OTHER AMMUNITION</b>			
021	DEMOLITION MUNITIONS, ALL TYPES .....	35,189	35,189
022	GRENADES, ALL TYPES .....	33,477	33,477
023	SIGNALS, ALL TYPES .....	9,991	9,991
024	SIMULATORS, ALL TYPES .....	10,388	10,388
<b>MISCELLANEOUS</b>			
025	AMMO COMPONENTS, ALL TYPES .....	19,383	19,383
026	NON-LETHAL AMMUNITION, ALL TYPES .....	7,336	7,336
027	CAD/PAD ALL TYPES .....	6,641	6,641
028	ITEMS LESS THAN \$5 MILLION .....	15,092	15,092
029	AMMUNITION PECULIAR EQUIPMENT .....	15,692	15,692
030	FIRST DESTINATION TRANSPORTATION (AMMO) .....	14,107	14,107
031	CLOSEOUT LIABILITIES .....	106	106
<b>PRODUCTION BASE SUPPORT</b>			
032	PROVISION OF INDUSTRIAL FACILITIES .....	220,171	220,171
033	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL .....	182,461	182,461
034	ARMS INITIATIVE .....	3,377	3,377
<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....		<b>1,739,706</b>	<b>1,571,768</b>
<b>OTHER PROCUREMENT, ARMY</b>			
<b>TACTICAL VEHICLES</b>			
001	SEMITRAILERS, FLATBED: .....	7,097	7,097
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	346,115	346,115
003	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP .....	19,292	19,292
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	52,933	52,933
005	PLS ESP .....	18,035	18,035
009	TRUCK, TRACTOR, LINE HAUL, M915/M916 .....	3,619	3,619
010	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV .....	26,859	26,859
012	TACTICAL WHEELED VEHICLE PROTECTION KITS .....	69,163	69,163
013	MODIFICATION OF IN SVC EQUIP .....	91,754	91,754
<b>NON-TACTICAL VEHICLES</b>			
018	PASSENGER CARRYING VEHICLES .....	2,548	2,548
019	NONTACTICAL VEHICLES, OTHER .....	16,791	16,791

<b>SEC. 4101. PROCUREMENT</b> (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
<b>COMM—JOINT COMMUNICATIONS</b>			
020	JOINT COMBAT IDENTIFICATION MARKING SYSTEM .....	10,061	10,061
021	WIN-T—GROUND FORCES TACTICAL NETWORK .....	892,635	872,635
	Program adjustment .....		[-20,000]
022	SIGNAL MODERNIZATION PROGRAM .....	45,626	45,626
023	JCSE EQUIPMENT (USREDCOM) .....	5,143	5,143
<b>COMM—SATELLITE COMMUNICATIONS</b>			
024	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS .....	151,636	151,636
025	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS .....	6,822	6,822
026	SHF TERM .....	9,108	9,108
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....	27,353	27,353
029	SMART-T (SPACE) .....	98,656	98,656
031	GLOBAL BRDCST SVC—GBS .....	47,131	47,131
032	MOD OF IN-SVC EQUIP (TAC SAT) .....	23,281	23,281
<b>COMM—C3 SYSTEM</b>			
034	ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....	10,848	10,848
<b>COMM—COMBAT COMMUNICATIONS</b>			
035	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....	979	979
036	JOINT TACTICAL RADIO SYSTEM .....	556,250	366,250
	Funding ahead of need .....		[-190,000]
037	MID-TIER NETWORKING VEHICULAR RADIO (MNVN) .....	86,219	86,219
038	RADIO TERMINAL SET, MIDS LVT(2) .....	7,798	7,798
039	SINCGARS FAMILY .....	9,001	9,001
040	AMC CRITICAL ITEMS—OPA2 .....	24,601	24,601
041	TRACTOR DESK .....	7,779	7,779
043	SPIDER APLA REMOTE CONTROL UNIT .....	34,365	24,365
	Funding ahead of need .....		[-10,000]
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS .....	1,833	1,833
045	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM .....	12,984	12,984
047	GUNSHOT DETECTION SYSTEM (GDS) .....	2,332	2,332
048	RADIO, IMPROVED HF (COTS) FAMILY .....	1,132	1,132
049	MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....	22,899	22,899
<b>COMM—INTELLIGENCE COMM</b>			
051	CI AUTOMATION ARCHITECTURE .....	1,564	1,564
052	RESERVE CA/MISO GPF EQUIPMENT .....	28,781	28,781
<b>INFORMATION SECURITY</b>			
053	TSEC—ARMY KEY MGT SYS (AKMS) .....	23,432	23,432
054	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....	43,897	43,897
<b>COMM—LONG HAUL COMMUNICATIONS</b>			
056	TERRESTRIAL TRANSMISSION .....	2,891	2,891
057	BASE SUPPORT COMMUNICATIONS .....	13,872	13,872
058	WW TECH CON IMP PROG (WWTCIP) .....	9,595	9,595
<b>COMM—BASE COMMUNICATIONS</b>			
059	INFORMATION SYSTEMS .....	142,133	142,133
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....	57,727	57,727
062	PENTAGON INFORMATION MGT AND TELECOM .....	5,000	5,000
<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>			
065	JTT/CIBS-M .....	1,641	1,641
066	PROPHET GROUND .....	48,797	48,797
069	DCGS-A (MIP) .....	184,007	184,007
070	JOINT TACTICAL GROUND STATION (JTAGS) .....	2,680	2,680
071	TROJAN (MIP) .....	21,483	21,483
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....	2,412	2,412
073	CI HUMINT AUTO REPRINTING AND COLLECTION .....	7,077	7,077
<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>			
075	LIGHTWEIGHT COUNTER MORTAR RADAR .....	72,594	72,594
076	CREW .....	15,446	15,446
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	1,470	1,470
079	CI MODERNIZATION .....	1,368	1,368
<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>			
080	FAAD GBS .....	7,980	7,980
081	SENTINEL MODS .....	33,444	33,444
082	SENSE THROUGH THE WALL (STTW) .....	6,212	0
	Slow execution of prior years appropriations .....		[-6,212]
083	NIGHT VISION DEVICES .....	166,516	166,516
085	NIGHT VISION, THERMAL WPN SIGHT .....	82,162	82,162
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....	20,717	20,717
089	GREEN LASER INTERDICTION SYSTEM (GLIS) .....	1,014	1,014
090	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....	29,881	29,881
091	PROFILER .....	12,482	12,482
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....	3,075	3,075
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....	141,385	141,385
096	MOD OF IN-SVC EQUIP (LLDR) .....	22,403	22,403
098	MORTAR FIRE CONTROL SYSTEM .....	29,505	29,505
099	COUNTERFIRE RADARS .....	244,409	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD) ENHANCED SEN- SOR & MONITORING SYSTEM (WMD).	2,426	2,426
<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>			

<b>SEC. 4101. PROCUREMENT</b> <b>(In Thousands of Dollars)</b>			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
101	TACTICAL OPERATIONS CENTERS .....	30,196	30,196
102	FIRE SUPPORT C2 FAMILY .....	58,903	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....	8,111	8,111
104	FAAD C2 .....	5,031	5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....	64,144	64,144
106	KNIGHT FAMILY .....	11,999	11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....	1,853	1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY .....	14,377	14,377
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....	59,821	59,821
112	MANEUVER CONTROL SYSTEM (MCS) .....	51,228	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	176,901	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....	15,209	15,209
	<b>ELECT EQUIP—AUTOMATION</b>		
115	ARMY TRAINING MODERNIZATION .....	8,866	8,866
116	AUTOMATED DATA PROCESSING EQUIP .....	129,438	129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM .....	9,184	9,184
118	CSS COMMUNICATIONS .....	20,639	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS) .....	35,493	35,493
	<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>		
120	ITEMS LESS THAN \$5 MILLION (A/V) .....	8,467	8,467
121	ITEMS LESS THAN \$5 MILLION .....	5,309	5,309
	<b>ELECT EQUIP—SUPPORT</b>		
122	PRODUCTION BASE SUPPORT (C-E) .....	586	586
	<b>CLASSIFIED PROGRAMS</b>		
124A	CLASSIFIED PROGRAMS .....	3,435	3,435
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....	3,960	3,960
127	BASE DEFENSE SYSTEMS (BDS) .....	4,374	4,374
128	CBRN SOLDIER PROTECTION .....	9,259	9,259
	<b>BRIDGING EQUIPMENT</b>		
130	TACTICAL BRIDGING .....	35,499	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON .....	32,893	32,893
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>		
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....	29,106	29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	25,459	25,459
136	REMOTE DEMOLITION SYSTEMS .....	8,044	8,044
137	< \$5M, COUNTERMINE EQUIPMENT .....	3,698	3,698
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
138	HEATERS AND ECU'S .....	12,210	12,210
139	SOLDIER ENHANCEMENT .....	6,522	6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....	11,222	11,222
141	GROUND SOLDIER SYSTEM .....	103,317	103,317
144	FIELD FEEDING EQUIPMENT .....	27,417	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	52,065	52,065
146	MORTUARY AFFAIRS SYSTEMS .....	2,358	2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....	31,573	31,573
148	ITEMS LESS THAN \$5 MILLION .....	14,093	14,093
	<b>PETROLEUM EQUIPMENT</b>		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	36,266	36,266
	<b>MEDICAL EQUIPMENT</b>		
150	COMBAT SUPPORT MEDICAL .....	34,101	34,101
151	MEDEVAC MISSION EQUIPMENT PACKAGE (MEP) .....	20,540	20,540
	<b>MAINTENANCE EQUIPMENT</b>		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	2,495	2,495
	<b>CONSTRUCTION EQUIPMENT</b>		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....	2,028	2,028
156	SCRAPERS, EARTHMOVING .....	6,146	6,146
157	MISSION MODULES—ENGINEERING .....	31,200	31,200
161	TRACTOR, FULL TRACKED .....	20,867	20,867
162	ALL TERRAIN CRANES .....	4,003	4,003
163	PLANT, ASPHALT MIXING .....	3,679	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) .....	30,042	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA .....	13,725	13,725
166	CONST EQUIP ESP .....	13,351	13,351
167	ITEMS LESS THAN \$5 MILLION (CONST EQUIP) .....	9,134	9,134
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>		
170	ITEMS LESS THAN \$5 MILLION (FLOAT/RAIL) .....	10,552	10,552
	<b>GENERATORS</b>		
171	GENERATORS AND ASSOCIATED EQUIP .....	60,302	60,302
	<b>MATERIAL HANDLING EQUIPMENT</b>		
173	FAMILY OF FORKLIFTS .....	5,895	5,895
	<b>TRAINING EQUIPMENT</b>		
175	COMBAT TRAINING CENTERS SUPPORT .....	104,649	104,649
176	TRAINING DEVICES, NONSYSTEM .....	125,251	125,251
177	CLOSE COMBAT TACTICAL TRAINER .....	19,984	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER .....	10,977	10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....	4,056	4,056
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>		

<b>SEC. 4101. PROCUREMENT</b> (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
180	CALIBRATION SETS EQUIPMENT .....	10,494	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....	45,508	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD) .....	24,334	24,334
	<b>OTHER SUPPORT EQUIPMENT</b>		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	5,078	5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3) .....	46,301	46,301
185	BASE LEVEL COMMON EQUIPMENT .....	1,373	1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....	59,141	59,141
187	PRODUCTION BASE SUPPORT (OTH) .....	2,446	2,446
188	SPECIAL EQUIPMENT FOR USER TESTING .....	12,920	12,920
189	AMC CRITICAL ITEMS OPA3 .....	19,180	19,180
190	TRACTOR YARD .....	7,368	7,368
191	UNMANNED GROUND VEHICLE .....	83,937	83,937
	<b>OPA2</b>		
193	INITIAL SPARES—C&E .....	64,507	64,507
	<b>PRIOR YEAR SAVINGS</b>		
	<b>UNDISTRIBUTED</b>		
194	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM .....		52,000
	Army requested transfer from Operation and Maintenance, Army, line 100 ....		[52,000]
	<b>TOTAL OTHER PROCUREMENT, ARMY</b> .....	<b>6,326,245</b>	<b>6,152,033</b>
	<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>		
	<b>STAFF AND INFRASTRUCTURE</b>		
004	OPERATIONS .....	227,414	0
	Transfer of funds to title 15 .....		[-227,414]
	<b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b> .....	<b>227,414</b>	<b>0</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>COMBAT AIRCRAFT</b>		
001	EA-18G .....	1,027,443	1,014,443
	Engine cost growth .....		[-13,000]
002	ADVANCE PROCUREMENT (CY) .....		45,000
	Program increase .....		[45,000]
003	F/A-18E/F (FIGHTER) HORNET .....	2,035,131	2,017,131
	Engine cost growth .....		[-12,000]
	Engineering Change Order excess funding .....		[-6,000]
004	ADVANCE PROCUREMENT (CY) .....	30,296	30,296
005	JOINT STRIKE FIGHTER CV .....	1,007,632	988,832
	Excessive weapon system unit cost increase .....		[-18,800]
006	ADVANCE PROCUREMENT (CY) .....	65,180	65,180
007	JSF STOVL .....	1,404,737	1,345,937
	Excessive weapon system unit cost increase .....		[-58,800]
008	ADVANCE PROCUREMENT (CY) .....	106,199	106,199
009	V-22 (MEDIUM LIFT) .....	1,303,120	1,291,380
	Flyaway unit cost savings .....		[-11,740]
010	ADVANCE PROCUREMENT (CY) .....	154,202	154,202
011	H-1 UPGRADES (UH-1Y/AH-1Z) .....	720,933	720,933
012	ADVANCE PROCUREMENT (CY) .....	69,658	69,658
013	MH-60S (MYP) .....	384,792	384,792
014	ADVANCE PROCUREMENT (CY) .....	69,277	69,277
015	MH-60R (MYP) .....	656,866	826,866
	Cruiser Retention—Restore 5 helicopters .....		[170,000]
016	ADVANCE PROCUREMENT (CY) .....	185,896	185,896
017	P-SA POSEIDON .....	2,420,755	2,387,052
	Excess to need .....		[-33,703]
018	ADVANCE PROCUREMENT (CY) .....	325,679	325,679
019	E-2D ADV HAWKEYE .....	861,498	861,498
020	ADVANCE PROCUREMENT (CY) .....	123,179	123,179
	<b>TRAINER AIRCRAFT</b>		
022	JPATS .....	278,884	268,784
	Airframe cost growth .....		[-10,100]
	<b>OTHER AIRCRAFT</b>		
023	KC-130J .....	3,000	3,000
024	ADVANCE PROCUREMENT (CY) .....	22,995	22,995
025	ADVANCE PROCUREMENT (CY)—RQ-4 UAV .....	51,124	51,124
026	MQ-8 UAV .....	124,573	124,573
027	STUASL0 UAV .....	9,593	9,593
	<b>MODIFICATION OF AIRCRAFT</b>		
028	EA-6 SERIES .....	30,062	30,062
029	AEA SYSTEMS .....	49,999	49,999
030	AV-8 SERIES .....	38,703	38,703
031	ADVERSARY .....	4,289	4,289
032	F-18 SERIES .....	647,306	639,306
	ILS growth (OSIP 11-84) .....		[-5,000]
	Other support funding growth (OSIP 001-10) .....		[-3,000]
033	H-46 SERIES .....	2,343	2,343
034	AH-1W SERIES .....	8,721	8,721
035	H-53 SERIES .....	45,567	42,367

<b>SEC. 4101. PROCUREMENT</b> <b>(In Thousands of Dollars)</b>			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
	Other Support cost growth .....		[-3,200]
036	SH-60 SERIES .....	83,527	83,527
037	H-1 SERIES .....	6,508	6,508
038	EP-3 SERIES .....	66,374	66,374
039	P-3 SERIES .....	148,405	148,405
040	E-2 SERIES .....	16,322	16,322
041	TRAINER A/C SERIES .....	34,284	34,284
042	C-2A .....	4,743	4,743
043	C-130 SERIES .....	60,302	60,302
044	FEWSG .....	670	670
045	CARGO/TRANSPORT A/C SERIES .....	26,311	26,311
046	E-6 SERIES .....	158,332	155,842
	SLEP kit installation cost growth (OSIP 003-07) .....		[-2,490]
047	EXECUTIVE HELICOPTERS SERIES .....	58,163	58,163
048	SPECIAL PROJECT AIRCRAFT .....	12,421	12,421
049	T-45 SERIES .....	64,488	59,488
	Avionics Obsolescence kit cost growth .....		[-2,000]
	Synthetic Radar kit cost growth .....		[-3,000]
050	POWER PLANT CHANGES .....	21,569	21,569
051	JPATS SERIES .....	1,552	1,552
052	AVIATION LIFE SUPPORT MODS .....	2,473	2,473
053	COMMON ECM EQUIPMENT .....	114,690	114,690
054	COMMON AVIONICS CHANGES .....	96,183	96,183
056	ID SYSTEMS .....	39,846	39,846
057	P-8 SERIES .....	5,302	5,302
058	MAGTF EW FOR AVIATION .....	34,127	34,127
059	RQ-7 SERIES .....	49,324	49,324
060	V-22 (TILT/ROTOR ACFT) OSPREY .....	95,856	95,856
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
061	SPARES AND REPAIR PARTS .....	1,166,430	1,132,430
	Spares cost growth- F-35C, F-35B, E-2D .....		[-34,000]
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>		
062	COMMON GROUND EQUIPMENT .....	387,195	387,195
063	AIRCRAFT INDUSTRIAL FACILITIES .....	23,469	23,469
064	WAR CONSUMABLES .....	43,383	43,383
065	OTHER PRODUCTION CHARGES .....	3,399	3,399
066	SPECIAL SUPPORT EQUIPMENT .....	32,274	32,274
067	FIRST DESTINATION TRANSPORTATION .....	1,742	1,742
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>17,129,296</b>	<b>17,127,463</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>MODIFICATION OF MISSILES</b>		
001	TRIDENT II MODS .....	1,224,683	1,214,683
	Tooling, test/support equipment growth .....		[-10,000]
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
002	MISSILE INDUSTRIAL FACILITIES .....	5,553	5,553
	<b>STRATEGIC MISSILES</b>		
003	TOMAHAWK .....	308,970	298,970
	Contract Savings .....		[-10,000]
	<b>TACTICAL MISSILES</b>		
004	AMRAAM .....	102,683	97,390
	Captive air training missile cost growth .....		[-5,293]
005	SIDEWINDER .....	80,226	74,267
	All Up Round Missile Cost Growth .....		[-3,847]
	Captive Air Training Missile Cost Growth .....		[-2,112]
006	JSOW .....	127,609	127,609
007	STANDARD MISSILE .....	399,482	399,482
008	RAM .....	66,769	66,769
009	HELLFIRE .....	74,501	74,501
011	AERIAL TARGETS .....	61,518	61,518
012	OTHER MISSILE SUPPORT .....	3,585	3,585
	<b>MODIFICATION OF MISSILES</b>		
013	ESSM .....	58,194	58,194
014	HARM MODS .....	86,721	86,721
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
016	WEAPONS INDUSTRIAL FACILITIES .....	2,014	2,014
017	FLEET SATELLITE COMM FOLLOW-ON .....	21,454	21,454
	<b>ORDNANCE SUPPORT EQUIPMENT</b>		
018	ORDNANCE SUPPORT EQUIPMENT .....	54,945	54,945
	<b>TORPEDOES AND RELATED EQUIP</b>		
019	SSTD .....	2,700	2,700
020	ASW TARGETS .....	10,385	10,385
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>		
021	MK-54 TORPEDO MODS .....	74,487	74,487
022	MK-48 TORPEDO ADCAP MODS .....	54,281	54,281
023	QUICKSTRIKE MINE .....	6,852	6,852
	<b>SUPPORT EQUIPMENT</b>		
024	TORPEDO SUPPORT EQUIPMENT .....	46,402	46,402

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
025	ASW RANGE SUPPORT .....	11,927	11,927
	<b>DESTINATION TRANSPORTATION</b>		
026	FIRST DESTINATION TRANSPORTATION .....	3,614	3,614
	<b>GUNS AND GUN MOUNTS</b>		
027	SMALL ARMS AND WEAPONS .....	12,594	12,594
	<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>		
028	CIWS MODS .....	59,303	67,003
	Buy additional ordnance alteration kits .....		[7,700]
029	COAST GUARD WEAPONS .....	19,072	19,072
030	GUN MOUNT MODS .....	54,706	54,706
031	CRUISER MODERNIZATION WEAPONS .....	1,591	19,622
	Cruiser retention—57/62 Upgrade .....		[18,031]
032	AIRBORNE MINE NEUTRALIZATION SYSTEMS .....	20,607	20,607
	<b>SPARES AND REPAIR PARTS</b>		
034	SPARES AND REPAIR PARTS .....	60,150	60,150
	<b>TOTAL WEAPONS PROCUREMENT, NAVY</b> .....	<b>3,117,578</b>	<b>3,112,057</b>
	<b>SHIPBUILDING &amp; CONVERSION, NAVY</b>		
	<b>OTHER WARSHIPS</b>		
001	CARRIER REPLACEMENT PROGRAM .....	608,195	605,295
	SEWIP block 2 growth .....		[-2,900]
003	VIRGINIA CLASS SUBMARINE .....	3,217,601	3,217,601
004	ADVANCE PROCUREMENT (CY) .....	874,878	1,652,557
	Advance procurement for 2nd SSN in FY 14 .....		[777,679]
005	CVN REFUELING OVERHAULS .....	1,613,392	1,517,292
	Program decrease .....		[-96,100]
006	ADVANCE PROCUREMENT (CY) .....	70,010	70,010
008	DDG 1000 .....	669,222	669,222
009	DDG-51 .....	3,048,658	3,048,658
010	ADVANCE PROCUREMENT (CY) .....	466,283	466,283
011	LITTORAL COMBAT SHIP .....	1,784,959	1,784,959
	<b>AMPHIBIOUS SHIPS</b>		
015	JOINT HIGH SPEED VESSEL .....	189,196	189,196
	<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>		
017	ADVANCE PROCUREMENT (CY) .....	307,300	307,300
018	OUTFITTING .....	309,648	309,648
020	LCAC SLEP .....	47,930	47,930
021	COMPLETION OF PY SHIPBUILDING PROGRAMS .....	372,573	372,573
	<b>TOTAL SHIPBUILDING &amp; CONVERSION, NAVY</b> .....	<b>13,579,845</b>	<b>14,258,524</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>		
	<b>NAVY AMMUNITION</b>		
001	GENERAL PURPOSE BOMBS .....	27,024	27,024
002	AIRBORNE ROCKETS, ALL TYPES .....	56,575	56,575
003	MACHINE GUN AMMUNITION .....	21,266	21,266
004	PRACTICE BOMBS .....	34,319	34,319
005	CARTRIDGES & CART ACTUATED DEVICES .....	53,755	53,755
006	AIR EXPENDABLE COUNTERMEASURES .....	61,693	60,693
	ALE-55 cost growth .....		[-1,000]
007	JATOS .....	2,776	2,776
008	LRLAP 6" LONG RANGE ATTACK PROJECTILE .....	7,102	7,102
009	5 INCH/54 GUN AMMUNITION .....	48,320	48,320
010	INTERMEDIATE CALIBER GUN AMMUNITION .....	25,544	25,544
011	OTHER SHIP GUN AMMUNITION .....	41,624	38,884
	30MM x 173 linked cartridge contract delay .....		[-2,740]
012	SMALL ARMS & LANDING PARTY AMMO .....	65,893	65,247
	M18A1 mine cost growth .....		[-646]
013	PYROTECHNIC AND DEMOLITION .....	11,176	11,176
014	AMMUNITION LESS THAN \$5 MILLION .....	4,116	4,116
	<b>MARINE CORPS AMMUNITION</b>		
015	SMALL ARMS AMMUNITION .....	83,733	83,733
016	LINEAR CHARGES, ALL TYPES .....	24,645	24,645
017	40 MM, ALL TYPES .....	16,201	16,201
019	81MM, ALL TYPES .....	13,711	3,711
	Excess to need .....		[-10,000]
020	120MM, ALL TYPES .....	12,557	12,557
022	GRENADES, ALL TYPES .....	7,634	7,134
	Excess to need .....		[-500]
023	ROCKETS, ALL TYPES .....	27,528	27,528
024	ARTILLERY, ALL TYPES .....	93,065	76,459
	Prior year funds available .....		[-16,606]
025	DEMOLITION MUNITIONS, ALL TYPES .....	2,047	0
	Excess to need .....		[-2,047]
026	FUZE, ALL TYPES .....	5,297	5,297
027	NON LETHALS .....	1,362	1,362
028	AMMO MODERNIZATION .....	4,566	4,566
029	ITEMS LESS THAN \$5 MILLION .....	6,010	6,010
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC</b> .....	<b>759,539</b>	<b>726,000</b>

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
<b>OTHER PROCUREMENT, NAVY</b>			
<b>SHIP PROPULSION EQUIPMENT</b>			
001	LM-2500 GAS TURBINE .....	10,658	10,658
002	ALLISON 501K GAS TURBINE .....	8,469	8,469
<b>NAVIGATION EQUIPMENT</b>			
003	OTHER NAVIGATION EQUIPMENT .....	23,392	23,392
<b>PERISCOPES</b>			
004	SUB PERISCOPES & IMAGING EQUIP .....	53,809	53,809
<b>OTHER SHIPBOARD EQUIPMENT</b>			
005	DDG MOD .....	452,371	452,371
006	FIREFIGHTING EQUIPMENT .....	16,958	16,958
007	COMMAND AND CONTROL SWITCHBOARD .....	2,492	2,492
008	POLLUTION CONTROL EQUIPMENT .....	20,707	20,707
009	SUBMARINE SUPPORT EQUIPMENT .....	12,046	12,046
010	VIRGINIA CLASS SUPPORT EQUIPMENT .....	79,870	79,870
011	LCS CLASS SUPPORT EQUIPMENT .....	19,865	19,865
012	SUBMARINE BATTERIES .....	41,522	41,522
013	LPD CLASS SUPPORT EQUIPMENT .....	30,543	30,543
014	STRATEGIC PLATFORM SUPPORT EQUIP .....	16,257	16,257
015	DSSP EQUIPMENT .....	3,630	3,630
016	CG MODERNIZATION .....	101,000	184,972
	Cruiser retention .....		[83,972]
017	LCAC .....	16,645	16,645
018	UNDERWATER EOD PROGRAMS .....	35,446	35,446
019	ITEMS LESS THAN \$5 MILLION .....	65,998	65,998
020	CHEMICAL WARFARE DETECTORS .....	4,359	4,359
021	SUBMARINE LIFE SUPPORT SYSTEM .....	10,218	10,218
<b>REACTOR PLANT EQUIPMENT</b>			
022	REACTOR POWER UNITS .....	286,859	286,859
023	REACTOR COMPONENTS .....	278,503	278,503
<b>OCEAN ENGINEERING</b>			
024	DIVING AND SALVAGE EQUIPMENT .....	8,998	8,998
<b>SMALL BOATS</b>			
025	STANDARD BOATS .....	30,131	30,131
<b>TRAINING EQUIPMENT</b>			
026	OTHER SHIPS TRAINING EQUIPMENT .....	29,772	29,772
<b>PRODUCTION FACILITIES EQUIPMENT</b>			
027	OPERATING FORCES IPE .....	64,346	64,346
<b>OTHER SHIP SUPPORT</b>			
028	NUCLEAR ALTERATIONS .....	154,652	154,652
029	LCS COMMON MISSION MODULES EQUIPMENT .....	31,319	31,319
030	LCS MCM MISSION MODULES .....	38,392	38,392
031	LCS SUW MISSION MODULES .....	32,897	32,897
<b>LOGISTIC SUPPORT</b>			
032	LSD MIDLIFE .....	49,758	49,758
<b>SHIP SONARS</b>			
034	SPQ-9B RADAR .....	19,777	19,777
035	AN/SQQ-89 SURF ASW COMBAT SYSTEM .....	89,201	89,201
036	SSN ACOUSTICS .....	190,874	190,874
037	UNDERSEA WARFARE SUPPORT EQUIPMENT .....	17,035	17,035
038	SONAR SWITCHES AND TRANSDUCERS .....	13,410	13,410
<b>ASW ELECTRONIC EQUIPMENT</b>			
040	SUBMARINE ACOUSTIC WARFARE SYSTEM .....	21,489	19,532
	Contract award delays for launch tube and MK3 .....		[-1,957]
041	SSTD .....	10,716	10,716
042	FIXED SURVEILLANCE SYSTEM .....	98,896	98,896
043	SURTASS .....	2,774	2,774
044	MARITIME PATROL AND RECONNSAISANCE FORCE .....	18,428	18,428
<b>ELECTRONIC WARFARE EQUIPMENT</b>			
045	AN/SLQ-32 .....	92,270	92,270
<b>RECONNAISSANCE EQUIPMENT</b>			
046	SHIPBOARD IW EXPLOIT .....	107,060	107,060
047	AUTOMATED IDENTIFICATION SYSTEM (AIS) .....	914	914
<b>SUBMARINE SURVEILLANCE EQUIPMENT</b>			
048	SUBMARINE SUPPORT EQUIPMENT PROG .....	34,050	34,050
<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>			
049	COOPERATIVE ENGAGEMENT CAPABILITY .....	27,881	22,191
	Excess PAAA backfit installation funding .....		[-615]
	Excess signal data processor backfit kit installation funding .....		[-2,725]
	Signal data processor backfit kit contract delay .....		[-1,350]
	Support funding carryover .....		[-1,000]
050	TRUSTED INFORMATION SYSTEM (TIS) .....	448	448
051	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) .....	35,732	35,732
053	NAVY COMMAND AND CONTROL SYSTEM (NCCS) .....	9,533	9,533
054	MINESWEEPING SYSTEM REPLACEMENT .....	60,111	60,111
055	SHALLOW WATER MCM .....	6,950	6,950
056	NAVSTAR GPS RECEIVERS (SPACE) .....	9,089	9,089

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
057	AMERICAN FORCES RADIO AND TV SERVICE .....	7,768	7,768
058	STRATEGIC PLATFORM SUPPORT EQUIP .....	3,614	3,614
	<b>TRAINING EQUIPMENT</b>		
059	OTHER TRAINING EQUIPMENT .....	42,911	42,911
	<b>AVIATION ELECTRONIC EQUIPMENT</b>		
060	MATCALS .....	5,861	5,861
061	SHIPBOARD AIR TRAFFIC CONTROL .....	8,362	8,362
062	AUTOMATIC CARRIER LANDING SYSTEM .....	15,685	15,685
063	NATIONAL AIR SPACE SYSTEM .....	16,919	16,919
064	FLEET AIR TRAFFIC CONTROL SYSTEMS .....	6,828	6,828
065	LANDING SYSTEMS .....	7,646	7,646
066	ID SYSTEMS .....	35,474	35,474
067	NAVAL MISSION PLANNING SYSTEMS .....	9,958	9,958
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>		
068	DEPLOYABLE JOINT COMMAND AND CONT .....	9,064	9,064
069	MARITIME INTEGRATED BROADCAST SYSTEM .....	16,026	16,026
070	TACTICAL/MOBILE C4I SYSTEMS .....	11,886	11,886
071	DCGS-N .....	11,887	11,887
072	CANES .....	341,398	320,874
	Contract delay (DDG-51 class) .....		[-7,734]
	Contract delay (LHD-7) .....		[-8,305]
	Excess ADNS installation (afloat) funding .....		[-2,070]
	Excess ADNS installation (ashore) funding .....		[-2,415]
073	RADLAC .....	8,083	8,083
074	CANES-INTELL .....	79,427	79,427
075	GPETE .....	6,083	6,083
076	INTEG COMBAT SYSTEM TEST FACILITY .....	4,495	4,495
077	EMI CONTROL INSTRUMENTATION .....	4,767	4,767
078	ITEMS LESS THAN \$5 MILLION .....	81,755	81,755
	<b>SHIPBOARD COMMUNICATIONS</b>		
080	SHIP COMMUNICATIONS AUTOMATION .....	56,870	56,870
081	MARITIME DOMAIN AWARENESS (MDA) .....	1,063	1,063
082	COMMUNICATIONS ITEMS UNDER \$5M .....	28,522	28,522
	<b>SUBMARINE COMMUNICATIONS</b>		
083	SUBMARINE BROADCAST SUPPORT .....	4,183	4,183
084	SUBMARINE COMMUNICATION EQUIPMENT .....	69,025	69,025
	<b>SATELLITE COMMUNICATIONS</b>		
085	SATELLITE COMMUNICATIONS SYSTEMS .....	49,294	51,294
	SPIDERNet/Spectral Warrior Hardware .....		[2,000]
086	NAVY MULTIBAND TERMINAL (NMT) .....	184,825	184,825
	<b>SHORE COMMUNICATIONS</b>		
087	JCS COMMUNICATIONS EQUIPMENT .....	2,180	2,180
088	ELECTRICAL POWER SYSTEMS .....	1,354	1,354
	<b>CRYPTOGRAPHIC EQUIPMENT</b>		
090	INFO SYSTEMS SECURITY PROGRAM (ISSP) .....	144,104	144,104
	<b>CRYPTOLOGIC EQUIPMENT</b>		
091	CRYPTOLOGIC COMMUNICATIONS EQUIP .....	12,604	12,604
	<b>OTHER ELECTRONIC SUPPORT</b>		
092	COAST GUARD EQUIPMENT .....	6,680	6,680
	<b>SONOBUOYS</b>		
095	SONOBUOYS—ALL TYPES .....	104,677	104,677
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
096	WEAPONS RANGE SUPPORT EQUIPMENT .....	70,753	70,753
097	EXPEDITIONARY AIRFIELDS .....	8,678	8,678
098	AIRCRAFT REARMING EQUIPMENT .....	11,349	11,349
099	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT .....	82,618	81,980
	ADMACS installation cost growth .....		[-638]
100	METEOROLOGICAL EQUIPMENT .....	18,339	18,339
101	DCRS/DPL .....	1,414	1,414
102	AVIATION LIFE SUPPORT .....	40,475	40,475
103	AIRBORNE MINE COUNTERMEASURES .....	61,552	61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT .....	18,771	18,771
105	PORTABLE ELECTRONIC MAINTENANCE AIDS .....	7,954	7,954
106	OTHER AVIATION SUPPORT EQUIPMENT .....	10,023	10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS) .....	3,826	3,826
	<b>SHIP GUN SYSTEM EQUIPMENT</b>		
108	NAVAL FIRES CONTROL SYSTEM .....	3,472	3,472
109	GUN FIRE CONTROL EQUIPMENT .....	4,528	4,528
	<b>SHIP MISSILE SYSTEMS EQUIPMENT</b>		
110	NATO SEASPARROW .....	8,960	8,960
111	RAM GMLS .....	1,185	1,185
112	SHIP SELF DEFENSE SYSTEM .....	55,371	55,371
113	AEGIS SUPPORT EQUIPMENT .....	81,614	81,614
114	TOMAHAWK SUPPORT EQUIPMENT .....	77,767	72,267
	Production support funding growth .....		[-5,500]
115	VERTICAL LAUNCH SYSTEMS .....	754	754
116	MARITIME INTEGRATED PLANNING SYSTEM-MIPS .....	4,965	4,965
	<b>FBM SUPPORT EQUIPMENT</b>		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
117	STRATEGIC MISSILE SYSTEMS EQUIP .....	181,049	181,049
	<b>ASW SUPPORT EQUIPMENT</b>		
118	SSN COMBAT CONTROL SYSTEMS .....	71,316	71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT .....	4,018	4,018
120	SURFACE ASW SUPPORT EQUIPMENT .....	6,465	6,465
121	ASW RANGE SUPPORT EQUIPMENT .....	47,930	47,930
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	3,579	3,579
123	ITEMS LESS THAN \$5 MILLION .....	3,125	3,125
	<b>OTHER EXPENDABLE ORDNANCE</b>		
124	ANTI-SHIP MISSILE DECOY SYSTEM .....	31,743	29,743
	Support funding growth .....		[-2,000]
125	SURFACE TRAINING DEVICE MODS .....	34,174	34,174
126	SUBMARINE TRAINING DEVICE MODS .....	23,450	23,450
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
127	PASSENGER CARRYING VEHICLES .....	7,158	7,158
128	GENERAL PURPOSE TRUCKS .....	3,325	3,325
129	CONSTRUCTION & MAINTENANCE EQUIP .....	8,692	8,692
130	FIRE FIGHTING EQUIPMENT .....	14,533	14,533
131	TACTICAL VEHICLES .....	15,330	15,330
132	AMPHIBIOUS EQUIPMENT .....	10,803	10,803
133	POLLUTION CONTROL EQUIPMENT .....	7,265	7,265
134	ITEMS UNDER \$5 MILLION .....	15,252	15,252
135	PHYSICAL SECURITY VEHICLES .....	1,161	1,161
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
136	MATERIALS HANDLING EQUIPMENT .....	15,204	15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT .....	6,330	6,330
138	FIRST DESTINATION TRANSPORTATION .....	6,539	6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS .....	34,804	34,804
	<b>TRAINING DEVICES</b>		
140	TRAINING SUPPORT EQUIPMENT .....	25,444	25,444
	<b>COMMAND SUPPORT EQUIPMENT</b>		
141	COMMAND SUPPORT EQUIPMENT .....	43,165	43,165
142	EDUCATION SUPPORT EQUIPMENT .....	2,251	2,251
143	MEDICAL SUPPORT EQUIPMENT .....	3,148	3,148
146	NAVAL MIP SUPPORT EQUIPMENT .....	3,502	3,502
148	OPERATING FORCES SUPPORT EQUIPMENT .....	15,696	15,696
149	CHSR EQUIPMENT .....	4,344	4,344
150	ENVIRONMENTAL SUPPORT EQUIPMENT .....	19,492	19,492
151	PHYSICAL SECURITY EQUIPMENT .....	177,149	177,149
152	ENTERPRISE INFORMATION TECHNOLOGY .....	183,995	183,995
	<b>CLASSIFIED PROGRAMS</b>		
152A	CLASSIFIED PROGRAMS .....	13,063	13,063
	<b>SPARES AND REPAIR PARTS</b>		
153	SPARES AND REPAIR PARTS .....	250,718	250,718
	<b>TOTAL OTHER PROCUREMENT, NAVY</b> .....	<b>6,169,378</b>	<b>6,219,041</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
001	AAV7A1 PIP .....	16,089	16,089
002	LAV PIP .....	186,216	45,342
	Budget adjustment per USMC .....		[-140,874]
	<b>ARTILLERY AND OTHER WEAPONS</b>		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM .....	2,502	2,502
004	155MM LIGHTWEIGHT TOWED HOWITZER .....	17,913	17,913
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	47,999	47,999
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....	17,706	17,706
	<b>OTHER SUPPORT</b>		
007	MODIFICATION KITS .....	48,040	48,040
008	WEAPONS ENHANCEMENT PROGRAM .....	4,537	4,537
	<b>GUIDED MISSILES</b>		
009	GROUND BASED AIR DEFENSE .....	11,054	11,054
011	FOLLOW ON TO SMAW .....	19,650	19,650
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....	20,708	20,708
	<b>COMMAND AND CONTROL SYSTEMS</b>		
014	UNIT OPERATIONS CENTER .....	1,420	1,420
	<b>REPAIR AND TEST EQUIPMENT</b>		
015	REPAIR AND TEST EQUIPMENT .....	25,127	25,127
	<b>OTHER SUPPORT (TEL)</b>		
016	COMBAT SUPPORT SYSTEM .....	25,822	25,822
017	MODIFICATION KITS .....	2,831	2,831
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
018	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	5,498	5,498
019	AIR OPERATIONS C2 SYSTEMS .....	11,290	11,290
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
020	RADAR SYSTEMS .....	128,079	128,079
021	RQ-21 UAS .....	27,619	27,619
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		

<b>SEC. 4101. PROCUREMENT</b> <b>(In Thousands of Dollars)</b>			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
022	FIRE SUPPORT SYSTEM .....	7,319	7,319
023	INTELLIGENCE SUPPORT EQUIPMENT .....	7,466	7,466
025	RQ-11 UAV .....	2,318	2,318
026	DCGS-MC .....	18,291	18,291
	<b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>		
029	NIGHT VISION EQUIPMENT .....	48,084	48,084
	<b>OTHER SUPPORT (NON-TEL)</b>		
030	COMMON COMPUTER RESOURCES .....	206,708	206,708
031	COMMAND POST SYSTEMS .....	35,190	35,190
032	RADIO SYSTEMS .....	89,059	89,059
033	COMM SWITCHING & CONTROL SYSTEMS .....	22,500	22,500
034	COMM & ELEC INFRASTRUCTURE SUPPORT .....	42,625	42,625
	<b>CLASSIFIED PROGRAMS</b>		
035A	CLASSIFIED PROGRAMS .....	2,290	2,290
	<b>ADMINISTRATIVE VEHICLES</b>		
035	COMMERCIAL PASSENGER VEHICLES .....	2,877	2,877
036	COMMERCIAL CARGO VEHICLES .....	13,960	13,960
	<b>TACTICAL VEHICLES</b>		
037	5/4T TRUCK HMMWV (MYP) .....	8,052	8,052
038	MOTOR TRANSPORT MODIFICATIONS .....	50,269	50,269
040	LOGISTICS VEHICLE SYSTEM REP .....	37,262	37,262
041	FAMILY OF TACTICAL TRAILERS .....	48,160	48,160
	<b>OTHER SUPPORT</b>		
043	ITEMS LESS THAN \$5 MILLION .....	6,705	6,705
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
044	ENVIRONMENTAL CONTROL EQUIP ASSORT .....	13,576	13,576
045	BULK LIQUID EQUIPMENT .....	16,869	16,869
046	TACTICAL FUEL SYSTEMS .....	19,108	19,108
047	POWER EQUIPMENT ASSORTED .....	56,253	56,253
048	AMPHIBIOUS SUPPORT EQUIPMENT .....	13,089	13,089
049	EOD SYSTEMS .....	73,699	73,699
	<b>MATERIALS HANDLING EQUIPMENT</b>		
050	PHYSICAL SECURITY EQUIPMENT .....	3,510	3,510
051	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....	11,490	11,490
052	MATERIAL HANDLING EQUIP .....	20,659	20,659
053	FIRST DESTINATION TRANSPORTATION .....	132	132
	<b>GENERAL PROPERTY</b>		
054	FIELD MEDICAL EQUIPMENT .....	31,068	31,068
055	TRAINING DEVICES .....	45,895	45,895
056	CONTAINER FAMILY .....	5,801	5,801
057	FAMILY OF CONSTRUCTION EQUIPMENT .....	23,939	23,939
060	RAPID DEPLOYABLE KITCHEN .....	8,365	8,365
	<b>OTHER SUPPORT</b>		
061	ITEMS LESS THAN \$5 MILLION .....	7,077	7,077
	<b>SPARES AND REPAIR PARTS</b>		
062	SPARES AND REPAIR PARTS .....	3,190	3,190
	<b>TOTAL PROCUREMENT, MARINE CORPS</b> .....	<b>1,622,955</b>	<b>1,482,081</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL FORCES</b>		
001	F-35 .....	3,124,302	3,124,302
002	ADVANCE PROCUREMENT (CY) .....	293,400	293,400
	<b>OTHER AIRLIFT</b>		
005	C-130J .....	68,373	68,373
007	HC-130J .....	152,212	152,212
009	MC-130J .....	374,866	374,866
	<b>HELICOPTERS</b>		
015	HH-60 LOSS REPLACEMENT/RECAP .....	60,596	60,596
017	CV-22 (MYP) .....	294,220	294,220
018	ADVANCE PROCUREMENT (CY) .....	15,000	15,000
	<b>MISSION SUPPORT AIRCRAFT</b>		
019	CIVIL AIR PATROL A/C .....	2,498	2,498
	<b>OTHER AIRCRAFT</b>		
024	TARGET DRONES .....	129,866	129,866
026	RQ-4 .....	75,000	180,200
	Sustain current force structure .....		[105,200]
028	AC-130J .....	163,970	163,970
030	MQ-9 .....	553,530	708,530
	Additional aircraft .....		[155,000]
031	RQ-4 BLOCK 40 PROC .....	11,654	11,654
	<b>STRATEGIC AIRCRAFT</b>		
032	B-2A .....	82,296	82,296
033	B-1B .....	149,756	149,756
034	B-52 .....	9,781	9,781
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES .....	28,800	28,800
	<b>TACTICAL AIRCRAFT</b>		
036	A-10 .....	89,919	173,919
	Retain A-10 force structure .....		[84,000]

<b>SEC. 4101. PROCUREMENT</b> (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
037	F-15 .....	148,378	148,378
038	F-16 .....	6,896	6,896
039	F-22A .....	283,871	283,871
040	F-35 MODIFICATIONS .....	147,995	147,995
	<b>AIRLIFT AIRCRAFT</b>		
041	C-5 .....	6,967	6,967
043	C-5M .....	944,819	879,819
	Inflation adjustment and installation efficiencies .....		[-65,000]
044	ADVANCE PROCUREMENT (CY) .....	175,800	175,800
046	C-17A .....	205,079	205,079
047	C-21 .....	199	199
048	C-32A .....	1,750	1,750
049	C-37A .....	445	445
	<b>TRAINER AIRCRAFT</b>		
051	GLIDER MODS .....	126	126
052	T-6 .....	15,494	15,494
053	T-1 .....	272	272
054	T-38 .....	20,455	20,455
	<b>OTHER AIRCRAFT</b>		
056	U-2 MODS .....	44,477	44,477
057	KC-10A (ATCA) .....	46,921	46,921
058	C-12 .....	1,876	1,876
059	MC-12W .....	17,054	17,054
060	C-20 MODS .....	243	243
061	VC-25A MOD .....	11,185	11,185
062	C-40 .....	243	243
063	C-130 .....	67,853	67,853
065	C-130J MODS .....	70,555	70,555
066	C-135 .....	46,707	46,707
067	COMPASS CALL MODS .....	50,024	50,024
068	RC-135 .....	165,237	165,237
069	E-3 .....	193,099	193,099
070	E-4 .....	47,616	47,616
071	E-8 .....	59,320	59,320
072	H-1 .....	5,449	5,449
073	H-60 .....	26,227	26,227
074	RQ-4 MODS .....	9,257	9,257
075	HC/MC-130 MODIFICATIONS .....	22,326	22,326
076	OTHER AIRCRAFT .....	18,832	18,832
077	MQ-1 MODS .....	30,861	30,861
078	MQ-9 MODS .....	238,360	238,360
079	MQ-9 UAS PAYLOADS .....	93,461	93,461
080	CV-22 MODS .....	23,881	23,881
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
081	INITIAL SPARES/REPAIR PARTS .....	729,691	729,691
	<b>COMMON SUPPORT EQUIPMENT</b>		
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....	56,542	56,542
	<b>POST PRODUCTION SUPPORT</b>		
083	A-10 .....	5,100	5,100
084	B-1 .....	965	965
086	B-2A .....	47,580	47,580
088	KC-10A (ATCA) .....	13,100	13,100
089	C-17A .....	181,703	181,703
090	C-130 .....	31,830	31,830
091	C-135 .....	13,434	13,434
092	F-15 .....	2,363	2,363
093	F-16 .....	8,506	5,906
	Production line shutdown—excess to need .....		[-2,600]
096	OTHER AIRCRAFT .....	9,522	9,522
	<b>INDUSTRIAL PREPAREDNESS</b>		
097	INDUSTRIAL RESPONSIVENESS .....	20,731	20,731
	<b>WAR CONSUMABLES</b>		
098	WAR CONSUMABLES .....	89,727	89,727
	<b>OTHER PRODUCTION CHARGES</b>		
099	OTHER PRODUCTION CHARGES .....	842,392	842,392
	<b>CLASSIFIED PROGRAMS</b>		
103A	CLASSIFIED PROGRAMS .....	20,164	20,164
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b> .....	<b>11,002,999</b>	<b>11,279,599</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>ROCKETS</b>		
001	ROCKETS .....	8,927	8,927
	<b>CARTRIDGES</b>		
002	CARTRIDGES .....	118,075	118,075
	<b>BOMBS</b>		
003	PRACTICE BOMBS .....	32,393	32,393
004	GENERAL PURPOSE BOMBS .....	163,467	163,467
005	JOINT DIRECT ATTACK MUNITION .....	101,921	101,921

<b>SEC. 4101. PROCUREMENT</b> <b>(In Thousands of Dollars)</b>			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
<b>FLARE, IR MJU-7B</b>			
006	CAD/PAD .....	43,829	43,829
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....	7,515	7,515
008	SPARES AND REPAIR PARTS .....	1,003	1,003
009	MODIFICATIONS .....	5,321	5,321
010	ITEMS LESS THAN \$5 MILLION .....	5,066	5,066
<b>FUZES</b>			
011	FLARES .....	46,010	46,010
012	FUZES .....	36,444	36,444
<b>SMALL ARMS</b>			
013	SMALL ARMS .....	29,223	29,223
<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE .....</b>		<b>599,194</b>	<b>599,194</b>
<b>MISSILE PROCUREMENT, AIR FORCE</b>			
<b>MISSILE REPLACEMENT EQUIPMENT—BALLISTIC</b>			
001	MISSILE REPLACEMENT EQ-BALLISTIC .....	56,906	56,906
<b>TACTICAL</b>			
002	JASSM .....	240,399	240,399
003	SIDEWINDER (AIM-9X) .....	88,020	88,020
004	AMRAAM .....	229,637	206,937
	Missile unit cost adjustment .....		[-22,700]
005	PREDATOR HELLFIRE MISSILE .....	47,675	47,675
006	SMALL DIAMETER BOMB .....	42,000	42,000
<b>INDUSTRIAL FACILITIES</b>			
007	INDUSTRI'L PREPAREDNS/POL PREVENTION .....	744	744
<b>CLASS IV</b>			
009	MM III MODIFICATIONS .....	54,794	54,794
010	AGM-65D MAVERICK .....	271	271
011	AGM-88A HARM .....	23,240	23,240
012	AIR LAUNCH CRUISE MISSILE (ALCM) .....	13,620	13,620
013	SMALL DIAMETER BOMB .....	5,000	5,000
<b>MISSILE SPARES AND REPAIR PARTS</b>			
014	INITIAL SPARES/REPAIR PARTS .....	74,373	74,373
<b>SPACE PROGRAMS</b>			
015	ADVANCED EHF .....	557,205	547,205
	Schedule Delay Due to Late AP Award .....		[-10,000]
017	WIDEBAND GAPFILLER SATELLITES(SPACE) .....	36,835	36,835
019	GPS III SPACE SEGMENT .....	410,294	410,294
020	ADVANCE PROCUREMENT (CY) .....	82,616	82,616
021	SPACEBORNE EQUIP (COMSEC) .....	10,554	10,554
022	GLOBAL POSITIONING (SPACE) .....	58,147	58,147
023	DEF METEOROLOGICAL SAT PROG(SPACE) .....	89,022	89,022
024	EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....	1,679,856	1,679,856
025	SBIR HIGH (SPACE) .....	454,251	454,251
<b>SPECIAL PROGRAMS</b>			
030	SPECIAL UPDATE PROGRAMS .....	138,904	138,904
<b>CLASSIFIED PROGRAMS</b>			
030A	CLASSIFIED PROGRAMS .....	1,097,483	1,097,483
<b>TOTAL MISSILE PROCUREMENT, AIR FORCE .....</b>		<b>5,491,846</b>	<b>5,459,146</b>
<b>OTHER PROCUREMENT, AIR FORCE</b>			
<b>PASSENGER CARRYING VEHICLES</b>			
001	PASSENGER CARRYING VEHICLES .....	1,905	1,905
<b>CARGO AND UTILITY VEHICLES</b>			
002	MEDIUM TACTICAL VEHICLE .....	18,547	18,547
003	CAP VEHICLES .....	932	932
004	ITEMS LESS THAN \$5 MILLION .....	1,699	1,699
<b>SPECIAL PURPOSE VEHICLES</b>			
005	SECURITY AND TACTICAL VEHICLES .....	10,850	10,850
006	ITEMS LESS THAN \$5 MILLION .....	9,246	9,246
<b>FIRE FIGHTING EQUIPMENT</b>			
007	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	23,148	23,148
<b>MATERIALS HANDLING EQUIPMENT</b>			
008	ITEMS LESS THAN \$5 MILLION .....	18,323	18,323
<b>BASE MAINTENANCE SUPPORT</b>			
009	RUNWAY SNOW REMOV AND CLEANING EQU .....	1,685	1,685
010	ITEMS LESS THAN \$5 MILLION .....	17,014	17,014
<b>COMM SECURITY EQUIPMENT(COMSEC)</b>			
012	COMSEC EQUIPMENT .....	166,559	166,559
013	MODIFICATIONS (COMSEC) .....	1,133	1,133
<b>INTELLIGENCE PROGRAMS</b>			
014	INTELLIGENCE TRAINING EQUIPMENT .....	2,749	2,749
015	INTELLIGENCE COMM EQUIPMENT .....	32,876	32,876
016	ADVANCE TECH SENSORS .....	877	877
017	MISSION PLANNING SYSTEMS .....	15,295	15,295
<b>ELECTRONICS PROGRAMS</b>			
018	AIR TRAFFIC CONTROL & LANDING SYS .....	21,984	21,984
019	NATIONAL AIRSPACE SYSTEM .....	30,698	30,698

<b>SEC. 4101. PROCUREMENT</b> <b>(In Thousands of Dollars)</b>			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
020	BATTLE CONTROL SYSTEM—FIXED .....	17,368	17,368
021	THEATER AIR CONTROL SYS IMPROVEMENTS .....	23,483	23,483
022	WEATHER OBSERVATION FORECAST .....	17,864	17,864
023	STRATEGIC COMMAND AND CONTROL .....	53,995	34,995
	Early to need .....		[-19,000]
024	CHEYENNE MOUNTAIN COMPLEX .....	14,578	14,578
025	TAC SIGINT SPT .....	208	208
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
027	GENERAL INFORMATION TECHNOLOGY .....	69,743	69,743
028	AF GLOBAL COMMAND & CONTROL SYS .....	15,829	63,029
	Add MQ-1/9 RSO-SOC Procurement .....		[9,900]
	Establish ANG Targeting Unit-Workstation Procurement .....		[37,300]
029	MOBILITY COMMAND AND CONTROL .....	11,023	11,023
030	AIR FORCE PHYSICAL SECURITY SYSTEM .....	64,521	64,521
031	COMBAT TRAINING RANGES .....	18,217	18,217
032	C3 COUNTERMEASURES .....	11,899	11,899
033	GCSS-AF FOS .....	13,920	13,920
034	THEATER BATTLE MGT C2 SYSTEM .....	9,365	9,365
035	AIR & SPACE OPERATIONS CTR-WPN SYS .....	33,907	33,907
	<b>AIR FORCE COMMUNICATIONS</b>		
036	INFORMATION TRANSPORT SYSTEMS .....	52,464	52,464
038	AFNET .....	125,788	125,788
039	VOICE SYSTEMS .....	16,811	16,811
040	USCENTCOM .....	32,138	32,138
	<b>DISA PROGRAMS</b>		
041	SPACE BASED IR SENSOR PGM SPACE .....	47,135	47,135
042	NAVSTAR GPS SPACE .....	2,031	2,031
043	NUDET DETECTION SYS SPACE .....	5,564	5,564
044	AF SATELLITE CONTROL NETWORK SPACE .....	44,219	44,219
045	SPACELIFT RANGE SYSTEM SPACE .....	109,545	109,545
046	MILSATCOM SPACE .....	47,592	47,592
047	SPACE MODS SPACE .....	47,121	47,121
048	COUNTERSPACE SYSTEM .....	20,961	20,961
	<b>ORGANIZATION AND BASE</b>		
049	TACTICAL C-E EQUIPMENT .....	126,131	126,131
050	COMBAT SURVIVOR EVADER LOCATER .....	23,707	23,707
051	RADIO EQUIPMENT .....	12,757	12,757
052	CCTV/AUDIOVISUAL EQUIPMENT .....	10,716	10,716
053	BASE COMM INFRASTRUCTURE .....	74,528	74,528
	<b>MODIFICATIONS</b>		
054	COMM ELECT MODS .....	43,507	43,507
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
055	NIGHT VISION GOGGLES .....	22,693	22,693
056	ITEMS LESS THAN \$5 MILLION .....	30,887	30,887
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>		
057	MECHANIZED MATERIAL HANDLING EQUIP .....	2,850	2,850
	<b>BASE SUPPORT EQUIPMENT</b>		
058	BASE PROCURED EQUIPMENT .....	8,387	8,387
059	CONTINGENCY OPERATIONS .....	10,358	10,358
060	PRODUCTIVITY CAPITAL INVESTMENT .....	3,473	3,473
062	MOBILITY EQUIPMENT .....	14,471	14,471
063	ITEMS LESS THAN \$5 MILLION .....	1,894	1,894
	<b>SPECIAL SUPPORT PROJECTS</b>		
065	DARP RC135 .....	24,176	24,176
066	DCGS-AF .....	142,928	142,928
068	SPECIAL UPDATE PROGRAM .....	479,446	479,446
069	DEFENSE SPACE RECONNAISSANCE PROG. ....	39,155	39,155
	<b>CLASSIFIED PROGRAMS</b>		
069A	CLASSIFIED PROGRAMS .....	14,331,312	14,331,312
	<b>SPARES AND REPAIR PARTS</b>		
071	SPARES AND REPAIR PARTS .....	14,663	14,663
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....	<b>16,720,848</b>	<b>16,749,048</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, DCAA</b>		
002	ITEMS LESS THAN \$5 MILLION .....	1,486	1,486
	<b>MAJOR EQUIPMENT, DCMA</b>		
003	MAJOR EQUIPMENT .....	2,129	2,129
	<b>MAJOR EQUIPMENT, DHRA</b>		
005	PERSONNEL ADMINISTRATION .....	6,147	6,147
	<b>MAJOR EQUIPMENT, DISA</b>		
012	INFORMATION SYSTEMS SECURITY .....	12,708	12,708
014	GLOBAL COMBAT SUPPORT SYSTEM .....	3,002	3,002
015	TELEPORT PROGRAM .....	46,992	46,992
016	ITEMS LESS THAN \$5 MILLION .....	108,462	108,462
017	NET CENTRIC ENTERPRISE SERVICES (NCES) .....	2,865	2,865
018	DEFENSE INFORMATION SYSTEM NETWORK .....	116,906	116,906
019	PUBLIC KEY INFRASTRUCTURE .....	1,827	1,827

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
021	CYBER SECURITY INITIATIVE .....	10,319	10,319
	<b>MAJOR EQUIPMENT, DLA</b>		
022	MAJOR EQUIPMENT .....	9,575	9,575
	<b>MAJOR EQUIPMENT, DMACT</b>		
023	MAJOR EQUIPMENT .....	15,179	15,179
	<b>MAJOR EQUIPMENT, DODEA</b>		
024	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....	1,458	1,458
	<b>MAJOR EQUIPMENT, DSS</b>		
026	MAJOR EQUIPMENT .....	2,522	2,522
	<b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>		
027	VEHICLES .....	50	50
028	OTHER MAJOR EQUIPMENT .....	13,096	13,096
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>		
030	THAAD .....	460,728	460,728
031	AEGIS BMD .....	389,626	389,626
032	BMDs AN/TPY-2 RADARS .....	217,244	380,244
	Procure additional AN/TPY-2 radar .....		[163,000]
033	RADAR SPARES .....	10,177	10,177
	<b>MAJOR EQUIPMENT, NSA</b>		
041	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....	6,770	6,770
	<b>MAJOR EQUIPMENT, OSD</b>		
042	MAJOR EQUIPMENT, OSD .....	45,938	45,938
043	MAJOR EQUIPMENT, INTELLIGENCE .....	17,582	17,582
	<b>MAJOR EQUIPMENT, TJS</b>		
044	MAJOR EQUIPMENT, TJS .....	21,878	21,878
	<b>MAJOR EQUIPMENT, WHS</b>		
045	MAJOR EQUIPMENT, WHS .....	26,550	26,550
	<b>CLASSIFIED PROGRAMS</b>		
045A	CLASSIFIED PROGRAMS .....	555,787	555,787
	<b>AVIATION PROGRAMS</b>		
046	ROTARY WING UPGRADES AND SUSTAINMENT .....	74,832	74,832
048	MH-60 MODERNIZATION PROGRAM .....	126,780	126,780
049	NON-STANDARD AVIATION .....	99,776	37,000
	Transfer to Line 051—Mission Shift .....		[-62,776]
051	U-28 .....	7,530	116,906
	Transfer from Line 049—Mission Shift .....		[62,776]
	USSOCOM UFR .....		[46,600]
052	MH-47 CHINOOK .....	134,785	134,785
053	RQ-11 UNMANNED AERIAL VEHICLE .....	2,062	2,062
054	CV-22 MODIFICATION .....	139,147	139,147
055	MQ-1 UNMANNED AERIAL VEHICLE .....	3,963	26,963
	USSOCOM UFR .....		[23,000]
056	MQ-9 UNMANNED AERIAL VEHICLE .....	3,952	39,352
	USSOCOM UFR .....		[35,400]
058	STUASLO .....	12,945	12,945
059	PRECISION STRIKE PACKAGE .....	73,013	73,013
060	AC/MC-130J .....	51,484	51,484
062	C-130 MODIFICATIONS .....	25,248	25,248
063	AIRCRAFT SUPPORT .....	5,314	5,314
	<b>SHIPBUILDING</b>		
064	UNDERWATER SYSTEMS .....	23,037	15,037
	Transfer to RDDW Line 272 at USSOCOM request .....		[-8,000]
	<b>AMMUNITION PROGRAMS</b>		
066	ORDNANCE REPLENISHMENT .....	113,183	113,183
067	ORDNANCE ACQUISITION .....	36,981	36,981
	<b>OTHER PROCUREMENT PROGRAMS</b>		
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	99,838	103,738
	USSOCOM UFR .....		[3,900]
069	INTELLIGENCE SYSTEMS .....	71,428	71,428
070	SMALL ARMS AND WEAPONS .....	27,108	27,108
071	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	12,767	15,967
	USSOCOM UFR .....		[3,200]
074	COMBATANT CRAFT SYSTEMS .....	42,348	42,348
075	SPARES AND REPAIR PARTS .....	600	600
077	TACTICAL VEHICLES .....	37,421	37,421
078	MISSION TRAINING AND PREPARATION SYSTEMS .....	36,949	41,949
	USSOCOM UFR .....		[5,000]
079	COMBAT MISSION REQUIREMENTS .....	20,255	26,255
	AC-130 electro-optical and infrared sensors .....		[6,000]
080	MILCON COLLATERAL EQUIPMENT .....	17,590	17,590
082	AUTOMATION SYSTEMS .....	66,573	66,573
083	GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	6,549	6,549
084	OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	32,335	32,335
085	SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	15,153	15,153
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....	33,920	33,920
087	TACTICAL RADIO SYSTEMS .....	75,132	75,132
090	MISCELLANEOUS EQUIPMENT .....	6,667	6,667
091	OPERATIONAL ENHANCEMENTS .....	217,972	243,272

<b>SEC. 4101. PROCUREMENT</b> (In Thousands of Dollars)			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
	USSOCOM UFR .....		[25,300]
092	MILITARY INFORMATION SUPPORT OPERATIONS .....	27,417	27,417
	<b>CBDP</b>		
093	INSTALLATION FORCE PROTECTION .....	24,025	24,025
094	INDIVIDUAL PROTECTION .....	73,720	73,720
095	DECONTAMINATION .....	506	506
096	JOINT BIO DEFENSE PROGRAM (MEDICAL) .....	32,597	32,597
097	COLLECTIVE PROTECTION .....	3,144	3,144
098	CONTAMINATION AVOIDANCE .....	164,886	164,886
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....	<b>4,187,935</b>	<b>4,491,335</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
001	JOINT URGENT OPERATIONAL NEEDS FUND .....	99,477	0
	Program reduction .....		[-99,477]
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND</b> .....	<b>99,477</b>	<b>0</b>
	<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>		
	<b>UNDISTRIBUTED</b>		
999	MISCELLANEOUS EQUIPMENT .....		150,000
	Program increase .....		[150,000]
	<b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT</b> .....		<b>150,000</b>
	<b>TOTAL PROCUREMENT</b> .....	<b>97,432,379</b>	<b>98,398,230</b>

**1 SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY**  
**2 OPERATIONS.**

<b>SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS</b> (In Thousands of Dollars)			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
	<b>AIRCRAFT PROCUREMENT, ARMY</b>		
	<b>ROTARY</b>		
009	AH-64 APACHE BLOCK IIIB NEW BUILD .....	71,000	71,000
012	KIOWA WARRIOR (OH-58F) WRA .....	183,900	183,900
015	CH-47 HELICOPTER .....	231,300	231,300
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>486,200</b>	<b>486,200</b>
	<b>MISSILE PROCUREMENT, ARMY</b>		
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>		
004	HELLFIRE SYS SUMMARY .....	29,100	29,100
	<b>ANTI-TANK/ASSAULT MISSILE SYS</b>		
008	GUIDED MLRS ROCKET (GMLRS) .....	20,553	20,553
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>49,653</b>	<b>49,653</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>		
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		
036	M16 RIFLE MODS .....	15,422	15,422
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....	<b>15,422</b>	<b>15,422</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>SMALL/MEDIUM CAL AMMUNITION</b>		
003	CTG, HANDGUN, ALL TYPES .....	1,500	1,500
004	CTG, .50 CAL, ALL TYPES .....	10,000	10,000
007	CTG, 30MM, ALL TYPES .....	80,000	61,000
	Pricing adjustments for target practice round and light-weight dual purpose round.		[-19,000]
	<b>MORTAR AMMUNITION</b>		
009	60MM MORTAR, ALL TYPES .....	14,000	14,000
010	81MM MORTAR, ALL TYPES .....	6,000	6,000
011	120MM MORTAR, ALL TYPES .....	56,000	56,000
	<b>ARTILLERY AMMUNITION</b>		
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP .....	29,956	29,956
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	37,044	37,044
015	PROJ 155MM EXTENDED RANGE XM982 .....	12,300	12,300
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....	17,000	17,000
	<b>MINES</b>		
017	MINES & CLEARING CHARGES, ALL TYPES .....	12,000	12,000
	<b>ROCKETS</b>		
020	ROCKET, HYDRA 70, ALL TYPES .....	63,635	63,635
	<b>OTHER AMMUNITION</b>		
023	SIGNALS, ALL TYPES .....	16,858	16,858

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
<b>MISCELLANEOUS</b>			
028	ITEMS LESS THAN \$5 MILLION .....	1,200	1,200
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY .....</b>	<b>357,493</b>	<b>338,493</b>
<b>OTHER PROCUREMENT, ARMY</b>			
<b>TACTICAL VEHICLES</b>			
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	28,247	28,247
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	2,050	2,050
011	HMMWV RECAPITALIZATION PROGRAM .....	271,000	271,000
014	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....	927,400	927,400
<b>COMM—INTELLIGENCE COMM</b>			
052	RESERVE CA/MISO GPF EQUIPMENT .....	8,000	8,000
<b>COMM—BASE COMMUNICATIONS</b>			
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....	25,000	65,000
	Transfer from OMA OCO at SOUTHCOM request .....		[40,000]
<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>			
069	DCGS-A (MIP) .....	90,355	90,355
073	CI HUMINT AUTO REPRINTING AND COLLECTION .....	6,516	6,516
<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>			
075	LIGHTWEIGHT COUNTER MORTAR RADAR .....	27,646	27,646
077	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES .....	52,000	52,000
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	205,209	205,209
<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>			
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....	14,600	14,600
099	COUNTERFIRE RADARS .....	54,585	54,585
<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>			
102	FIRE SUPPORT C2 FAMILY .....	22,430	22,430
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....	2,400	2,400
112	MANEUVER CONTROL SYSTEM (MCS) .....	6,400	6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	5,160	5,160
<b>CHEMICAL DEFENSIVE EQUIPMENT</b>			
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....	15,000	15,000
127	BASE DEFENSE SYSTEMS (BDS) .....	66,100	66,100
<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>			
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	3,565	3,565
<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>			
143	FORCE PROVIDER .....	39,700	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	650	650
<b>PETROLEUM EQUIPMENT</b>			
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	2,119	2,119
<b>MAINTENANCE EQUIPMENT</b>			
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	428	428
153	ITEMS LESS THAN \$5 MILLION (MAINT EQ) .....	30	30
<b>TRAINING EQUIPMENT</b>			
175	COMBAT TRAINING CENTERS SUPPORT .....	7,000	7,000
176	TRAINING DEVICES, NONSYSTEM .....	27,250	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER .....	1,000	1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....	5,900	5,900
<b>OTHER SUPPORT EQUIPMENT</b>			
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	98,167	118,167
	Rapid equipping force delayed execution rates .....		[-10,000]
	Solar power units .....		[30,000]
	<b>TOTAL OTHER PROCUREMENT, ARMY .....</b>	<b>2,015,907</b>	<b>2,075,907</b>
<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>			
<b>NETWORK ATTACK</b>			
001	ATTACK THE NETWORK .....	950,500	925,000
	Program decrease—under execution .....		[-25,500]
<b>JIEDDO DEVICE DEFEAT</b>			
002	DEFEAT THE DEVICE .....	400,000	375,000
	Program decrease—under execution & program delays .....		[-25,000]
<b>FORCE TRAINING</b>			
003	TRAIN THE FORCE .....	149,500	144,500
	Program decrease—under execution & program delays .....		[-5,000]
<b>STAFF AND INFRASTRUCTURE</b>			
004	OPERATIONS .....	175,400	397,814
	Program decrease—under execution & program delays .....		[-5,000]
	Transfer from title 1 .....		[227,414]
	<b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND .....</b>	<b>1,675,400</b>	<b>1,842,314</b>
<b>AIRCRAFT PROCUREMENT, NAVY</b>			
<b>COMBAT AIRCRAFT</b>			
011	H-1 UPGRADES (UH-1Y/AH-1Z) .....	29,800	29,800
<b>MODIFICATION OF AIRCRAFT</b>			
030	AV-8 SERIES .....	42,238	42,238
032	F-18 SERIES .....	41,243	41,243
035	H-53 SERIES .....	15,870	15,870
038	EP-3 SERIES .....	13,030	13,030

<b>SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS</b>			
<b>(In Thousands of Dollars)</b>			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
043	C-130 SERIES .....	16,737	16,737
048	SPECIAL PROJECT AIRCRAFT .....	2,714	2,714
054	COMMON AVIONICS CHANGES .....	570	570
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>		
062	COMMON GROUND EQUIPMENT .....	2,380	2,380
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY .....</b>	<b>164,582</b>	<b>164,582</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>TACTICAL MISSILES</b>		
009	HELLFIRE .....	17,000	17,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) .....	6,500	6,500
	<b>TOTAL WEAPONS PROCUREMENT, NAVY .....</b>	<b>23,500</b>	<b>23,500</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>		
	<b>NAVY AMMUNITION</b>		
001	GENERAL PURPOSE BOMBS .....	18,000	18,000
002	AIRBORNE ROCKETS, ALL TYPES .....	80,200	80,200
003	MACHINE GUN AMMUNITION .....	21,500	21,500
006	AIR EXPENDABLE COUNTERMEASURES .....	20,303	20,303
011	OTHER SHIP GUN AMMUNITION .....	532	532
012	SMALL ARMS & LANDING PARTY AMMO .....	2,643	2,643
013	PYROTECHNIC AND DEMOLITION .....	2,322	2,322
014	AMMUNITION LESS THAN \$5 MILLION .....	6,308	6,308
	<b>MARINE CORPS AMMUNITION</b>		
015	SMALL ARMS AMMUNITION .....	10,948	10,948
016	LINEAR CHARGES, ALL TYPES .....	9,940	9,940
017	40 MM, ALL TYPES .....	5,963	5,963
020	120MM, ALL TYPES .....	11,605	11,605
021	CTG 25MM, ALL TYPES .....	2,831	2,831
022	GRENADES, ALL TYPES .....	2,359	2,359
023	ROCKETS, ALL TYPES .....	3,051	3,051
024	ARTILLERY, ALL TYPES .....	54,886	54,886
025	DEMOLITION MUNITIONS, ALL TYPES .....	1,391	1,391
026	FUZE, ALL TYPES .....	30,945	30,945
027	NON LETHALS .....	8	8
029	ITEMS LESS THAN \$5 MILLION .....	12	12
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC .....</b>	<b>285,747</b>	<b>285,747</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>		
070	TACTICAL/MOBILE C4I SYSTEMS .....	3,603	3,603
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
097	EXPEDITIONARY AIRFIELDS .....	58,200	58,200
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
127	PASSENGER CARRYING VEHICLES .....	3,901	3,901
128	GENERAL PURPOSE TRUCKS .....	852	852
129	CONSTRUCTION & MAINTENANCE EQUIP .....	2,436	2,436
130	FIRE FIGHTING EQUIPMENT .....	3,798	3,798
131	TACTICAL VEHICLES .....	13,394	13,394
134	ITEMS UNDER \$5 MILLION .....	375	375
	<b>COMMAND SUPPORT EQUIPMENT</b>		
149	C4ISR EQUIPMENT .....	3,000	3,000
151	PHYSICAL SECURITY EQUIPMENT .....	9,323	9,323
	<b>TOTAL OTHER PROCUREMENT, NAVY .....</b>	<b>98,882</b>	<b>98,882</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
002	LAV PIP .....	10,000	10,000
	<b>ARTILLERY AND OTHER WEAPONS</b>		
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	108,860	108,860
	<b>GUIDED MISSILES</b>		
010	JAVELIN .....	29,158	29,158
	<b>OTHER SUPPORT</b>		
013	MODIFICATION KITS .....	41,602	41,602
	<b>REPAIR AND TEST EQUIPMENT</b>		
015	REPAIR AND TEST EQUIPMENT .....	13,632	13,632
	<b>OTHER SUPPORT (TEL)</b>		
017	MODIFICATION KITS .....	2,831	2,831
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
019	AIR OPERATIONS C2 SYSTEMS .....	15,575	15,575
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
020	RADAR SYSTEMS .....	8,015	8,015
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
023	INTELLIGENCE SUPPORT EQUIPMENT .....	35,310	35,310
	<b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>		
029	NIGHT VISION EQUIPMENT .....	652	652
	<b>OTHER SUPPORT (NON-TEL)</b>		
030	COMMON COMPUTER RESOURCES .....	19,807	19,807

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
032	RADIO SYSTEMS .....	36,482	36,482
033	COMM SWITCHING & CONTROL SYSTEMS .....	41,295	41,295
	<b>TACTICAL VEHICLES</b>		
039	MEDIUM TACTICAL VEHICLE REPLACEMENT .....	10,466	10,466
041	FAMILY OF TACTICAL TRAILERS .....	7,642	7,642
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
045	BULK LIQUID EQUIPMENT .....	18,239	18,239
046	TACTICAL FUEL SYSTEMS .....	51,359	51,359
047	POWER EQUIPMENT ASSORTED .....	20,247	20,247
049	EOD SYSTEMS .....	362,658	362,658
	<b>MATERIALS HANDLING EQUIPMENT</b>		
050	PHYSICAL SECURITY EQUIPMENT .....	55,500	55,500
052	MATERIAL HANDLING EQUIP .....	19,100	19,100
	<b>GENERAL PROPERTY</b>		
054	FIELD MEDICAL EQUIPMENT .....	15,751	15,751
055	TRAINING DEVICES .....	3,602	3,602
057	FAMILY OF CONSTRUCTION EQUIPMENT .....	15,900	15,900
	<b>TOTAL PROCUREMENT, MARINE CORPS .....</b>	<b>943,683</b>	<b>943,683</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>STRATEGIC AIRCRAFT</b>		
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES .....	139,800	139,800
	<b>OTHER AIRCRAFT</b>		
055	U-2 MODS .....	46,800	46,800
063	C-130 .....	11,400	11,400
067	COMPASS CALL MODS .....	14,000	14,000
068	RC-135 .....	8,000	8,000
075	HC/MC-130 MODIFICATIONS .....	4,700	4,700
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
081	INITIAL SPARES/REPAIR PARTS .....	21,900	21,900
	<b>OTHER PRODUCTION CHARGES</b>		
099	OTHER PRODUCTION CHARGES .....	59,000	59,000
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE .....</b>	<b>305,600</b>	<b>305,600</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>CARTRIDGES</b>		
002	CARTRIDGES .....	13,592	13,592
	<b>BOMBS</b>		
004	GENERAL PURPOSE BOMBS .....	23,211	23,211
005	JOINT DIRECT ATTACK MUNITION .....	53,923	53,923
	<b>FLARE, IR MJU-7B</b>		
006	CAD/PAD .....	2,638	2,638
010	ITEMS LESS THAN \$5 MILLION .....	2,600	2,600
	<b>FUZES</b>		
011	FLARES .....	11,726	11,726
012	FUZES .....	8,513	8,513
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE .....</b>	<b>116,203</b>	<b>116,203</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL</b>		
005	PREDATOR HELLFIRE MISSILE .....	34,350	34,350
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE .....</b>	<b>34,350</b>	<b>34,350</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>CARGO AND UTILITY VEHICLES</b>		
002	MEDIUM TACTICAL VEHICLE .....	2,010	2,010
004	ITEMS LESS THAN \$5 MILLION .....	2,675	2,675
	<b>SPECIAL PURPOSE VEHICLES</b>		
006	ITEMS LESS THAN \$5 MILLION .....	2,557	2,557
	<b>MATERIALS HANDLING EQUIPMENT</b>		
008	ITEMS LESS THAN \$5 MILLION .....	4,329	4,329
	<b>BASE MAINTENANCE SUPPORT</b>		
009	RUNWAY SNOW REMOV AND CLEANING EQU .....	984	984
010	ITEMS LESS THAN \$5 MILLION .....	9,120	9,120
	<b>ELECTRONICS PROGRAMS</b>		
022	WEATHER OBSERVATION FORECAST .....	5,600	5,600
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
027	GENERAL INFORMATION TECHNOLOGY .....	11,157	11,157
	<b>ORGANIZATION AND BASE</b>		
049	TACTICAL C-E EQUIPMENT .....	7,000	7,000
053	BASE COMM INFRASTRUCTURE .....	10,654	10,654
	<b>MODIFICATIONS</b>		
054	COMM ELECT MODS .....	8,000	8,000
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
055	NIGHT VISION GOGGLES .....	902	902
	<b>BASE SUPPORT EQUIPMENT</b>		
059	CONTINGENCY OPERATIONS .....	60,090	60,090
062	MOBILITY EQUIPMENT .....	9,400	9,400

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
063	ITEMS LESS THAN \$5 MILLION .....	9,175	9,175
	<b>CLASSIFIED PROGRAMS</b>		
069A	CLASSIFIED PROGRAMS .....	2,672,317	2,672,317
	<b>SPARES AND REPAIR PARTS</b>		
071	SPARES AND REPAIR PARTS .....	2,300	2,300
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE .....</b>	<b>2,818,270</b>	<b>2,818,270</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, DISA</b>		
015	TELEPORT PROGRAM .....	5,260	5,260
	<b>CLASSIFIED PROGRAMS</b>		
045A	CLASSIFIED PROGRAMS .....	126,201	126,201
	<b>AVIATION PROGRAMS</b>		
061	MQ-8 UAV .....	16,500	16,500
	<b>OTHER PROCUREMENT PROGRAMS</b>		
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	151	151
069	INTELLIGENCE SYSTEMS .....	30,528	30,528
077	TACTICAL VEHICLES .....	1,843	1,843
082	AUTOMATION SYSTEMS .....	1,000	1,000
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....	108	108
091	OPERATIONAL ENHANCEMENTS .....	14,758	14,758
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE .....</b>	<b>196,349</b>	<b>196,349</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
001	JOINT URGENT OPERATIONAL NEEDS FUND .....	100,000	0
	Program reduction .....		[-100,000]
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND .....</b>	<b>100,000</b>	<b>0</b>
	<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>		
	<b>UNDISTRIBUTED</b>		
999	MISCELLANEOUS EQUIPMENT .....		350,000
	Program increase .....		[350,000]
	<b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT .....</b>		<b>350,000</b>
	<b>TOTAL PROCUREMENT .....</b>	<b>9,687,241</b>	<b>10,145,155</b>

1 **TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
 2 **TION**  
 3 **TION**  
 4 **SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
 5 **TION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2013 Request	Conference Authorized
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>		
		<b>BASIC RESEARCH</b>		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	20,860	20,860
002	0601102A	DEFENSE RESEARCH SCIENCES .....	219,180	219,180
003	0601103A	UNIVERSITY RESEARCH INITIATIVES .....	80,986	80,986
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....	123,045	123,045
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>444,071</b>	<b>444,071</b>
		<b>APPLIED RESEARCH</b>		
005	0602105A	MATERIALS TECHNOLOGY .....	29,041	39,041
		Advanced coating technologies for corrosion mitigation .....		[10,000]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY .....	45,260	45,260
007	0602122A	TRACTOR HIP .....	22,439	22,439
008	0602211A	AVIATION TECHNOLOGY .....	51,607	51,607
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY .....	15,068	15,068
010	0602303A	MISSILE TECHNOLOGY .....	49,383	49,383
011	0602307A	ADVANCED WEAPONS TECHNOLOGY .....	25,999	25,999
012	0602308A	ADVANCED CONCEPTS AND SIMULATION .....	23,507	23,507
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	69,062	69,062

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
014	0602618A	BALLISTICS TECHNOLOGY .....	60,823	60,823
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	4,465	4,465
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM .....	7,169	7,169
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY .....	35,218	35,218
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES .....	60,300	60,300
019	0602709A	NIGHT VISION TECHNOLOGY .....	53,244	53,244
020	0602712A	COUNTERMINE SYSTEMS .....	18,850	18,850
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY .....	19,872	19,872
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	20,095	20,095
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....	28,852	28,852
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY .....	9,830	9,830
025	0602784A	MILITARY ENGINEERING TECHNOLOGY .....	70,693	70,693
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....	17,781	17,781
027	0602786A	WARFIGHTER TECHNOLOGY .....	28,281	28,281
028	0602787A	MEDICAL TECHNOLOGY .....	107,891	107,891
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>874,730</b>	<b>884,730</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY .....	39,359	39,359
030	0603002A	MEDICAL ADVANCED TECHNOLOGY .....	69,580	69,580
031	0603003A	AVIATION ADVANCED TECHNOLOGY .....	64,215	64,215
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....	67,613	67,613
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	104,359	104,359
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	4,157	4,157
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	9,856	9,856
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....	50,661	50,661
037	0603009A	TRACTOR HIKE .....	9,126	9,126
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	17,257	17,257
039	0603020A	TRACTOR ROSE .....	9,925	9,925
040	0603105A	MILITARY HIV RESEARCH .....	6,984	6,984
041	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT .....	9,716	9,716
042	0603130A	TRACTOR NAIL .....	3,487	3,487
043	0603131A	TRACTOR EGGS .....	2,323	2,323
044	0603270A	ELECTRONIC WARFARE TECHNOLOGY .....	21,683	21,683
045	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	71,111	71,111
046	0603322A	TRACTOR CAGE .....	10,902	10,902
047	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	180,582	180,582
048	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	27,204	27,204
049	0603607A	JOINT SERVICE SMALL ARMS PROGRAM .....	6,095	6,095
050	0603710A	NIGHT VISION ADVANCED TECHNOLOGY .....	37,217	37,217
051	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	13,626	13,626
052	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	28,458	28,458
053	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	25,226	25,226
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b>	<b>890,722</b>	<b>890,722</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION .....	14,505	14,505
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION .....	9,876	9,876
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	5,054	5,054
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV ..	2,725	2,725
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION .....	30,560	30,560
059	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....	14,347	14,347
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	10,073	10,073
061	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV ...	8,660	8,660
062	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....	10,715	10,715
063	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL .....	4,631	4,631
064	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL ..	278,018	278,018
065	0603790A	NATO RESEARCH AND DEVELOPMENT .....	4,961	4,961
066	0603801A	AVIATION—ADV DEV .....	8,602	8,602
067	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	14,605	14,605
068	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	5,054	5,054
069	0603807A	MEDICAL SYSTEMS—ADV DEV .....	24,384	24,384
070	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	32,050	32,050
071	0603850A	INTEGRATED BROADCAST SERVICE .....	96	96
072	0604115A	TECHNOLOGY MATURATION INITIATIVES .....	24,868	24,868
073	0604131A	TRACTOR JUTE .....	59	59
075	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2).	76,039	76,039
077	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4) .....	4,043	4,043
078	0305205A	ENDURANCE UAVS .....	26,196	20,197
		Program decrease .....		[-5,999]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>			<b>610,121</b>	<b>604,122</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
079	0604201A	AIRCRAFT AVIONICS .....	78,538	78,538
080	0604220A	ARMED, DEPLOYABLE HELOS .....	90,494	90,494
081	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	181,347	176,347
		Program adjustment .....		[-5,000]
083	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR) .....	12,636	12,636
084	0604321A	ALL SOURCE ANALYSIS SYSTEM .....	5,694	5,694
085	0604328A	TRACTOR CAGE .....	32,095	32,095
086	0604601A	INFANTRY SUPPORT WEAPONS .....	96,478	93,078
		XM25 funding ahead of need .....		[-3,400]
087	0604604A	MEDIUM TACTICAL VEHICLES .....	3,006	3,006
089	0604611A	JAVELIN .....	5,040	5,040
090	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES .....	3,077	3,077
091	0604633A	AIR TRAFFIC CONTROL .....	9,769	9,769
092	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV) .....	13,141	13,141
099	0604710A	NIGHT VISION SYSTEMS—ENG DEV .....	32,621	32,621
100	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,132	2,132
101	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV .....	44,787	44,787
102	0604716A	TERRAIN INFORMATION—ENG DEV .....	1,008	1,008
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE— ENG DEV .....	73,333	73,333
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	28,937	28,937
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	10,815	10,815
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV ...	13,926	13,926
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	17,797	17,797
108	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION .....	214,270	214,270
109	0604802A	WEAPONS AND MUNITIONS—ENG DEV .....	14,581	14,581
110	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV .....	43,706	43,706
111	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	20,776	20,776
112	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIP- MENT—ENG DEV .....	43,395	43,395
113	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV .....	104,983	104,983
114	0604814A	ARTILLERY MUNITIONS—EMD .....	4,346	4,346
116	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFT- WARE .....	77,223	77,223
117	0604820A	RADAR DEVELOPMENT .....	3,486	3,486
118	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBBS) .....	9,963	27,163
		GFEBBS realignment per Army request .....		[17,200]
119	0604823A	FIREFINDER .....	20,517	20,517
120	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	51,851	51,851
121	0604854A	ARTILLERY SYSTEMS—EMD .....	167,797	167,797
122	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) .....	400,861	0
		Prohibition of funds for MEADS .....		[-400,861]
123	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK ...	7,922	7,922
124	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT .....	51,463	51,463
125	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) ...	158,646	158,646
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	10,000	10,000
128	0605456A	PAC-3/MSE MISSILE .....	69,029	69,029
129	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....	277,374	315,374
		DRFM countermeasures studies .....		[38,000]
130	0605625A	MANNED GROUND VEHICLE .....	639,874	639,874
131	0605626A	AERIAL COMMON SENSOR .....	47,426	47,426
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH. ....	72,295	72,295
133	0303032A	TROJAN—RH12 .....	4,232	4,232
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT .....	13,942	13,942
<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>			<b>3,286,629</b>	<b>2,932,568</b>
<b>RDT&amp;E MANAGEMENT SUPPORT</b>				
135	0604256A	THREAT SIMULATOR DEVELOPMENT .....	18,090	18,090
136	0604258A	TARGET SYSTEMS DEVELOPMENT .....	14,034	14,034
137	0604759A	MAJOR T&E INVESTMENT .....	37,394	37,394
138	0605103A	RAND ARROYO CENTER .....	21,026	21,026
139	0605301A	ARMY KWAJALEIN ATOLL .....	176,816	176,816
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM .....	27,902	27,902
142	0605601A	ARMY TEST RANGES AND FACILITIES .....	369,900	369,900
143	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS ...	69,183	69,183
144	0605604A	SURVIVABILITY/LETHALITY ANALYSIS .....	44,753	44,753
146	0605606A	AIRCRAFT CERTIFICATION .....	5,762	5,762
147	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....	7,402	7,402
148	0605706A	MATERIEL SYSTEMS ANALYSIS .....	19,954	19,954
149	0605709A	EXPLOITATION OF FOREIGN ITEMS .....	5,535	5,535
150	0605712A	SUPPORT OF OPERATIONAL TESTING .....	67,789	67,789
151	0605716A	ARMY EVALUATION CENTER .....	62,765	62,765

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
152	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....	1,545	1,545
153	0605801A	PROGRAMWIDE ACTIVITIES .....	83,422	83,422
154	0605803A	TECHNICAL INFORMATION ACTIVITIES .....	50,820	50,820
155	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFE- TY.	46,763	46,763
156	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....	4,601	4,601
157	0605898A	MANAGEMENT HQ—R&D .....	18,524	18,524
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,153,980</b>	<b>1,153,980</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
159	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM .....	143,005	143,005
161	0607865A	PATRIOT PRODUCT IMPROVEMENT .....	109,978	109,978
162	0102419A	AEROSTAT JOINT PROJECT OFFICE .....	190,422	159,922
		Program decrease .....		[-30,500]
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....	32,556	32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	253,959	253,959
166	0203740A	MANEUVER CONTROL SYSTEM .....	68,325	68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PRO- GRAMS.	280,247	226,147
		Funding ahead of need .....		[-54,100]
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	898	898
169	0203758A	DIGITIZATION .....	35,180	35,180
171	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....	20,733	20,733
172	0203808A	TRACTOR CARD .....	63,243	63,243
173	0208053A	JOINT TACTICAL GROUND SYSTEM .....	31,738	31,738
174	0208058A	JOINT HIGH SPEED VESSEL (JHSV) .....	35	35
176	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	7,591	7,591
177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	15,961	15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM .....	120,927	120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	15,756	15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	14,443	14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	31,303	31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	40,876	40,876
184	0305219A	MQ-1 SKY WARRIOR A UAV .....	74,618	74,618
185	0305232A	RQ-11 UAV .....	4,039	4,039
186	0305233A	RQ-7 UAV .....	31,158	31,158
187	0305235A	VERTICAL UAS .....	2,387	2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE .....	15,248	15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....	59,908	59,908
189A	9999999999	CLASSIFIED PROGRAMS .....	4,628	4,628
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..</b>	<b>1,669,162</b>	<b>1,584,562</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY.</b>	<b>8,929,415</b>	<b>8,494,755</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>		
		<b>BASIC RESEARCH</b>		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	113,690	123,690
		Increase Defense University Research Instrumentation Program .....		[10,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	18,261	18,261
003	0601153N	DEFENSE RESEARCH SCIENCES .....	473,070	473,070
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>605,021</b>	<b>615,021</b>
		<b>APPLIED RESEARCH</b>		
004	0602114N	POWER PROJECTION APPLIED RESEARCH .....	89,189	89,189
005	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	143,301	143,301
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	46,528	46,528
007	0602235N	COMMON PICTURE APPLIED RESEARCH .....	41,696	41,696
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	44,127	44,127
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	78,228	78,228
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	49,635	49,635
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	5,973	5,973
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	96,814	96,814
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH .....	162,417	162,417
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	32,394	32,394
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>790,302</b>	<b>790,302</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY .....	56,543	56,543
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	18,616	18,616
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	54,858	54,858
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	130,598	130,598
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	11,706	11,706
022	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DE- VELOPMENT.	256,382	256,382
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	3,880	3,880
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS ..	51,819	51,819
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b>	<b>584,402</b>	<b>584,402</b>

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>				
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	34,085	34,085
029	0603216N	AVIATION SURVIVABILITY .....	8,783	8,783
030	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL .....	3,773	3,773
031	0603251N	AIRCRAFT SYSTEMS .....	24,512	24,512
032	0603254N	ASW SYSTEMS DEVELOPMENT .....	8,090	8,090
033	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	5,301	5,301
034	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	1,506	1,506
035	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES ... Excess to need .....	190,622	188,622
036	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	93,346	93,346
037	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	108,871	108,871
039	0603525N	PILOT FISH .....	101,169	101,169
040	0603527N	RETRACT LARCH .....	74,312	74,312
041	0603536N	RETRACT JUNIPER .....	90,730	90,730
042	0603542N	RADIOLOGICAL CONTROL .....	777	777
043	0603553N	SURFACE ASW .....	6,704	6,704
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	555,123	555,123
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	9,368	9,368
046	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	24,609	24,609
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	13,710	13,710
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	249,748	249,748
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	29,897	29,897
050	0603576N	CHALK EAGLE .....	509,988	509,988
051	0603581N	LITTORAL COMBAT SHIP (LCS) .....	429,420	429,420
052	0603582N	COMBAT SYSTEM INTEGRATION .....	56,551	56,551
053	0603609N	CONVENTIONAL MUNITIONS .....	7,342	7,342
054	0603611M	MARINE CORPS ASSAULT VEHICLES .....	95,182	95,182
055	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	10,496	10,496
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	52,331	52,331
057	0603658N	COOPERATIVE ENGAGEMENT .....	56,512	56,512
058	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	7,029	7,029
059	0603721N	ENVIRONMENTAL PROTECTION .....	21,080	21,080
060	0603724N	NAVY ENERGY PROGRAM .....	55,324	55,324
061	0603725N	FACILITIES IMPROVEMENT .....	3,401	3,401
062	0603734N	CHALK CORAL .....	45,966	45,966
063	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	3,811	3,811
064	0603746N	RETRACT MAPLE .....	341,305	341,305
065	0603748N	LINK PLUMERIA .....	181,220	181,220
066	0603751N	RETRACT ELM .....	174,014	174,014
068	0603764N	LINK EVERGREEN .....	68,654	68,654
069	0603787N	SPECIAL PROCESSES .....	44,487	44,487
070	0603790N	NATO RESEARCH AND DEVELOPMENT .....	9,389	9,389
071	0603795N	LAND ATTACK TECHNOLOGY .....	16,132	16,132
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING .....	44,994	44,994
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/ VAL .....	137,369	137,369
076	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....	73,934	73,934
077	0604279N	ASE SELF-PROTECTION OPTIMIZATION .....	711	711
078	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WAR- FARE (JCREW) .....	71,300	71,300
079	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	5,654	5,654
080	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ ENGINEERING SUPPORT .....	31,549	31,549
082	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOP- MENT .....	86,801	86,801
083	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH. ....	44,500	44,500
084	0303354N	ASW SYSTEMS DEVELOPMENT—MIP .....	13,172	13,172
086	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP .....	643	643
<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>			<b>4,335,297</b>	<b>4,333,297</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
087	0604212N	OTHER HELO DEVELOPMENT .....	33,978	33,978
088	0604214N	AV-8B AIRCRAFT—ENG DEV .....	32,789	32,789
089	0604215N	STANDARDS DEVELOPMENT .....	84,988	82,988
				[-2,000]
090	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	6,866	6,866
091	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	4,060	4,060
092	0604221N	P-3 MODERNIZATION PROGRAM .....	3,451	3,451
093	0604230N	WARFARE SUPPORT SYSTEM .....	13,071	13,071
094	0604231N	TACTICAL COMMAND SYSTEM .....	71,645	71,645
095	0604234N	ADVANCED HAWKEYE .....	119,065	119,065
096	0604245N	H-1 UPGRADES .....	31,105	31,105

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
097	0604261N	ACOUSTIC SEARCH SENSORS .....	34,299	34,299
098	0604262N	V-22A .....	54,412	54,412
099	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	2,717	2,717
100	0604269N	EA-18 .....	13,009	13,009
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	51,304	51,304
102	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT .....	61,163	61,163
103	0604274N	NEXT GENERATION JAMMER (NGJ) .....	187,024	187,024
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....	337,480	337,480
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	260,616	510,616
		Cruiser Retention .....		[250,000]
106	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION .....	824	824
107	0604329N	SMALL DIAMETER BOMB (SDB) .....	31,064	31,064
108	0604366N	STANDARD MISSILE IMPROVEMENTS .....	63,891	58,391
		Program execution .....		[-5,500]
109	0604373N	AIRBORNE MCM .....	73,246	73,246
110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION.	10,568	10,568
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	39,974	39,974
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM.	122,481	122,481
113	0604501N	ADVANCED ABOVE WATER SENSORS .....	255,516	255,516
114	0604503N	SSN-688 AND TRIDENT MODERNIZATION .....	82,620	82,620
115	0604504N	AIR CONTROL .....	5,633	5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS .....	55,826	55,826
117	0604518N	COMBAT INFORMATION CENTER CONVERSION .....	918	918
118	0604558N	NEW DESIGN SSN .....	165,230	165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	49,141	49,141
120	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....	196,737	196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	3,889	3,889
122	0604601N	MINE DEVELOPMENT .....	8,335	8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	49,818	49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	10,099	10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	7,348	7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	5,518	5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	87,662	87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	64,079	64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	151,489	151,489
131	0604771N	MEDICAL DEVELOPMENT .....	12,707	12,707
132	0604777N	NAVIGATION/ID SYSTEM .....	47,764	47,764
133	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD .....	737,149	733,949
		Block IV development ahead of need .....		[-3,200]
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD .....	743,926	740,726
		Block IV development ahead of need .....		[-3,200]
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	12,143	12,143
136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	72,209	72,209
138	0605212N	CH-53K RDTE .....	606,204	606,204
140	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	421,102	421,102
141	0204202N	DDG-1000 .....	124,655	124,655
142	0304231N	TACTICAL COMMAND SYSTEM—MIP .....	1,170	1,170
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	23,255	23,255
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>	<b>5,747,232</b>	<b>5,983,332</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
146	0604256N	THREAT SIMULATOR DEVELOPMENT .....	30,790	30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT .....	59,221	59,221
148	0604759N	MAJOR T&E INVESTMENT .....	35,894	35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION ..	7,573	7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY .....	20,963	20,963
151	0605154N	CENTER FOR NAVAL ANALYSES .....	46,856	46,856
153	0605804N	TECHNICAL INFORMATION SERVICES .....	796	796
154	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....	32,782	32,782
155	0605856N	STRATEGIC TECHNICAL SUPPORT .....	3,306	3,306
156	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....	70,302	70,302
157	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT .....	144,033	144,033
158	0605864N	TEST AND EVALUATION SUPPORT .....	342,298	342,298
159	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY .....	16,399	16,399
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	4,579	4,579
161	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....	8,000	8,000
162	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT .....	18,490	18,490
163	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES .....	2,795	2,795
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT</b>	<b>845,077</b>	<b>845,077</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	142,282	142,282
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	105,892	105,892

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
171	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	34,729	34,729
172	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	1,434	1,434
173	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	19,208	19,208
174	0203761N	RAPID TECHNOLOGY TRANSITION (RTT) .....	25,566	25,566
175	0204136N	F/A-18 SQUADRONS .....	188,299	170,299
		Program behind in execution .....		[-18,000]
176	0204152N	E-2 SQUADRONS .....	8,610	8,610
177	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL) .....	15,695	15,695
178	0204228N	SURFACE SUPPORT .....	4,171	4,171
179	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....	11,265	11,265
180	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	45,922	45,922
181	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....	8,435	8,435
182	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR) .....	75,088	75,088
183	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	20,229	20,229
184	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,756	1,756
185	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	19,843	19,843
186	0205601N	HARM IMPROVEMENT .....	11,477	11,477
187	0205604N	TACTICAL DATA LINKS .....	118,818	118,818
188	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	27,342	27,342
189	0205632N	MK-48 ADCAP .....	28,717	28,717
190	0205633N	AVIATION IMPROVEMENTS .....	89,157	89,157
191	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM .....	3,450	3,450
192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	86,435	86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	219,054	219,054
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....	181,693	181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	58,393	58,393
196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	22,966	22,966
197	0207161N	TACTICAL AIM MISSILES .....	21,107	21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	2,857	2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV) .....	1,932	1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	188,482	188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....	16,749	16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	26,307	26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	500	500
210	0305149N	COBRA JUDY .....	17,091	17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) .....	810	810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	8,617	8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	9,066	9,066
215	0305207N	MANNED RECONNAISSANCE SYSTEMS .....	30,654	30,654
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	25,917	25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	14,676	14,676
218	0305220N	RQ-4 UAV .....	657,483	657,483
219	0305231N	MQ-8 UAV .....	99,600	99,600
220	0305232M	RQ-11 UAV .....	495	495
221	0305233N	RQ-7 UAV .....	863	863
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0) .....	9,734	9,734
225	0305239M	RQ-21A .....	22,343	22,343
226	0308601N	MODELING AND SIMULATION SUPPORT .....	5,908	5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF) .....	27,391	27,391
229	0708011N	INDUSTRIAL PREPAREDNESS .....	54,879	54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH) .....	5,000	5,000
230A	9999999999	CLASSIFIED PROGRAMS .....	1,151,159	1,351,159
		Program increase .....		[200,000]
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..</b>	<b>3,975,546</b>	<b>4,157,546</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY.</b>	<b>16,882,877</b>	<b>17,308,977</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>		
		<b>BASIC RESEARCH</b>		
001	0601102F	DEFENSE RESEARCH SCIENCES .....	361,787	361,787
002	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	141,153	141,153
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES .....	13,094	13,094
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>516,034</b>	<b>516,034</b>
		<b>APPLIED RESEARCH</b>		
004	0602102F	MATERIALS .....	114,166	114,166
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	120,719	120,719
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	89,319	89,319
007	0602203F	AEROSPACE PROPULSION .....	232,547	232,547
008	0602204F	AEROSPACE SENSORS .....	127,637	127,637
009	0602601F	SPACE TECHNOLOGY .....	98,375	98,375
010	0602602F	CONVENTIONAL MUNITIONS .....	77,175	77,175

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
011	0602605F	DIRECTED ENERGY TECHNOLOGY .....	106,196	106,196
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	104,362	104,362
013	0602890F	HIGH ENERGY LASER RESEARCH .....	38,557	38,557
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>1,109,053</b>	<b>1,109,053</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	47,890	57,890
		Increase Materials Affordability Initiative program .....		[10,000]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	6,565	6,565
016	0603203F	ADVANCED AEROSPACE SENSORS .....	37,657	37,657
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	81,376	81,376
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY .....	151,152	151,152
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	32,941	32,941
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	64,557	64,557
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	29,256	29,256
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	21,523	21,523
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	36,352	36,352
024	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	19,004	19,004
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	37,045	37,045
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	31,419	31,419
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b>	<b>596,737</b>	<b>606,737</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	3,866	3,866
029	0603287F	PHYSICAL SECURITY EQUIPMENT .....	3,704	3,704
030	0603430F	ADVANCED EHF MILSATCOM (SPACE) .....	229,171	227,671
		Project decrease .....		[-1,500]
031	0603432F	POLAR MILSATCOM (SPACE) .....	120,676	120,676
032	0603438F	SPACE CONTROL TECHNOLOGY .....	25,144	23,144
		Project decrease .....		[-2,000]
033	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	32,243	32,243
034	0603790F	NATO RESEARCH AND DEVELOPMENT .....	4,507	4,507
035	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D .....	652	652
036	0603830F	SPACE PROTECTION PROGRAM (SPP) .....	10,429	10,429
037	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL .....	19,938	19,938
038	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL .....	71,181	71,181
039	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE) .....	12,027	12,027
040	0603859F	POLLUTION PREVENTION—DEM/VAL .....	2,054	2,054
041	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	57,975	57,975
042	0604015F	LONG RANGE STRIKE .....	291,742	291,742
043	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....	114,417	114,417
044	0604317F	TECHNOLOGY TRANSFER .....	2,576	2,576
045	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	16,711	16,711
047	0604337F	REQUIREMENTS ANALYSIS AND MATURATION .....	16,343	16,343
048	0604422F	WEATHER SATELLITE FOLLOW-ON .....	2,000	2,000
050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	9,423	9,423
054	0604857F	OPERATIONALLY RESPONSIVE SPACE .....		45,000
		Restore Operationally Responsive Space .....		[45,000]
055	0604858F	TECH TRANSITION PROGRAM .....	37,558	34,558
		Project decrease .....		[-3,000]
056	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	96,840	96,840
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>1,181,177</b>	<b>1,219,677</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
058	0603840F	GLOBAL BROADCAST SERVICE (GBS) .....	14,652	14,652
059	0604222F	NUCLEAR WEAPONS SUPPORT .....	25,713	25,713
060	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	6,583	4,983
		Program delays .....		[-1,600]
061	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	1,975	1,975
062	0604280F	JOINT TACTICAL RADIO .....	2,594	2,594
063	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	24,534	24,534
064	0604287F	PHYSICAL SECURITY EQUIPMENT .....	51	51
065	0604329F	SMALL DIAMETER BOMB (SDB)—EMD .....	143,000	143,000
066	0604421F	COUNTERSPACE SYSTEMS .....	28,797	28,797
067	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	267,252	247,252
		C-Band Radar re-location .....		[3,000]
		Excess funding .....		[-20,000]
		Undistributed reduction .....		[-3,000]
068	0604429F	AIRBORNE ELECTRONIC ATTACK .....	4,118	4,118
069	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	448,594	446,594
		Project decrease .....		[-2,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
070	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	9,951	9,951
071	0604604F	SUBMUNITIONS .....	2,567	2,567
072	0604617F	AGILE COMBAT SUPPORT .....	13,059	13,059
073	0604706F	LIFE SUPPORT SYSTEMS .....	9,720	9,720
074	0604735F	COMBAT TRAINING RANGES .....	9,222	9,222
076	0604750F	INTELLIGENCE EQUIPMENT .....	803	803
077	0604800F	F-35—EMD .....	1,210,306	1,207,999
		Block 4—early to need .....		[-2,307]
078	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD .....	135,437	135,437
079	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD .....	7,980	7,980
080	0604932F	LONG RANGE STANDOFF WEAPON .....	2,004	2,004
081	0604933F	ICBM FUZE MODERNIZATION .....	73,512	73,512
082	0605213F	F-22 MODERNIZATION INCREMENT 3.2B .....	140,100	140,100
083	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT .....	1,815,588	1,738,488
		Excess prior year funds .....		[-77,100]
084	0605229F	CSAR HH-60 RECAPITALIZATION .....	123,210	123,210
085	0605278F	HC/MC-130 RECAP RDT&E .....	19,039	19,039
086	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM .....	281,056	281,056
087	0101125F	NUCLEAR WEAPONS MODERNIZATION .....	80,200	80,200
089	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE .....	310	310
090	0207701F	FULL COMBAT MISSION TRAINING .....	14,861	14,861
091	0305230F	MC-12 .....	19,949	19,949
093	0401318F	CV-22 .....	28,027	28,027
094	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S) .....	1,960	1,960
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>	<b>4,966,724</b>	<b>4,863,717</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
095	0604256F	THREAT SIMULATOR DEVELOPMENT .....	22,812	22,812
096	0604759F	MAJOR T&E INVESTMENT .....	42,236	42,236
097	0605101F	RAND PROJECT AIR FORCE .....	25,579	25,579
099	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	16,197	16,197
100	0605807F	TEST AND EVALUATION SUPPORT .....	722,071	722,071
101	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	16,200	16,200
102	0605864F	SPACE TEST PROGRAM (STP) .....	10,051	45,051
		Restore Space Test Program .....		[35,000]
103	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....	42,597	42,597
104	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....	27,301	27,301
105	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE .....	13,964	13,964
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE .....	203,766	203,766
107	0702806F	ACQUISITION AND MANAGEMENT SUPPORT .....	42,430	42,430
108	0804731F	GENERAL SKILL TRAINING .....	1,294	1,294
111	1001004F	INTERNATIONAL ACTIVITIES .....	3,851	3,851
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT</b>	<b>1,190,349</b>	<b>1,225,349</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT .....	371,595	370,095
		Project decrease .....		[-1,500]
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....	91,697	91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	17,037	17,037
117	0101113F	B-52 SQUADRONS .....	53,208	53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	431	431
119	0101126F	B-1B SQUADRONS .....	16,265	16,265
120	0101127F	B-2 SQUADRONS .....	35,970	35,970
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM .....	30,889	30,889
122	0101314F	NIGHT FIST—USSTRATCOM .....	10	10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....	5,609	5,609
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND .....	15,098	15,098
127	0205219F	MQ-9 UAV .....	147,971	147,971
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT .....	49,848	49,848
129	0207131F	A-10 SQUADRONS .....	13,538	13,538
130	0207133F	F-16 SQUADRONS .....	190,257	190,257
131	0207134F	F-15E SQUADRONS .....	192,677	192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION .....	13,683	13,683
133	0207138F	F-22A SQUADRONS .....	371,667	371,667
134	0207142F	F-35 SQUADRONS .....	8,117	8,117
135	0207161F	TACTICAL AIM MISSILES .....	8,234	8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	87,041	87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) .....	1,472	1,472
138	0207224F	COMBAT RESCUE AND RECOVERY .....	2,095	2,095
139	0207227F	COMBAT RESCUE—PARARESCUE .....	1,119	1,119

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
140	0207247F	AF TENCAP .....	63,853	63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT .....	1,063	1,063
142	0207253F	COMPASS CALL .....	12,094	12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	187,984	187,984
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....	7,950	7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC) .....	76,315	76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC) .....	8,653	8,653
148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....	65,200	65,200
149	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS .....	5,767	5,767
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....	5,756	5,756
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD .....	16,226	16,226
156	0207448F	C2ISR TACTICAL DATA LINK .....	1,633	1,633
157	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION .....	18,086	18,086
158	0207452F	DCAPES .....	15,690	15,690
159	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....	24,241	24,241
160	0207590F	SEEK EAGLE .....	22,654	22,654
161	0207601F	USAF MODELING AND SIMULATION .....	15,501	15,501
162	0207605F	WARGAMING AND SIMULATION CENTERS .....	5,699	5,699
163	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	4,425	4,425
164	0208006F	MISSION PLANNING SYSTEMS .....	69,377	69,377
165	0208021F	INFORMATION WARFARE SUPPORT .....	7,159	7,159
166	0208059F	CYBER COMMAND ACTIVITIES .....	66,888	66,888
174	0301400F	SPACE SUPERIORITY INTELLIGENCE .....	12,056	12,056
175	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	4,159	4,159
176	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	20,124	20,124
177	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	69,133	69,133
178	0303141F	GLOBAL COMBAT SUPPORT SYSTEM .....	6,512	6,512
179	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM .....	4,316	2,316
		Underexecution .....		[-2,000]
180	0303601F	MILSATCOM TERMINALS .....	107,237	107,237
182	0304260F	AIRBORNE SIGINT ENTERPRISE .....	129,106	129,106
185	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	4,461	4,461
186	0305103F	CYBER SECURITY INITIATIVE .....	2,055	2,055
187	0305105F	DOD CYBER CRIME CENTER .....	285	285
188	0305110F	SATELLITE CONTROL NETWORK (SPACE) .....	33,773	33,773
189	0305111F	WEATHER SERVICE .....	29,048	29,048
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCAL) .....	43,187	43,187
191	0305116F	AERIAL TARGETS .....	50,496	50,496
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	354	354
195	0305145F	ARMS CONTROL IMPLEMENTATION .....	4,000	4,000
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	342	342
198	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....	29,621	29,621
199	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS) .....	14,335	14,335
201	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	3,680	3,680
202	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER .....	2,430	2,430
203	0305182F	SPACELIFT RANGE SYSTEM (SPACE) .....	8,760	8,760
205	0305202F	DRAGON U-2 .....	23,644	23,644
206	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES .....	21,000	21,000
207	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	96,735	96,735
208	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	13,316	13,316
209	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	63,501	63,501
210	0305219F	MQ-1 PREDATOR A UAV .....	9,122	9,122
211	0305220F	RQ-4 UAV .....	236,265	236,265
212	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	7,367	7,367
213	0305236F	COMMON DATA LINK (CDL) .....	38,094	38,094
214	0305238F	NATO AGS .....	210,109	210,109
215	0305240F	SUPPORT TO DCGS ENTERPRISE .....	24,500	24,500
216	0305265F	GPS III SPACE SEGMENT .....	318,992	318,992
217	0305614F	JSPOC MISSION SYSTEM .....	54,645	54,645
218	0305881F	RAPID CYBER ACQUISITION .....	4,007	4,007
219	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE .....	13,357	13,357
220	0305913F	NUDET DETECTION SYSTEM (SPACE) .....	64,965	63,365
		ICADS—early to need .....		[-1,600]
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS .....	19,586	19,586
223	0308699F	SHARED EARLY WARNING (SEW) .....	1,175	1,175
224	0401115F	C-130 AIRLIFT SQUADRON .....	5,000	5,000
225	0401119F	C-5 AIRLIFT SQUADRONS (IF) .....	35,115	35,115
226	0401130F	C-17 AIRCRAFT (IF) .....	99,225	99,225
227	0401132F	C-130J PROGRAM .....	30,652	30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....	7,758	7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA) .....	100	0
		Program termination .....		[-100]
231	0401219F	KC-10S .....	24,022	24,022

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
232	0401314F	OPERATIONAL SUPPORT AIRLIFT .....	7,471	7,471
234	0408011F	SPECIAL TACTICS / COMBAT CONTROL .....	4,984	4,984
235	0702207F	DEPOT MAINTENANCE (NON-IF) .....	1,588	1,588
236	0708012F	LOGISTICS SUPPORT ACTIVITIES .....	577	577
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....	119,327	99,327
		Program delays .....		[-20,000]
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT .....	15,873	15,873
240	0804743F	OTHER FLIGHT TRAINING .....	349	349
242	0808716F	OTHER PERSONNEL ACTIVITIES .....	117	117
243	0901202F	JOINT PERSONNEL RECOVERY AGENCY .....	2,018	2,018
244	0901218F	CIVILIAN COMPENSATION PROGRAM .....	1,561	1,561
245	0901220F	PERSONNEL ADMINISTRATION .....	7,634	7,634
246	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY .....	1,175	1,175
247	0901279F	FACILITIES OPERATION—ADMINISTRATIVE .....	3,491	3,491
248	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....	100,160	100,160
249A	999999999	CLASSIFIED PROGRAMS .....	11,172,183	11,172,183
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..</b>	<b>15,867,972</b>	<b>15,842,772</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF.</b>	<b>25,428,046</b>	<b>25,383,339</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>		
		<b>BASIC RESEARCH</b>		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	45,071	45,071
002	0601101E	DEFENSE RESEARCH SCIENCES .....	309,051	309,051
003	0601110D8Z	BASIC RESEARCH INITIATIVES .....	19,405	19,405
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....	39,676	39,676
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	87,979	87,979
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	50,566	50,566
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>551,748</b>	<b>551,748</b>
		<b>APPLIED RESEARCH</b>		
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	20,615	20,615
008	0602115E	BIOMEDICAL TECHNOLOGY .....	110,900	110,900
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE .....		10,000
		Program increase .....		[10,000]
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	36,826	36,826
011	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH .....	7,898	7,898
012	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	392,421	392,421
013	0602304E	COGNITIVE COMPUTING SYSTEMS .....	30,424	30,424
015	0602383E	BIOLOGICAL WARFARE DEFENSE .....	19,236	19,236
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	223,269	223,269
017	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH .....	13,753	9,753
		Excessive growth .....		[-4,000]
018	0602668D8Z	CYBER SECURITY RESEARCH .....	18,985	12,985
		Excessive growth .....		[-6,000]
019	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH .....	6,771	6,771
020	0602702E	TACTICAL TECHNOLOGY .....	233,209	233,209
021	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY .....	166,067	166,067
022	0602716E	ELECTRONICS TECHNOLOGY .....	222,416	222,416
023	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....	172,352	172,352
024	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT .....	28,739	28,739
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>1,703,881</b>	<b>1,703,881</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT (ATD)</b>		
025	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	25,612	21,612
		Excessive growth .....		[-4,000]
026	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT .....	26,324	26,324
027	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	77,144	77,144
028	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT .....	275,022	275,022
029	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY .....	79,975	79,975
031	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....	20,032	20,032
032	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY .....	3,892	3,892
033	0603274C	SPECIAL PROGRAM—MIDA TECHNOLOGY .....	36,685	36,685
034	0603286E	ADVANCED AEROSPACE SYSTEMS .....	174,316	159,316
		Program decrease .....		[-15,000]
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY .....	159,704	159,704
036	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT .....	234,280	234,280
037	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	6,983	6,983
038	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	158,263	158,263
039	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES .....	25,393	25,393
040	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT .....	13,754	9,754

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
		Excessive growth .....		[-4,000]
042	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH .....	19,935	13,935
		Excessive growth .....		[-6,000]
043	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	8,235	8,235
044	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	21,966	51,966
		Industrial Base Innovation Fund .....		[30,000]
045	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....	24,662	24,662
047	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....	24,605	24,605
048	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	30,678	30,678
049	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	65,282	65,282
050	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	72,234	62,234
		.90nm Next Generation Foundry-early to need .....		[-10,000]
051	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	8,403	8,403
052	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	111,008	111,008
054	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	237,859	229,859
		Program reduction .....		[-8,000]
055	0603765E	CLASSIFIED DARPA PROGRAMS .....	3,000	3,000
056	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	236,883	236,883
057	0603767E	SENSOR TECHNOLOGY .....	299,438	299,438
058	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	12,195	12,195
059	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	30,036	30,036
060	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	107,002	92,002
		Excessive growth .....		[-15,000]
062	0603828J	JOINT EXPERIMENTATION .....	21,230	21,230
063	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....	47,433	47,433
064	0603901C	DIRECTED ENERGY RESEARCH .....	46,944	41,944
		Unjustified request .....		[-5,000]
065	0603902C	NEXT GENERATION AEGIS MISSILE .....	224,077	224,077
066	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	92,602	92,602
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....	26,244	26,244
069	0303310D8Z	CWMD SYSTEMS .....	53,946	38,946
		Program reduction .....		[-15,000]
070	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.	45,317	45,317
071	1160422BB	AVIATION ENGINEERING ANALYSIS .....	861	861
072	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,959	4,959
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD).</b>	<b>3,194,413</b>	<b>3,142,413</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
073	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	33,234	33,234
074	0603527D8Z	RETRACT LARCH .....	21,023	21,023
075	0603600D8Z	WALKOFF .....	94,624	94,624
077	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM .....	16,958	18,958
		Reverse cuts to testing .....		[2,000]
078	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	75,941	75,941
079	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	316,929	316,929
080	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	903,172	978,172
		Program increase .....		[75,000]
081	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL ..	179,023	179,023
082	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	347,012	347,012
084	0603890C	BMD ENABLING PROGRAMS .....	362,711	362,711
085	0603891C	SPECIAL PROGRAMS—MDA .....	272,387	272,387
086	0603892C	AEGIS BMD .....	992,407	992,407
087	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	51,313	51,313
088	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....	6,912	6,912
089	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION.	366,552	366,552
090	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	55,550	55,550
091	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	63,043	63,043
092	0603906C	REGARDING TRENCH .....	11,371	11,371
093	0603907C	SEA BASED X-BAND RADAR (SBX) .....	9,730	9,730
094	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	99,836	478,836
		Increase to DSWS, ASIP, Arrow-3 cooperative programs .....		[168,000]
		Iron Dome short-range rocket defense .....		[211,000]
095	0603914C	BALLISTIC MISSILE DEFENSE TEST .....	454,400	454,400
096	0603915C	BALLISTIC MISSILE DEFENSE TARGETS .....	435,747	435,747

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
097	0603920D8Z	HUMANITARIAN DEMINING .....	13,231	13,231
098	0603923D8Z	COALITION WARFARE .....	11,398	11,398
099	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	3,283	24,083
		Increase for requirements shortfall .....		[20,800]
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT .....	12,368	12,368
101	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING .....	5,131	5,131
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM .....		200,000
		Rapid Innovation Program .....		[200,000]
104	0604787J	JOINT SYSTEMS INTEGRATION .....	3,273	3,273
106	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM ....	7,364	7,364
107	0604880C	LAND-BASED SM-3 (LBSM3) .....	276,338	276,338
108	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT .....	420,630	420,630
109	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E .....	297,375	242,375
		Project decrease to support technology development .....		[-55,000]
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST) .....	58,742	33,742
		Program reduction .....		[-25,000]
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....	3,158	3,158
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>6,282,166</b>	<b>6,878,966</b>
		<b>SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)</b>		
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD .....	6,817	6,817
116	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....	110,383	110,383
117	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD .....	311,071	311,071
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....	25,787	25,787
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....	20,688	20,688
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....	5,749	5,749
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT .....	12,699	12,699
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	387	387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM .....	1,859	1,859
127	0605027D8Z	OUS(D) IT DEVELOPMENT INITIATIVES .....	7,010	7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION .....	133,104	133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION .....	25,269	25,269
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES ..	10,238	10,238
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	19,670	19,670
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEM) .....	3,556	3,556
		<b>SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD).</b>	<b>694,287</b>	<b>694,287</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
135	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS) .....	6,383	6,383
136	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....	3,845	3,845
137	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) .....	144,109	144,109
138	0604942D8Z	ASSESSMENTS AND EVALUATIONS .....	2,419	2,419
139	0604943D8Z	THERMAL VICAR .....	8,214	8,214
140	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETS) .....	19,380	19,380
141	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	32,266	32,266
142	0605110D8Z	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT .....	840	840
143	0605117D8Z	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION .....	56,012	56,012
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) .....	55,508	55,508
146	0605130D8Z	FOREIGN COMPARATIVE TESTING .....	18,174	18,174
147	0605142D8Z	SYSTEMS ENGINEERING .....	43,195	43,195
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD .....	6,457	6,457
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY .....	4,901	4,901
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION ....	6,307	6,307
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	6,601	6,601
152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	92,849	92,849
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S) .....	1,857	1,857
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS .....	12,056	12,056
162	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	55,454	55,454
163	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION .....	16,364	16,364
164	0605804D8Z	DEVELOPMENT TEST AND EVALUATION .....	15,110	20,110
		DT&E Increase .....		[5,000]
166	0605898E	MANAGEMENT HQ—R&D .....	69,767	69,767
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS .....	4,454	4,454
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI) .....	2,637	2,637
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES ..	8,238	8,238
176	0305103E	CYBER SECURITY INITIATIVE .....	1,801	1,801

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	16,041	16,041
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	77,475	77,475
182	0901598C	MANAGEMENT HQ—MDA .....	34,855	34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS .....	104	104
184A	9999999999	CLASSIFIED PROGRAMS .....	64,255	64,255
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>887,928</b>	<b>892,928</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS) .....	8,866	8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT.	3,238	3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	14,745	14,745
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY .....	5,013	5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS) .....	3,922	3,922
192	0208045K	CH INTEROPERABILITY .....	72,574	72,574
194	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING .....	6,214	6,214
201	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....	499	499
202	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	14,498	14,498
203	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	26,164	26,164
204	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,931	12,931
205	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI) .....	6,296	6,296
206	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) .....	30,948	30,948
207	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM .....	11,780	11,780
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	191,452	191,452
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	36,575	36,575
212	0303153K	DEFENSE SPECTRUM ORGANIZATION .....	24,278	24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES) .....	2,924	2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) ..	1,294	1,294
215	0303610K	TELEPORT PROGRAM .....	6,050	6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES .....	17,058	17,058
222	0305103K	CYBER SECURITY INITIATIVE .....	4,189	4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....	10,462	10,462
227	0305186D8Z	POLICY R&D PROGRAMS .....	6,360	6,360
229	0305199D8Z	NET CENTRICITY .....	21,190	21,190
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	7,114	7,714
		USSOCOM UFR .....		[600]
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	3,247	3,247
237	0305219BB	MQ-1 PREDATOR A UAV .....	1,355	1,355
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....	2,303	2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	1,478	1,478
249	0708011S	INDUSTRIAL PREPAREDNESS .....	27,044	27,044
250	0708012S	LOGISTICS SUPPORT ACTIVITIES .....	4,711	4,711
251	0902298J	MANAGEMENT HQ—OJCS .....	4,100	4,100
253	1105219BB	MQ-9 UAV .....	3,002	3,002
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT.	97,267	97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT .....	821	821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT.	25,935	25,935
260	1160408BB	SOF OPERATIONAL ENHANCEMENTS .....	51,700	51,700
261	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT .....	1,822	1,822
262	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) .....	10,131	10,131
263	1160429BB	AC/MC-130J .....	19,647	19,647
264	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS.	2,225	2,225
265	1160476BB	SOF TACTICAL RADIO SYSTEMS .....	3,036	3,036
266	1160477BB	SOF WEAPONS SYSTEMS .....	1,511	1,511
267	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	4,263	4,263
268	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	4,448	4,448
269	1160480BB	SOF TACTICAL VEHICLES .....	11,325	11,325
270	1160481BB	SOF MUNITIONS .....	1,515	1,515
271	1160482BB	SOF ROTARY WING AVIATION .....	24,430	24,430
272	1160483BB	SOF UNDERWATER SYSTEMS .....	26,405	69,405
		Program increase .....		[35,000]
		Transfer from PDW Line 64 at USSOCOM request .....		[8,000]
273	1160484BB	SOF SURFACE CRAFT .....	8,573	8,573
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	7,620	7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	16,386	16,386
276A	9999999999	CLASSIFIED PROGRAMS .....	3,754,516	3,754,516
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..</b>	<b>4,667,738</b>	<b>4,711,338</b>

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2013 Request	Conference Authorized
<b>UNDISTRIBUTED GENERAL PROVISIONS</b>				
276B	9999999999	UNDISTRIBUTED GENERAL PROVISIONS .....		-25,000
		DARPA classified programs reduction .....		[-25,000]
		<b>SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS ...</b>		<b>-25,000</b>
<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW.</b>			<b>17,982,161</b>	<b>18,550,561</b>
<b>OPERATIONAL TEST &amp; EVAL, DEFENSE RDT&amp;E MANAGEMENT SUPPORT</b>				
001	0605118OTE	OPERATIONAL TEST AND EVALUATION .....	72,501	87,501
		Program increase for DOT&E cyber—range operations .....		[15,000]
002	0605131OTE	LIVE FIRE TEST AND EVALUATION .....	49,201	49,201
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	63,566	63,566
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>185,268</b>	<b>200,268</b>
<b>TOTAL OPERATIONAL TEST &amp; EVAL, DEFENSE .....</b>			<b>185,268</b>	<b>200,268</b>
<b>TOTAL RDT&amp;E .....</b>			<b>69,407,767</b>	<b>69,937,900</b>

1 **SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
 2 **TION FOR OVERSEAS CONTINGENCY OPER-**  
 3 **ATIONS.**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2013 Request	Conference Authorized
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>				
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	19,860	14,860
		Program adjustment .....		[-5,000]
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>19,860</b>	<b>19,860</b>
<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY.</b>			<b>19,860</b>	<b>14,860</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>				
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	4,600	4,600
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>4,600</b>	<b>4,600</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
131	0604771N	MEDICAL DEVELOPMENT .....	2,173	2,173
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>	<b>2,173</b>	<b>2,173</b>
<b>RDT&amp;E MANAGEMENT SUPPORT</b>				
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	5,200	5,200
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>5,200</b>	<b>5,200</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	6,762	6,762
221	0305233N	RQ-7 UAV .....	7,600	7,600
230A	9999999999	CLASSIFIED PROGRAMS .....	33,784	33,784
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b>	<b>48,146</b>	<b>48,146</b>
<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY.</b>			<b>60,119</b>	<b>60,119</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
249A	9999999999	CLASSIFIED PROGRAMS .....	53,150	53,150
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b>	<b>53,150</b>	<b>53,150</b>
<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF.</b>			<b>53,150</b>	<b>53,150</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
239	0305231BB	MQ-8 UAV .....	5,000	5,000
276A	9999999999	CLASSIFIED PROGRAMS .....	107,387	107,387
<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b>			<b>112,387</b>	<b>112,387</b>
<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW.</b>			<b>112,387</b>	<b>112,387</b>
<b>TOTAL RDT&amp;E</b> .....			<b>245,516</b>	<b>240,516</b>

1 **TITLE XLIII—OPERATION AND**  
2 **MAINTENANCE**  
3 **SEC. 4301. OPERATION AND MAINTENANCE.**

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
<b>OPERATION &amp; MAINTENANCE, ARMY</b>			
<b>OPERATING FORCES</b>			
010	MANEUVER UNITS .....	1,223,087	1,223,087
020	MODULAR SUPPORT BRIGADES .....	80,574	80,574
030	ECHELONS ABOVE BRIGADE .....	723,039	723,039
040	THEATER LEVEL ASSETS .....	706,974	706,974
050	LAND FORCES OPERATIONS SUPPORT .....	1,226,650	1,226,650
060	AVIATION ASSETS .....	1,319,832	1,319,832
070	FORCE READINESS OPERATIONS SUPPORT .....	3,447,174	3,447,174
080	LAND FORCES SYSTEMS READINESS .....	454,774	454,774
090	LAND FORCES DEPOT MAINTENANCE .....	1,762,757	1,762,757
100	BASE OPERATIONS SUPPORT .....	7,401,613	7,349,613
	Army requested transfer to Other Procurement, Army for emergency management modernization program .....		[-52,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	3,041,074	3,259,674
	Restoration and Modernization of Facilities .....		[218,600]
120	MANAGEMENT AND OPERATIONAL HQ'S .....	410,171	410,171
130	COMBATANT COMMANDERS CORE OPERATIONS .....	177,819	177,819
170	COMBATANT COMMANDERS ANCILLARY MISSIONS .....	461,333	461,333
<b>SUBTOTAL OPERATING FORCES</b> .....		<b>22,436,871</b>	<b>22,603,471</b>
<b>MOBILIZATION</b>			
180	STRATEGIC MOBILITY .....	405,496	405,496
190	ARMY PREPOSITIONING STOCKS .....	195,349	195,349
200	INDUSTRIAL PREPAREDNESS .....	6,379	6,379
<b>SUBTOTAL MOBILIZATION</b> .....		<b>607,224</b>	<b>607,224</b>
<b>TRAINING AND RECRUITING</b>			
210	OFFICER ACQUISITION .....	112,866	112,866
220	RECRUIT TRAINING .....	73,265	73,265
230	ONE STATION UNIT TRAINING .....	51,227	51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS .....	443,306	443,306
250	SPECIALIZED SKILL TRAINING .....	1,099,556	1,099,556
260	FLIGHT TRAINING .....	1,130,627	1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	191,683	191,683
280	TRAINING SUPPORT .....	652,095	652,095
290	RECRUITING AND ADVERTISING .....	507,510	507,510
300	EXAMINING .....	156,964	156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION .....	244,343	244,343
320	CIVILIAN EDUCATION AND TRAINING .....	212,477	212,477
330	JUNIOR ROTC .....	182,691	182,691
<b>SUBTOTAL TRAINING AND RECRUITING</b> .....		<b>5,058,610</b>	<b>5,058,610</b>
<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>			
350	SERVICEWIDE TRANSPORTATION .....	601,331	601,331
360	CENTRAL SUPPLY ACTIVITIES .....	741,324	741,324

<b>SEC. 4301. OPERATION AND MAINTENANCE</b>			
<b>(In Thousands of Dollars)</b>			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
370	LOGISTIC SUPPORT ACTIVITIES .....	610,136	610,136
380	AMMUNITION MANAGEMENT .....	478,707	478,707
390	ADMINISTRATION .....	556,307	556,307
400	SERVICEWIDE COMMUNICATIONS .....	1,547,925	1,547,925
410	MANPOWER MANAGEMENT .....	362,205	338,205
	Army-Identified Excess for Civilian Personnel Resources Support .....		[-24,000]
420	OTHER PERSONNEL SUPPORT .....	220,754	220,754
430	OTHER SERVICE SUPPORT .....	1,153,556	1,150,509
	Army Museum Funding (Early to need) .....		[-3,047]
440	ARMY CLAIMS ACTIVITIES .....	250,970	250,970
450	REAL ESTATE MANAGEMENT .....	222,351	222,351
460	BASE OPERATIONS SUPPORT .....	222,379	222,379
470	SUPPORT OF NATO OPERATIONS .....	459,710	459,710
480	MISC. SUPPORT OF OTHER NATIONS .....	25,637	25,637
490	CLASSIFIED PROGRAMS .....	1,052,595	1,052,595
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>	<b>8,505,887</b>	<b>8,478,840</b>
<b>UNDISTRIBUTED ADJUSTMENTS</b>			
500	UNDISTRIBUTED ADJUSTMENTS .....		-266,600
	Excess Working Capital Fund Carry Over .....		[-146,600]
	Historical unobligated balances .....		[-120,000]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-266,600</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY ....</b>	<b>36,608,592</b>	<b>36,481,545</b>
<b>OPERATION &amp; MAINTENANCE, NAVY</b>			
<b>OPERATING FORCES</b>			
010	MISSION AND OTHER FLIGHT OPERATIONS .....	4,918,144	4,927,144
	Cruiser Retention .....		[9,000]
020	FLEET AIR TRAINING .....	1,886,825	1,886,825
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES ....	44,032	44,032
040	AIR OPERATIONS AND SAFETY SUPPORT .....	101,565	101,565
050	AIR SYSTEMS SUPPORT .....	374,827	374,827
060	AIRCRAFT DEPOT MAINTENANCE .....	960,802	960,802
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	37,545	37,545
080	AVIATION LOGISTICS .....	328,805	328,805
090	MISSION AND OTHER SHIP OPERATIONS .....	4,686,535	4,711,185
	Cruiser Retention .....		[24,650]
100	SHIP OPERATIONS SUPPORT & TRAINING .....	769,204	769,204
110	SHIP DEPOT MAINTENANCE .....	5,089,981	5,157,944
	Cruiser Retention .....		[67,963]
120	SHIP DEPOT OPERATIONS SUPPORT .....	1,315,366	1,329,237
	Cruiser Retention .....		[13,871]
130	COMBAT COMMUNICATIONS .....	619,909	619,909
140	ELECTRONIC WARFARE .....	92,364	92,364
150	SPACE SYSTEMS AND SURVEILLANCE .....	174,437	174,437
160	WARFARE TACTICS .....	441,035	441,035
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	333,554	333,554
180	COMBAT SUPPORT FORCES .....	910,087	910,087
190	EQUIPMENT MAINTENANCE .....	167,158	167,158
200	DEPOT OPERATIONS SUPPORT .....	4,183	4,183
210	COMBATANT COMMANDERS CORE OPERATIONS .....	95,528	95,528
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT ....	204,569	204,569
230	CRUISE MISSILE .....	111,884	111,884
240	FLEET BALLISTIC MISSILE .....	1,181,038	1,181,038
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	87,606	87,606
260	WEAPONS MAINTENANCE .....	519,583	519,583
270	OTHER WEAPON SYSTEMS SUPPORT .....	300,435	300,435
280	ENTERPRISE INFORMATION .....	1,077,924	1,077,924
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	2,101,279	2,155,879
	Restoration and Modernization of Facilities .....		[54,600]
300	BASE OPERATING SUPPORT .....	4,822,093	4,822,093
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>33,758,297</b>	<b>33,928,381</b>
<b>MOBILIZATION</b>			
310	SHIP PREPOSITIONING AND SURGE .....	334,659	334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	6,562	6,562
330	SHIP ACTIVATIONS/INACTIVATIONS .....	1,066,329	1,057,329
	Cruiser Retention .....		[-9,000]
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	83,901	83,901

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
350	INDUSTRIAL READINESS .....	2,695	2,695
360	COAST GUARD SUPPORT .....	23,502	23,502
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>1,517,648</b>	<b>1,508,648</b>
	<b>TRAINING AND RECRUITING</b>		
370	OFFICER ACQUISITION .....	147,807	147,807
380	RECRUIT TRAINING .....	10,473	10,473
390	RESERVE OFFICERS TRAINING CORPS .....	139,220	139,220
400	SPECIALIZED SKILL TRAINING .....	582,177	582,177
410	FLIGHT TRAINING .....	5,456	5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION .....	170,746	170,746
430	TRAINING SUPPORT .....	153,403	153,403
440	RECRUITING AND ADVERTISING .....	241,329	242,267
	Naval Sea Cadet Corps .....		[938]
450	OFF-DUTY AND VOLUNTARY EDUCATION .....	108,226	108,226
460	CIVILIAN EDUCATION AND TRAINING .....	105,776	105,776
470	JUNIOR ROTC .....	51,817	51,817
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>1,716,430</b>	<b>1,717,368</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
480	ADMINISTRATION .....	797,177	797,177
490	EXTERNAL RELATIONS .....	12,872	12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....	120,181	120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	235,753	235,753
520	OTHER PERSONNEL SUPPORT .....	263,060	263,060
530	SERVICEWIDE COMMUNICATIONS .....	363,213	363,213
550	SERVICEWIDE TRANSPORTATION .....	182,343	182,343
570	PLANNING, ENGINEERING AND DESIGN .....	282,464	282,464
580	ACQUISITION AND PROGRAM MANAGEMENT .....	1,092,123	1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT .....	53,560	53,560
600	COMBAT/WEAPONS SYSTEMS .....	25,299	25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	64,418	64,418
620	NAVAL INVESTIGATIVE SERVICE .....	580,042	580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES .....	4,984	4,984
710	CLASSIFIED PROGRAMS .....	537,079	537,079
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>4,614,568</b>	<b>4,614,568</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
720	UNDISTRIBUTED ADJUSTMENTS .....		-23,000
	Historical unobligated balances .....		[-23,000]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-23,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>41,606,943</b>	<b>41,745,965</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>		
	<b>OPERATING FORCES</b>		
010	OPERATIONAL FORCES .....	788,055	788,055
020	FIELD LOGISTICS .....	762,614	762,614
030	DEPOT MAINTENANCE .....	168,447	168,447
040	MARITIME PREPOSITIONING .....	100,374	100,374
050	SUSTAINMENT, RESTORATION & MODERNIZATION .....	825,039	847,839
	Restoration and Modernization of Facilities .....		[22,800]
060	BASE OPERATING SUPPORT .....	2,188,883	2,188,883
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>4,833,412</b>	<b>4,856,212</b>
	<b>TRAINING AND RECRUITING</b>		
070	RECRUIT TRAINING .....	18,251	18,251
080	OFFICER ACQUISITION .....	869	869
090	SPECIALIZED SKILL TRAINING .....	80,914	80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION .....	42,744	42,744
110	TRAINING SUPPORT .....	292,150	292,150
120	RECRUITING AND ADVERTISING .....	168,609	168,609
130	OFF-DUTY AND VOLUNTARY EDUCATION .....	56,865	56,865
140	JUNIOR ROTC .....	19,912	19,912
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>680,314</b>	<b>680,314</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
150	SERVICEWIDE TRANSPORTATION .....	39,962	39,962
170	ACQUISITION AND PROGRAM MANAGEMENT .....	83,404	83,404
190	CLASSIFIED PROGRAMS .....	346,071	346,071

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b>	<b>469,437</b>	<b>469,437</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b>	<b>5,983,163</b>	<b>6,005,963</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES	2,973,141	2,973,141
020	COMBAT ENHANCEMENT FORCES	1,611,032	1,744,032
	Global Hawk Block 30		[133,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,472,806	1,472,806
040	DEPOT MAINTENANCE	5,545,470	5,545,470
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,353,987	1,489,386
	Restoration and Modernization of Facilities		[135,399]
060	BASE SUPPORT	2,595,032	2,595,032
070	GLOBAL C3I AND EARLY WARNING	957,040	957,040
080	OTHER COMBAT OPS SPT PROGRAMS	916,200	916,200
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	733,716	733,716
110	LAUNCH FACILITIES	314,490	314,490
120	SPACE CONTROL SYSTEMS	488,762	488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	862,979	850,979
	Joint Forces Command restructuring		[-12,000]
140	COMBATANT COMMANDERS CORE OPERATIONS	222,429	222,429
	<b>SUBTOTAL OPERATING FORCES</b>	<b>20,047,084</b>	<b>20,303,483</b>
	<b>MOBILIZATION</b>		
150	AIRLIFT OPERATIONS	1,785,379	1,785,379
160	MOBILIZATION PREPAREDNESS	154,049	154,049
170	DEPOT MAINTENANCE	1,477,396	1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	309,699	309,699
190	BASE SUPPORT	707,574	707,574
	<b>SUBTOTAL MOBILIZATION</b>	<b>4,434,097</b>	<b>4,434,097</b>
	<b>TRAINING AND RECRUITING</b>		
200	OFFICER ACQUISITION	115,427	115,427
210	RECRUIT TRAINING	17,619	17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	92,949	92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	336,433	336,433
240	BASE SUPPORT	842,441	842,441
250	SPECIALIZED SKILL TRAINING	482,634	482,634
260	FLIGHT TRAINING	750,609	750,609
270	PROFESSIONAL DEVELOPMENT EDUCATION	235,114	235,114
280	TRAINING SUPPORT	101,231	101,231
290	DEPOT MAINTENANCE	233,330	233,330
310	RECRUITING AND ADVERTISING	130,217	130,217
320	EXAMINING	2,738	2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION	155,170	155,170
340	CIVILIAN EDUCATION AND TRAINING	175,147	175,147
350	JUNIOR ROTC	74,809	74,809
	<b>SUBTOTAL TRAINING AND RECRUITING</b>	<b>3,745,868</b>	<b>3,745,868</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
360	LOGISTICS OPERATIONS	1,029,734	1,029,734
370	TECHNICAL SUPPORT ACTIVITIES	913,843	913,843
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	303,610	303,610
400	BASE SUPPORT	1,266,800	1,266,800
410	ADMINISTRATION	587,654	587,654
420	SERVICEWIDE COMMUNICATIONS	667,910	667,910
430	OTHER SERVICEWIDE ACTIVITIES	1,094,509	1,094,509
440	CIVIL AIR PATROL	23,904	23,904
470	INTERNATIONAL SUPPORT	81,307	81,307
480	CLASSIFIED PROGRAMS	1,239,040	1,239,040
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b>	<b>7,208,311</b>	<b>7,208,311</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
490	UNDISTRIBUTED ADJUSTMENTS		-32,000

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	Historical unobligated balances .....		[-32,000]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS</b> .....		<b>-32,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b> .....	<b>35,435,360</b>	<b>35,659,759</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE OPERATING FORCES</b>		
010	JOINT CHIEFS OF STAFF .....	485,708	485,708
020	SPECIAL OPERATIONS COMMAND .....		5,091,001
	Transfer from line 025 .....		[5,091,001]
025	CLASSIFIED PROGRAMS .....	5,091,001	0
	Transfer to Line 020 .....		[-5,091,001]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>5,576,709</b>	<b>5,576,709</b>
	<b>TRAINING AND RECRUITING</b>		
030	DEFENSE ACQUISITION UNIVERSITY .....	147,210	147,210
040	NATIONAL DEFENSE UNIVERSITY .....	84,999	84,999
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>232,209</b>	<b>232,209</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
050	CIVIL MILITARY PROGRAMS .....	161,294	161,294
080	DEFENSE CONTRACT AUDIT AGENCY .....	573,973	573,973
090	DEFENSE CONTRACT MANAGEMENT AGENCY .....	1,293,196	1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE .....	17,513	17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY .....	676,186	676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	1,346,847	1,346,847
140	DEFENSE LEGAL SERVICES AGENCY .....	35,137	35,137
150	DEFENSE LOGISTICS AGENCY .....	431,893	431,893
160	DEFENSE MEDIA ACTIVITY .....	224,013	224,013
170	DEFENSE POW/MIA OFFICE .....	21,964	21,964
180	DEFENSE SECURITY COOPERATION AGENCY .....	557,917	557,917
190	DEFENSE SECURITY SERVICE .....		506,662
	Transfer from Line 280 .....		[506,662]
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION .....	35,319	35,319
210	DEFENSE THREAT REDUCTION AGENCY .....		443,382
	Transfer from Line 280 .....		[443,382]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	2,744,971	2,744,971
230	MISSILE DEFENSE AGENCY .....	259,975	259,975
250	OFFICE OF ECONOMIC ADJUSTMENT .....	253,437	253,437
260	OFFICE OF THE SECRETARY OF DEFENSE .....	2,095,362	2,105,362
	Office of Net Assessment .....		[10,000]
270	WASHINGTON HEADQUARTERS SERVICE .....	521,297	521,297
280	CLASSIFIED PROGRAMS .....	14,933,801	14,033,757
	Additional ISR Support to Operation Observant Compass .....		[50,000]
	Transfer to Line 190 .....		[-506,662]
	Transfer to Line 210 .....		[-443,382]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>26,184,095</b>	<b>26,244,095</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
290	UNDISTRIBUTED ADJUSTMENTS .....		35,000
	DOD Impact Aid .....		[30,000]
	Impact aid for children with severe disabilities .....		[5,000]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS</b> .....		<b>35,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b> .....	<b>31,993,013</b>	<b>32,088,013</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES OPERATING FORCES</b>		
010	MANEUVER UNITS .....	1,391	1,391
020	MODULAR SUPPORT BRIGADES .....	20,889	20,889
030	ECHELONS ABOVE BRIGADE .....	592,724	592,724
040	THEATER LEVEL ASSETS .....	114,983	114,983
050	LAND FORCES OPERATIONS SUPPORT .....	633,091	633,091
060	AVIATION ASSETS .....	76,823	76,823
070	FORCE READINESS OPERATIONS SUPPORT .....	481,997	481,997
080	LAND FORCES SYSTEMS READINESS .....	70,118	70,118
090	LAND FORCES DEPOT MAINTENANCE .....	141,205	141,205
100	BASE OPERATIONS SUPPORT .....	561,878	561,878

1566

<b>SEC. 4301. OPERATION AND MAINTENANCE</b> (In Thousands of Dollars)			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	287,399	308,099
	Restoration and Modernization of Facilities .....		[20,700]
120	MANAGEMENT AND OPERATIONAL HQ'S .....	52,431	52,431
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>3,034,929</b>	<b>3,055,629</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
140	SERVICEWIDE TRANSPORTATION .....	12,995	12,995
150	ADMINISTRATION .....	32,432	32,432
160	SERVICEWIDE COMMUNICATIONS .....	4,895	4,895
170	MANPOWER MANAGEMENT .....	16,074	11,574
	Unjustified growth for civilian personnel .....		[-4,500]
180	RECRUITING AND ADVERTISING .....	60,683	60,683
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>127,079</b>	<b>122,579</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b> .....	<b>3,162,008</b>	<b>3,178,208</b>
<b>OPERATION &amp; MAINTENANCE, NAVY RES OPERATING FORCES</b>			
010	MISSION AND OTHER FLIGHT OPERATIONS .....	616,776	616,776
020	INTERMEDIATE MAINTENANCE .....	15,076	15,076
030	AIR OPERATIONS AND SAFETY SUPPORT .....	1,479	1,479
040	AIRCRAFT DEPOT MAINTENANCE .....	107,251	107,251
050	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	355	355
060	MISSION AND OTHER SHIP OPERATIONS .....	82,186	82,186
070	SHIP OPERATIONS SUPPORT & TRAINING .....	589	589
080	SHIP DEPOT MAINTENANCE .....	48,593	48,593
090	COMBAT COMMUNICATIONS .....	15,274	15,274
100	COMBAT SUPPORT FORCES .....	124,917	124,917
110	WEAPONS MAINTENANCE .....	1,978	1,978
120	ENTERPRISE INFORMATION .....	43,699	43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	60,646	60,646
140	BASE OPERATING SUPPORT .....	105,227	105,227
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>1,224,046</b>	<b>1,224,046</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
150	ADMINISTRATION .....	3,117	3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	14,337	14,337
170	SERVICEWIDE COMMUNICATIONS .....	2,392	2,392
180	ACQUISITION AND PROGRAM MANAGEMENT .....	3,090	3,090
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>22,936</b>	<b>22,936</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES</b> .....	<b>1,246,982</b>	<b>1,246,982</b>
<b>OPERATION &amp; MAINTENANCE, MC RESERVE OPERATING FORCES</b>			
010	OPERATING FORCES .....	89,690	89,690
020	DEPOT MAINTENANCE .....	16,735	16,735
030	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	37,913	37,913
040	BASE OPERATING SUPPORT .....	103,746	103,746
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>248,084</b>	<b>248,084</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
050	SERVICEWIDE TRANSPORTATION .....	873	873
060	ADMINISTRATION .....	14,330	14,330
070	RECRUITING AND ADVERTISING .....	8,998	8,998
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>24,201</b>	<b>24,201</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE</b> .....	<b>272,285</b>	<b>272,285</b>
<b>OPERATION &amp; MAINTENANCE, AF RESERVE OPERATING FORCES</b>			
010	PRIMARY COMBAT FORCES .....	2,089,326	2,089,326
020	MISSION SUPPORT OPERATIONS .....	112,992	112,992
030	DEPOT MAINTENANCE .....	406,101	406,101
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	71,564	78,264

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	Restoration and Modernization of Facilities .....		[6,700]
050	BASE SUPPORT .....	364,862	364,862
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>3,044,845</b>	<b>3,051,545</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
060	ADMINISTRATION .....	78,824	78,824
070	RECRUITING AND ADVERTISING .....	16,020	16,020
080	MILITARY MANPOWER AND PERS MGMT (ARPC) .....	19,496	19,496
090	OTHER PERS SUPPORT (DISABILITY COMP) .....	6,489	6,489
100	AUDIOVISUAL .....	808	808
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>121,637</b>	<b>121,637</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
110	UNDISTRIBUTED ADJUSTMENTS .....		33,900
	Retain Air Force Reserve Force Structure .....		[33,900]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>33,900</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RE-SERVE .....</b>	<b>3,166,482</b>	<b>3,207,082</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG OPERATING FORCES</b>		
010	MANEUVER UNITS .....	680,206	680,206
020	MODULAR SUPPORT BRIGADES .....	186,408	186,408
030	ECHELONS ABOVE BRIGADE .....	865,628	865,628
040	THEATER LEVEL ASSETS .....	112,651	112,651
050	LAND FORCES OPERATIONS SUPPORT .....	36,091	36,091
060	AVIATION ASSETS .....	907,011	907,011
070	FORCE READINESS OPERATIONS SUPPORT .....	751,606	751,606
080	LAND FORCES SYSTEMS READINESS .....	60,043	60,043
090	LAND FORCES DEPOT MAINTENANCE .....	411,940	411,940
100	BASE OPERATIONS SUPPORT .....	995,423	995,423
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	688,189	737,589
	Restoration and Modernization of Facilities .....		[49,400]
120	MANAGEMENT AND OPERATIONAL HQ'S .....	953,716	953,716
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>6,648,912</b>	<b>6,698,312</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
130	SERVICEWIDE TRANSPORTATION .....	11,806	11,806
140	REAL ESTATE MANAGEMENT .....	1,656	1,656
150	ADMINISTRATION .....	89,358	89,358
160	SERVICEWIDE COMMUNICATIONS .....	39,513	39,513
170	MANPOWER MANAGEMENT .....	7,224	7,224
180	RECRUITING AND ADVERTISING .....	310,143	310,143
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>459,700</b>	<b>459,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG ....</b>	<b>7,108,612</b>	<b>7,158,012</b>
	<b>OPERATION &amp; MAINTENANCE, ANG OPERATING FORCES</b>		
010	AIRCRAFT OPERATIONS .....	3,559,824	3,559,824
020	MISSION SUPPORT OPERATIONS .....	721,225	721,225
030	DEPOT MAINTENANCE .....	774,875	774,875
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	270,709	295,409
	Restoration and Modernization of Facilities .....		[24,700]
050	BASE SUPPORT .....	624,443	624,443
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>5,951,076</b>	<b>5,975,776</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
060	ADMINISTRATION .....	32,358	32,358
070	RECRUITING AND ADVERTISING .....	32,021	32,021
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>64,379</b>	<b>64,379</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
080	UNDISTRIBUTED ADJUSTMENTS .....		145,400
	Retain Air National Guard Force Structure .....		[145,400]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>145,400</b>

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
<b>TOTAL OPERATION &amp; MAINTENANCE, ANG .....</b>		<b>6,015,455</b>	<b>6,185,555</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>			
<b>MISCELLANEOUS APPROPRIATIONS</b>			
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	108,759	108,759
030	COOPERATIVE THREAT REDUCTION .....	519,111	519,111
040	ACQ WORKFORCE DEV FD .....	274,198	274,198
050	ENVIRONMENTAL RESTORATION, ARMY .....	335,921	335,921
<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS</b>		<b>1,237,989</b>	<b>1,237,989</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>			
060	ENVIRONMENTAL RESTORATION, NAVY .....	310,594	310,594
<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS</b>		<b>310,594</b>	<b>310,594</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>			
070	ENVIRONMENTAL RESTORATION, AIR FORCE .....	529,263	529,263
<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS</b>		<b>529,263</b>	<b>529,263</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>			
010	US COURT OF APPEALS FOR THE ARMED FORCES, DE- FENSE .....	13,516	13,516
080	ENVIRONMENTAL RESTORATION, DEFENSE .....	11,133	11,133
<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS</b>		<b>24,649</b>	<b>24,649</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>			
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	237,543	237,543
<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS</b>		<b>237,543</b>	<b>237,543</b>
<b>TOTAL MISCELLANEOUS APPROPRIATIONS .....</b>		<b>2,340,038</b>	<b>2,340,038</b>
<b>TOTAL OPERATION &amp; MAINTENANCE .....</b>		<b>174,938,933</b>	<b>175,569,407</b>

1 **SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS**  
 2 **CONTINGENCY OPERATIONS.**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
<b>OPERATION &amp; MAINTENANCE, ARMY</b>			
<b>OPERATING FORCES</b>			
040	THEATER LEVEL ASSETS .....	2,758,162	2,758,162
050	LAND FORCES OPERATIONS SUPPORT .....	991,396	991,396
060	AVIATION ASSETS .....	40,300	40,300
070	FORCE READINESS OPERATIONS SUPPORT .....	1,755,445	1,755,445
080	LAND FORCES SYSTEMS READINESS .....	307,244	307,244
100	BASE OPERATIONS SUPPORT .....	393,165	393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES .....	12,524,137	12,514,137
Task Force for Stability Operations: Operations/Sustainment Request			[-10,000]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	400,000	200,000
Historical underexecution .....			[-200,000]
160	RESET .....	3,687,973	3,687,973
<b>SUBTOTAL OPERATING FORCES .....</b>		<b>23,107,822</b>	<b>22,897,822</b>
<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>			
350	SERVICEWIDE TRANSPORTATION .....	3,238,310	3,238,310
360	CENTRAL SUPPLY ACTIVITIES .....	129,000	129,000
380	AMMUNITION MANAGEMENT .....	78,022	78,022
420	OTHER PERSONNEL SUPPORT .....	137,277	97,277
Transfer to OPA OCO Line 061 at SOUTHCOM request .....			[-40,000]
430	OTHER SERVICE SUPPORT .....	72,293	72,293
490	CLASSIFIED PROGRAMS .....	1,828,717	1,828,717
<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>		<b>5,483,619</b>	<b>5,443,619</b>
<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>		<b>28,591,441</b>	<b>28,341,441</b>

<b>SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS</b>			
<b>(In Thousands of Dollars)</b>			
<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
<b>OPERATION &amp; MAINTENANCE, NAVY</b>			
<b>OPERATING FORCES</b>			
010	MISSION AND OTHER FLIGHT OPERATIONS .....	937,098	937,098
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	1,000	1,000
040	AIR OPERATIONS AND SAFETY SUPPORT .....	15,794	15,794
050	AIR SYSTEMS SUPPORT .....	19,013	19,013
060	AIRCRAFT DEPOT MAINTENANCE .....	201,912	201,912
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	3,000	3,000
080	AVIATION LOGISTICS .....	44,150	44,150
090	MISSION AND OTHER SHIP OPERATIONS .....	463,738	463,738
100	SHIP OPERATIONS SUPPORT & TRAINING .....	24,774	24,774
110	SHIP DEPOT MAINTENANCE .....	1,310,010	1,310,010
130	COMBAT COMMUNICATIONS .....	42,965	42,965
160	WARFARE TACTICS .....	25,970	25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	19,226	19,226
180	COMBAT SUPPORT FORCES .....	1,668,359	1,668,359
190	EQUIPMENT MAINTENANCE .....	7,954	7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	94,655	94,655
260	WEAPONS MAINTENANCE .....	303,087	303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	3,218	3,218
300	BASE OPERATING SUPPORT .....	143,442	143,442
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>5,329,365</b>	<b>5,329,365</b>
<b>MOBILIZATION</b>			
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	31,395	31,395
360	COAST GUARD SUPPORT .....	254,461	254,461
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>285,856</b>	<b>285,856</b>
<b>TRAINING AND RECRUITING</b>			
400	SPECIALIZED SKILL TRAINING .....	50,903	50,903
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>50,903</b>	<b>50,903</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
480	ADMINISTRATION .....	1,377	1,377
490	EXTERNAL RELATIONS .....	487	487
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	6,022	6,022
520	OTHER PERSONNEL SUPPORT .....	3,514	3,514
550	SERVICEWIDE TRANSPORTATION .....	184,864	184,864
580	ACQUISITION AND PROGRAM MANAGEMENT .....	2,026	2,026
620	NAVAL INVESTIGATIVE SERVICE .....	1,425	1,425
710	CLASSIFIED PROGRAMS .....	14,556	14,556
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>214,271</b>	<b>214,271</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>5,880,395</b>	<b>5,880,395</b>
<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>			
<b>OPERATING FORCES</b>			
010	OPERATIONAL FORCES .....	1,921,258	1,921,258
020	FIELD LOGISTICS .....	1,094,028	1,094,028
030	DEPOT MAINTENANCE .....	222,824	222,824
060	BASE OPERATING SUPPORT .....	88,690	88,690
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>3,326,800</b>	<b>3,326,800</b>
<b>TRAINING AND RECRUITING</b>			
110	TRAINING SUPPORT .....	215,212	215,212
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>215,212</b>	<b>215,212</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
150	SERVICEWIDE TRANSPORTATION .....	512,627	512,627
190	CLASSIFIED PROGRAMS .....	11,701	11,701
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>524,328</b>	<b>524,328</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b>	<b>4,066,340</b>	<b>4,066,340</b>
<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>			
<b>OPERATING FORCES</b>			
010	PRIMARY COMBAT FORCES .....	1,494,144	1,494,144
020	COMBAT ENHANCEMENT FORCES .....	809,531	809,531

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	13,095	13,095
040	DEPOT MAINTENANCE .....	1,403,238	1,403,238
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	155,954	155,954
060	BASE SUPPORT .....	342,226	342,226
070	GLOBAL C3I AND EARLY WARNING .....	15,108	15,108
080	OTHER COMBAT OPS SPT PROGRAMS .....	271,390	271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	25,400	25,400
120	SPACE CONTROL SYSTEMS .....	5,110	5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	52,173	52,173
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>4,587,369</b>	<b>4,587,369</b>
<b>MOBILIZATION</b>			
150	AIRLIFT OPERATIONS .....	3,187,211	3,187,211
160	MOBILIZATION PREPAREDNESS .....	43,509	43,509
170	DEPOT MAINTENANCE .....	554,943	554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,431	4,431
190	BASE SUPPORT .....	9,256	9,256
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>3,799,350</b>	<b>3,799,350</b>
<b>TRAINING AND RECRUITING</b>			
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	424	424
240	BASE SUPPORT .....	1,036	1,036
250	SPECIALIZED SKILL TRAINING .....	10,923	10,923
260	FLIGHT TRAINING .....	72	72
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	323	323
280	TRAINING SUPPORT .....	352	352
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>13,130</b>	<b>13,130</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
360	LOGISTICS OPERATIONS .....	100,429	100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	47,200	47,200
400	BASE SUPPORT .....	7,242	7,242
410	ADMINISTRATION .....	1,552	1,552
420	SERVICEWIDE COMMUNICATIONS .....	82,094	82,094
430	OTHER SERVICEWIDE ACTIVITIES .....	582,977	582,977
480	CLASSIFIED PROGRAMS .....	20,270	20,270
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>841,764</b>	<b>841,764</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b>	<b>9,241,613</b>	<b>9,241,613</b>
<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE OPERATING FORCES</b>			
010	JOINT CHIEFS OF STAFF .....	2,000	2,000
020	SPECIAL OPERATIONS COMMAND .....	2,503,060	2,503,060
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>2,505,060</b>	<b>2,505,060</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
080	DEFENSE CONTRACT AUDIT AGENCY .....	30,674	30,674
090	DEFENSE CONTRACT MANAGEMENT AGENCY .....	69,803	69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY .....	3,334	3,334
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	152,925	152,925
140	DEFENSE LEGAL SERVICES AGENCY .....	102,322	102,322
160	DEFENSE MEDIA ACTIVITY .....	10,823	10,823
180	DEFENSE SECURITY COOPERATION AGENCY .....	2,200,000	2,100,000
	Program Decrease—Coalition Support Funds .....		[-100,000]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	139,830	139,830
260	OFFICE OF THE SECRETARY OF DEFENSE .....	87,805	87,805
280	CLASSIFIED PROGRAMS .....	2,522,003	2,522,003
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>5,319,519</b>	<b>5,219,519</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>	<b>7,824,579</b>	<b>7,724,579</b>
<b>OPERATION &amp; MAINTENANCE, ARMY RES OPERATING FORCES</b>			
030	ECHELONS ABOVE BRIGADE .....	78,600	78,600
050	LAND FORCES OPERATIONS SUPPORT .....	20,811	20,811
070	FORCE READINESS OPERATIONS SUPPORT .....	20,726	20,726
100	BASE OPERATIONS SUPPORT .....	34,400	34,400
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>154,537</b>	<b>154,537</b>

1571

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b>	<b>154,537</b>	<b>154,537</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	24,834	24,834
020	INTERMEDIATE MAINTENANCE .....	300	300
040	AIRCRAFT DEPOT MAINTENANCE .....	13,364	13,364
060	MISSION AND OTHER SHIP OPERATIONS .....	8,213	8,213
080	SHIP DEPOT MAINTENANCE .....	929	929
100	COMBAT SUPPORT FORCES .....	8,244	8,244
140	BASE OPERATING SUPPORT .....	40	40
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>55,924</b>	<b>55,924</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES ..</b>	<b>55,924</b>	<b>55,924</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	OPERATING FORCES .....	22,657	22,657
040	BASE OPERATING SUPPORT .....	2,820	2,820
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>25,477</b>	<b>25,477</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RE- SERVE .....</b>	<b>25,477</b>	<b>25,477</b>
	<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	7,600	7,600
030	DEPOT MAINTENANCE .....	106,768	106,768
050	BASE SUPPORT .....	6,250	6,250
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>120,618</b>	<b>120,618</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RE- SERVE .....</b>	<b>120,618</b>	<b>120,618</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	38,485	38,485
020	MODULAR SUPPORT BRIGADES .....	1,959	1,959
030	ECHELONS ABOVE BRIGADE .....	20,076	20,076
040	THEATER LEVEL ASSETS .....	2,028	2,028
060	AVIATION ASSETS .....	183,811	183,811
070	FORCE READINESS OPERATIONS SUPPORT .....	43,780	43,780
100	BASE OPERATIONS SUPPORT .....	70,237	70,237
120	MANAGEMENT AND OPERATIONAL HQ'S .....	20,072	20,072
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>380,448</b>	<b>380,448</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
160	SERVICEMEN COMMUNICATIONS .....	2,000	2,000
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>2,000</b>	<b>2,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG .....</b>	<b>382,448</b>	<b>382,448</b>
	<b>OPERATION &amp; MAINTENANCE, ANG</b>		
	<b>OPERATING FORCES</b>		
020	MISSION SUPPORT OPERATIONS .....	19,975	19,975
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>19,975</b>	<b>19,975</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG .....</b>	<b>19,975</b>	<b>19,975</b>
	<b>AFGHANISTAN SECURITY FORCES FUND</b>		
	<b>MINISTRY OF DEFENSE</b>		
010	SUSTAINMENT .....	2,523,825	2,523,825
020	INFRASTRUCTURE .....	190,000	190,000
030	EQUIPMENT AND TRANSPORTATION .....	241,521	241,521
040	TRAINING AND OPERATIONS .....	758,380	758,380
	<b>SUBTOTAL MINISTRY OF DEFENSE .....</b>	<b>3,713,726</b>	<b>3,713,726</b>
	<b>MINISTRY OF INTERIOR</b>		
050	SUSTAINMENT .....	1,305,950	1,305,950

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
060	INFRASTRUCTURE .....	50,000	50,000
070	EQUIPMENT AND TRANSPORTATION .....	84,859	84,859
080	TRAINING AND OPERATIONS .....	569,868	569,868
	<b>SUBTOTAL MINISTRY OF INTERIOR .....</b>	<b>2,010,677</b>	<b>2,010,677</b>
<b>RELATED ACTIVITIES</b>			
090	SUSTAINMENT .....	18,325	18,325
100	INFRASTRUCTUE .....	1,200	1,200
110	EQUIPMENT & TRANSPORTATION .....	1,239	1,239
120	TRAINING AND OPERATIONS .....	4,000	4,000
	<b>SUBTOTAL RELATED ACTIVITIES .....</b>	<b>24,764</b>	<b>24,764</b>
	<b>TOTAL AFGHANISTAN SECURITY FORCES FUND ...</b>	<b>5,749,167</b>	<b>5,749,167</b>
<b>AFGHANISTAN INFRASTRUCTURE FUND</b>			
<b>AFGHANISTAN INFRASTRUCTURE FUND</b>			
010	POWER .....	400,000	350,000
	Program Decrease .....		[-50,000]
	<b>SUBTOTAL AFGHANISTAN INFRASTRUCTURE FUND</b>	<b>400,000</b>	<b>350,000</b>
	<b>TOTAL AFGHANISTAN INFRASTRUCTURE FUND ...</b>	<b>400,000</b>	<b>350,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>62,512,514</b>	<b>62,112,514</b>

1 **TITLE XLIV—MILITARY**  
 2 **PERSONNEL**  
 3 **SEC. 4401. MILITARY PERSONNEL.**

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2013 Request	Conference Authorized
MILITARY PERSONNEL .....	135,111,799	135,777,368
USMC military personnel in lieu of LAV funding .....		[129,729]
Retain Global Hawk .....		[22,000]
Restore acerual payments to the Medicare eligible health care trust fund .....		[672,000]
Unobligated balances .....		[-295,250]
Basic allowance for housing for members of the National Guard (Section 603) .....		[6,000]
Retain 128 Air National Guard AGRs for two air sovereignty alert locations .....		[8,300]
Retain Air National Guard Force Structure .....		[86,600]
Retain Air Force Reserve Force Structure .....		[17,100]

4 **SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTIN-**  
 5 **GENCY OPERATIONS.**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Item	FY 2013 Request	Conference Authorized
MILITARY PERSONNEL .....	14,060,094	14,055,094
Navy identified excess to requirement .....		[-5,000]

1 **TITLE XLV—OTHER**  
 2 **AUTHORIZATIONS**

3 **SEC. 4501. OTHER AUTHORIZATIONS.**

<b>SEC. 4501. OTHER AUTHORIZATIONS</b> (In Thousands of Dollars)		
<b>Program Title</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
<b>WORKING CAPITAL FUND, ARMY</b>		
PREPOSITIONED WAR RESERVE STOCKS .....	60,037	60,037
<b>TOTAL WORKING CAPITAL FUND, ARMY .....</b>	<b>60,037</b>	<b>60,037</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>		
<b>CONTAINER DECONSOLIDATION</b>		
SUPPLIES AND MATERIALS (MEDICAL/DENTAL) .....	45,452	45,452
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE .....</b>	<b>45,452</b>	<b>45,452</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>		
DEFENSE LOGISTICS AGENCY (DLA) .....	39,135	39,135
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>	<b>39,135</b>	<b>39,135</b>
<b>WORKING CAPITAL FUND, DECA</b>		
WORKING CAPITAL FUND, DECA .....	1,371,560	1,371,560
<b>TOTAL WORKING CAPITAL FUND, DECA .....</b>	<b>1,371,560</b>	<b>1,371,560</b>
<b>NATIONAL DEFENSE SEALIFT FUND</b>		
<b>T-AKE</b>		
MPF MLP .....	38,000	38,000
POST DELIVERY AND OUTFITTING .....	39,386	39,386
<b>NATIONAL DEF SEALIFT VESSEL</b>		
LG MED SPD RO/RO MAINTENANCE .....	128,819	128,819
DOD MOBILIZATION ALTERATIONS .....	26,598	26,598
TAH MAINTENANCE .....	29,199	29,199
RESEARCH AND DEVELOPMENT .....	42,811	42,811
READY RESERVE FORCE .....	303,323	303,323
<b>TOTAL NATIONAL DEFENSE SEALIFT FUND .....</b>	<b>608,136</b>	<b>608,136</b>
<b>DEFENSE HEALTH PROGRAM</b>		
IN-HOUSE CARE .....	8,625,507	8,625,507
PRIVATE SECTOR CARE .....	16,148,263	15,788,263
Pilot program for treatment of Autism .....		[40,000]
TRICARE historical underexecution .....		[-400,000]
CONSOLIDATED HEALTH SUPPORT .....	2,309,185	2,309,185
INFORMATION MANAGEMENT .....	1,465,328	1,465,328
MANAGEMENT ACTIVITIES .....	332,121	332,121
EDUCATION AND TRAINING .....	722,081	722,081
BASE OPERATIONS/COMMUNICATIONS .....	1,746,794	1,746,794
UNDISTRIBUTED, OPERATION & MAINTENANCE .....		452,000
Restore estimated savings in TRICARE Prime and Standard enrollment fees and deductables for TRICARE Standard .....		[273,000]
Restore pharmacy co-pay estimated savings .....		[179,000]
RDT&E .....	672,977	672,977
PROCUREMENT .....	506,462	506,462
<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>32,528,718</b>	<b>32,620,718</b>
<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>		
OPERATION & MAINTENANCE .....	635,843	635,843
RDT&E .....	647,351	647,351
PROCUREMENT .....	18,592	18,592
<b>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION .....</b>	<b>1,301,786</b>	<b>1,301,786</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	889,545	889,545
DRUG DEMAND REDUCTION PROGRAM .....	109,818	135,718
Authorization increase expanded drug testing .....		[25,900]
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b>	<b>999,363</b>	<b>1,025,263</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>		

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	Conference Authorized
OPERATION & MAINTENANCE .....	272,821	331,921
DoD IG growth plan .....		[59,100]
<b>RDT&amp;E</b>		
PROCUREMENT .....	1,000	1,000
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>273,821</b>	<b>332,921</b>
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>37,228,008</b>	<b>37,405,008</b>

1 **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**  
 2 **TINGENCY OPERATIONS.**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	Conference Authorized
<b>WORKING CAPITAL FUND, ARMY</b>		
PREPOSITIONED WAR RESERVE STOCKS .....	42,600	42,600
<b>TOTAL WORKING CAPITAL FUND, ARMY .....</b>	<b>42,600</b>	<b>42,600</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>		
C-17 CLS ENGINE REPAIR .....	230,400	230,400
TRANSPORTATION FALLEN HEROES .....	10,000	10,000
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE .....</b>	<b>240,400</b>	<b>240,400</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>		
DEFENSE LOGISTICS AGENCY (DLA) .....	220,364	220,364
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>	<b>220,364</b>	<b>220,364</b>
<b>DEFENSE HEALTH PROGRAM</b>		
IN-HOUSE CARE .....	483,326	483,326
PRIVATE SECTOR CARE .....	376,982	376,982
CONSOLIDATED HEALTH SUPPORT .....	111,675	111,675
INFORMATION MANAGEMENT .....	4,773	4,773
MANAGEMENT ACTIVITIES .....	660	660
EDUCATION AND TRAINING .....	15,370	15,370
BASE OPERATIONS/COMMUNICATIONS .....	1,112	1,112
<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>993,898</b>	<b>993,898</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	469,025	469,025
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b>	<b>469,025</b>	<b>469,025</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>		
OPERATION & MAINTENANCE .....	10,766	10,766
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>10,766</b>	<b>10,766</b>
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>1,977,053</b>	<b>1,977,053</b>

3 **TITLE XLVI—MILITARY**  
 4 **CONSTRUCTION**

5 **SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Army	Alaska Fort Wainwright	Modified Record Fire Range .....	10,400	10,400

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Army	Joint Base Elmendorf-Richardson	Modified Record Fire Range .....	7,900	7,900
	California			
Army	Concord	Engineering/Housing Maintenance Shop .....	3,100	3,100
Army	Concord	Lightning Protection System .....	5,800	5,800
	Colorado			
Army	Fort Carson	Central Energy Plant .....	0	0
Army	Fort Carson	Digital Multipurpose Training Range .....	18,000	18,000
	District of Columbia			
Army	Fort Menair	Vehicle Storage Building, Installation .....	7,200	7,200
	Georgia			
Army	Fort Benning	Ground Source Heat Transfer System .....	16,000	16,000
Army	Fort Gordon	Ground Source Heat Transfer System .....	12,200	12,200
Army	Fort Gordon	Modified Record Fire Range .....	4,000	4,000
Army	Fort Gordon	Multipurpose Machine Gun Range .....	7,100	7,100
Army	Fort Stewart	Automated Combat Pistol Qual Crse .....	3,650	3,650
Army	Fort Stewart	Digital Multipurpose Training Range .....	22,000	22,000
Army	Fort Stewart	Unmanned Aerial Vehicle Complex .....	24,000	24,000
	Hawaii			
Army	Pohakuloa Training Area	Automated Infantry Platoon Battle Course .....	29,000	29,000
Army	Schofield Barracks	Barracks .....	55,000	55,000
Army	Schofield Barracks	Barracks .....	41,000	41,000
Army	Wheeler Army Air Field	Combat Aviation Brigade Barracks .....	85,000	85,000
	Italy			
Army	Camp Ederle	Barracks .....	36,000	36,000
Army	Vicenza	Simulations Center .....	32,000	32,000
	Japan			
Army	Okinawa	Satellite Communications Facility .....	78,000	78,000
Army	Sagami	Vehicle Maintenance Shop .....	18,000	18,000
	Kansas			
Army	Fort Riley	Unmanned Aerial Vehicle Complex .....	12,200	12,200
	Kentucky			
Army	Fort Campbell	Battalion Headquarters Complex .....	55,000	55,000
Army	Fort Campbell	Live Fire Exercise Shoothouse .....	3,800	3,800
Army	Fort Campbell	Unmanned Aerial Vehicle Complex .....	23,000	23,000
Army	Fort Knox	Automated Infantry Squad Battle Course .....	6,000	6,000
	Korea			
Army	Camp Humphreys	Battalion Headquarters Complex .....	45,000	45,000
	Kwajalein Atoll			
Army	Kwajalein Atoll	Pier .....	0	0
	Missouri			
Army	Fort Leonard Wood	Battalion Complex Facilities .....	26,000	26,000
Army	Fort Leonard Wood	Trainee Barracks Complex 3, Ph 2 .....	58,000	58,000
Army	Fort Leonard Wood	Vehicle Maintenance Shop .....	39,000	39,000
	New Jersey			
Army	Joint Base Meguire-Dix-Lakehurst	Flight Equipment Complex .....	47,000	47,000
Army	Picatinny Arsenal	Ballistic Evaluation Center .....	10,200	10,200
	New York			
Army	Fort Drum, New York	Aircraft Maintenance Hangar .....	95,000	95,000
Army	U.S. Military Academy	Cadet Barracks, Inc 1 .....	192,000	86,000
	North Carolina			
Army	Fort Bragg	Aerial Gunnery Range .....	42,000	42,000
Army	Fort Bragg	Infrastructure .....	30,000	0
Army	Fort Bragg	Unmanned Aerial Vehicle Complex .....	26,000	26,000
	Oklahoma			
Army	Fort Sill	Modified Record Fire Range .....	4,900	4,900
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 2, Ph 2 .....	24,000	24,000
	Texas			
Army	Corpus Christi	Aircraft Component Maintenance Shop .....	13,200	13,200
Army	Corpus Christi	Aircraft Paint Shop .....	24,000	24,000
Army	Fort Bliss	Multipurpose Machine Gun Range .....	7,200	7,200
Army	Fort Hood	Modified Record Fire Range .....	4,200	4,200
Army	Fort Hood	Training Aids Center .....	25,000	25,000
Army	Fort Hood	Unmanned Aerial Vehicle Complex .....	22,000	22,000
Army	Joint Base San Antonio	Barracks .....	21,000	21,000
	Virginia			
Army	Arlington	Cemetery Expansion Millennium Site .....	84,000	0
Army	Fort Belvoir	Secure Admin/Operations Facility .....	94,000	94,000
Army	Fort Lee	Adv Individual Training Barracks Cplx, Ph2 .....	81,000	81,000
	Washington			
Army	Joint Base Lewis-Mechord	Battalion Complex .....	73,000	73,000
Army	Joint Base Lewis-Mechord	Waste Water Treatment Plant .....	91,000	91,000

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Army	Yakima	Convoy Live Fire Range .....	5,100	5,100
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support Fy 13 .....	34,000	34,000
Army	Unspecified Worldwide Locations	Minor Construction Fy 13 .....	25,000	25,000
Army	Unspecified Worldwide Locations	Planning and Design Fy13 .....	65,173	46,173
<b>Total Military Construction, Army .....</b>			<b>1,923,323</b>	<b>1,684,323</b>
	Arizona			
Navy	Yuma	Combat Aircraft Loading Apron .....	15,985	15,985
Navy	Yuma	Security Operations Complex .....	13,300	13,300
	Bahrain Island			
Navy	Sw Asia	Combined Dining Facility .....	9,819	9,819
Navy	Sw Asia	Transient Quarters .....	41,529	41,529
	California			
Navy	Camp Pendleton	Comm. Information Systems Ops Complex .....	78,897	78,897
Navy	Camp Pendleton	Mv22 Aviation Simulator Building .....	4,139	4,139
Navy	Camp Pendleton	San Jacinto Road Extension .....	5,074	5,074
Navy	Coronado	Bachelor Quarters .....	76,063	76,063
Navy	Coronado	H-60s Simulator Training Facility .....	2,478	2,478
Navy	Lemoore	Bams Maintenance Training Facility .....	14,843	0
Navy	Miramar	Hangar 5 Renovations & Addition .....	27,897	27,897
Navy	Point Mugu	Bams Maintenance Training Facility .....	0	12,790
Navy	San Diego	Entry Control Point (Gate Five) .....	11,752	11,752
Navy	San Diego	Les Training Facility .....	59,436	59,436
Navy	Seal Beach	Strategic Systems Weapons Eval. Test Lab .....	30,594	30,594
Navy	Twentynine Palms	Land Expansion Phase 2 .....	47,270	47,270
	Diego Garcia			
Navy	Diego Garcia	Communications Infrastructure .....	1,691	1,691
	Djibouti			
Navy	Camp Lemonnier	Containerized Living and Work Units .....	7,510	0
Navy	Camp Lemonnier	Fitness Center .....	26,960	0
Navy	Camp Lemonnier	Galley Addition and Warehouse .....	22,220	0
Navy	Camp Lemonnier	Joint HQ/Joint Operations Center Facility .....	42,730	0
	Florida			
Navy	Jacksonville	Bams Mission Control Complex .....	21,980	21,980
	Greece			
Navy	Souda Bay	Aircraft Parking Apron Expansion .....	20,493	20,493
Navy	Souda Bay	Intermodal Access Road .....	4,630	4,630
	Guam			
Navy	Joint Region Marianas	North Ramp Parking (Andersen AFB)—Inc 2 .....	25,904	25,904
	Hawaii			
Navy	Kaneohe Bay	Aircraft Staging Area .....	14,680	14,680
Navy	Kaneohe Bay	Mv-22 Hangar and Infrastructure .....	82,630	82,630
	Japan			
Navy	Iwakuni	Maintenance Hangar Improvements .....	5,722	5,722
Navy	Iwakuni	Vertical Take-Off and Landing Pad North .....	7,416	7,416
Navy	Okinawa	Bachelor Quarters .....	8,206	8,206
	Mississippi			
Navy	Meridian	Dining Facility .....	10,926	10,926
	New Jersey			
Navy	Earle	Combat System Engineering Building Addition .....	33,498	32,670
	North Carolina			
Navy	Camp Lejeune	Base Access and Road—Phase 3 .....	40,904	40,904
Navy	Camp Lejeune	Staff Neo Academy Facilities .....	28,986	28,986
Navy	Cherry Point Marine Corps Air Station	Armory .....	11,581	11,581
Navy	Cherry Point Marine Corps Air Station	Marine Air Support Squadron Compound .....	34,310	34,310
Navy	New River	Personnel Administration Center .....	8,525	8,525
	Romania			
Navy	Deveselu, Romania	Aegis Ashore Missile Defense Complex .....	45,205	45,205
	South Carolina			
Navy	Beaufort	Aircraft Maintenance Hangar .....	42,010	42,010
Navy	Beaufort	Airfield Security Upgrades .....	13,675	13,675
Navy	Beaufort	Ground Support Equipment Shop .....	9,465	9,465
Navy	Beaufort	Recycling/Hazardous Waste Facility .....	3,743	3,743
Navy	Beaufort	Simulated Lhd Flight Deck .....	12,887	12,887
Navy	Parris Island	Front Gate Atfp Improvements .....	10,135	10,135
	Spain			
Navy	Rota	General Purpose Warehouse .....	3,378	3,378
Navy	Rota	High Explosive Magazine .....	13,837	13,837
	Virginia			
Navy	Dahlgren	Cruiser/Destroyer Upgrade Training Facility .....	16,494	16,494
Navy	Dahlgren	Physical Fitness Center .....	11,734	11,734

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Navy	Oceana Naval Air Station	A School Barracks .....	39,086	39,086
Navy	Portsmouth	Drydock 8 Electrical Distribution Upgrade .....	32,706	32,706
Navy	Quantico	Infrastructure—Widen Russell Road .....	14,826	14,826
Navy	Quantico	The Basic School Student Quarters—Phase 7 .....	31,012	31,012
Navy	Quantico	Weapons Training Battalion Mess Hall .....	12,876	12,876
Navy	Yorktown	Armory .....	4,259	4,259
Navy	Yorktown	Bachelor Enlisted Quarters .....	18,422	18,422
Navy	Yorktown	Motor Transportation Facility .....	6,188	6,188
Navy	Yorktown	Regimental Headquarters .....	11,015	11,015
Navy	Yorktown	Supply Warehouse Facility .....	8,939	8,939
	Washington			
Navy	Kitsap	Explosives Handling Wharf #2 (Inc) .....	280,041	254,241
Navy	Whidbey Island	Ea-18g Flight Simulator Facility .....	6,272	6,272
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Mcon Design Funds .....	102,619	102,619
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction .....	16,535	16,535
Navy	Various Worldwide Locations	Bams Operational Facilities .....	34,048	34,048
<b>Total Military Construction, Navy .....</b>			<b>1,701,985</b>	<b>1,573,884</b>
	Arkansas			
AF	Little Rock AFB	C-130J Flight Simulator Addition .....	4,178	4,178
AF	Little Rock AFB	C-130J Fuel Systems Maintenance Hangar .....	26,000	26,000
	Florida			
AF	Tyndall AFB	F-22 Adal Hangar for Low Observable/Composite .....	14,750	14,750
	Georgia			
AF	Fort Stewart, Georgia	Air Support Operations Center (ASOC) .....	7,250	7,250
AF	Moody AFB	HC-130J Simulator Facility .....	8,500	8,500
	Greenland			
AF	Thule Ab	Consolidated Engineer Shop and Supply Facility ....	0	0
AF	Thule AF	Dormitory (48 Pn) .....	24,500	24,500
	Guam			
AF	Andersen AFB	Fuel Systems Hangar .....	0	0
	Italy			
AF	Aviano Ab	F-16 Mission Training Center .....	9,400	9,400
	Nebraska			
AF	Offutt AFB	US STRATCOM Replacement Facility, Iner 2 .....	161,000	128,000
	New Mexico			
AF	Holloman AFB	Mq-9 Maintenance Hangar .....	25,000	25,000
	North Dakota			
AF	Minot AFB	B-52 Add/Alter Munitions Age Facility .....	4,600	4,600
	Texas			
AF	Joint Base San Antonio	Dormitory (144 Rm) .....	18,000	18,000
	Utah			
AF	Hill AFB	F-35 Adal Building 118 for Flight Simulator .....	4,000	4,000
AF	Hill AFB	F-35 Adal Hangar 45w/AMU .....	7,250	7,250
AF	Hill AFB	F-35 Modular Storage Magazines .....	2,280	2,280
	Worldwide Unspecified			
AF	Lajes AFB	Sanitary Sewer Lift/Pump Station .....	2,000	2,000
AF	Rota	Transient Aircraft Hangars .....	15,032	0
AF	Rota	Transient Contingency Dormitory—100 Rm .....	17,625	0
AF	Unspecified Worldwide Locations	Planning and Design .....	18,635	18,635
AF	Various Worldwide Locations	Unspecified Minor Construction .....	18,200	18,200
<b>Total Military Construction, Air Force .....</b>			<b>388,200</b>	<b>322,543</b>
	Arizona			
Def-Wide	Marana	SOF Parachute Training Facility .....	6,477	6,477
Def-Wide	Yuma	Truck Unload Facility .....	1,300	1,300
	Belgium			
Def-Wide	Brussels	NATO Headquarters Facility .....	26,969	26,969
	California			
Def-Wide	Coronado	SOF Close Quarters Combat/Dynamic Shoot Fac ...	13,969	13,969
Def-Wide	Coronado	SOF Indoor Dynamic Shooting Facility .....	31,170	31,170
Def-Wide	Coronado	SOF Mobile Comm Detachment Support Facility ...	10,120	10,120
Def-Wide	Def Fuel Support Point—San Diego	Replace Fuel Pier .....	91,563	91,563
Def-Wide	Edwards Air Force Base	Replace Fuel Storage .....	27,500	27,500
Def-Wide	Twentynine Palms, California	Medical Clinic Replacement .....	27,400	27,400

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
	Colorado			
Def-Wide	Buckley Air Force Base	Denver Power House .....	30,000	30,000
Def-Wide	Fort Carson, Colorado	SOF Battalion Operations Complex .....	56,673	56,673
Def-Wide	Pikes Peak	High Altitude Medical Research Lab .....	3,600	3,600
	Delaware			
Def-Wide	Dover AFB	Replace Truck Off-Load Facility .....	2,000	2,000
	Florida			
Def-Wide	Eglin AFB	SOF Avfid Ops and Maintenance Facilities .....	41,695	41,695
Def-Wide	Hurlburt Field	Construct Fuel Storage Facility .....	16,000	16,000
Def-Wide	Macdill AFB	SOF Joint Special Ops University Fac (Jsou) .....	34,409	34,409
	Germany			
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Iner 2 .....	127,000	127,000
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades .....	2,413	2,413
Def-Wide	Vogelweh	Replace Vogelweh Elementary School .....	61,415	61,415
Def-Wide	Weisbaden	Weisbaden High School Addition .....	52,178	52,178
	Guam			
Def-Wide	Andersen AFB	Upgrade Fuel Pipeline .....	67,500	67,500
	Guantanamo Bay, Cuba			
Def-Wide	Guantanamo Bay	Replace Fuel Pier .....	37,600	37,600
Def-Wide	Guantanamo Bay	Replace Truck Load Facility .....	2,600	2,600
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	SOF Sdvt-1 Waterfront Operations Facility .....	24,289	24,289
	Illinois			
Def-Wide	Great Lakes	Drug Laboratory Replacement .....	28,700	28,700
Def-Wide	Scott AFB	DISA Facility Upgrades .....	84,111	84,111
Def-Wide	Scott AFB	Medical Logistics Warehouse .....	2,600	2,600
	Indiana			
Def-Wide	Grissom ARB	Replace Hydrant Fuel System .....	26,800	26,800
	Japan			
Def-Wide	Camp Zama	Renovate Zama High School .....	13,273	13,273
Def-Wide	Kadena Ab	Replace Elementary School .....	71,772	71,772
Def-Wide	Kadena Ab	Replace Stearley Heights Elementary School .....	71,773	71,773
Def-Wide	Sasebo	Replace Sasebo Elementary School .....	35,733	35,733
Def-Wide	Zukeran	Replace Zukeran Elementary School .....	79,036	79,036
	Kentucky			
Def-Wide	Fort Campbell, Kentucky	Replace Barkley Elementary School .....	41,767	41,767
Def-Wide	Fort Campbell, Kentucky	SOF Ground Support Battalion .....	26,313	26,313
Def-Wide	Fort Campbell, Kentucky	SOF Landgraf Hangar Extension .....	3,559	3,559
	Korea			
Def-Wide	Kunsan Air Base	Medical/Dental Clinic Addition .....	13,000	13,000
Def-Wide	Osan AFB	Hospital Addition/Alteration .....	34,600	34,600
Def-Wide	Osan AFB	Replace Osan Elementary School .....	42,692	42,692
	Louisiana			
Def-Wide	Barksdale AFB	Upgrade Pumphouse .....	11,700	11,700
	Maryland			
Def-Wide	Annapolis	Health Clinic Replacement .....	66,500	66,500
Def-Wide	Bethesda Naval Hospital	Base Installation Access/Appearance Plan .....	7,000	7,000
Def-Wide	Bethesda Naval Hospital	Electrical Capacity and Cooling Towers .....	35,600	35,600
Def-Wide	Bethesda Naval Hospital	Temporary Medical Facilities .....	26,600	26,600
Def-Wide	Fort Detrick	USAMRIID Stage I, Iner 7 .....	19,000	19,000
Def-Wide	Fort Meade	High Performance Computing Center Inc 2 .....	300,521	225,521
Def-Wide	Fort Meade	NSAW Recapitalize Building #1/Site M Inc 1 .....	25,000	25,000
	Missouri			
Def-Wide	Fort Leonard Wood	Dental Clinic .....	18,100	18,100
	New Mexico			
Def-Wide	Cannon AFB	Medical/Dental Clinic Replacement .....	71,023	71,023
Def-Wide	Cannon AFB	SOF Ac-130J Combat Parking Apron .....	22,062	22,062
	New York			
Def-Wide	Fort Drum, New York	Idt Complex .....	25,900	25,900
Def-Wide	Fort Drum, New York	Soldier Specialty Care Clinic .....	17,300	17,300
	North Carolina			
Def-Wide	Camp Lejeune, North Carolina	Medical Clinic Replacement .....	21,200	21,200
Def-Wide	Camp Lejeune, North Carolina	SOF Marine Battalion Company/Team Facilities .....	53,399	53,399
Def-Wide	Camp Lejeune, North Carolina	SOF Survival Evasion Resist. Escape Tng Fac .....	5,465	5,465
Def-Wide	Fort Bragg	SOF Battalion Operations Facility .....	40,481	70,481

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Def-Wide	Fort Bragg	SOF Civil Affairs Battalion Complex .....	31,373	31,373
Def-Wide	Fort Bragg	SOF Support Addition .....	3,875	3,875
Def-Wide	Fort Bragg	SOF Sustainment Brigade Complex .....	24,693	24,693
Def-Wide	Seymour Johnson AFB	Medical Clinic Replacement .....	53,600	53,600
Def-Wide	Seymour Johnson AFB	Replace Pipeline .....	1,850	1,850
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Replace Communications Building .....	6,800	6,800
Def-Wide	Def Distribution Depot New Cumberland	Replace Reservoir .....	4,300	4,300
Def-Wide	Def Distribution Depot New Cumberland	Replace Sewage Treatment Plant .....	6,300	6,300
	Romania			
Def-Wide	Deveselu, Romania	Aegis Ashore Missile Defense System Complex (Inc 1).	157,900	120,000
	South Carolina			
Def-Wide	Shaw AFB	Medical Clinic Replacement .....	57,200	57,200
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement Iner 4 .....	207,400	132,400
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3 Iner .....	80,700	26,400
Def-Wide	Red River Army Depot United Kingdom	Dfas Facility .....	16,715	16,715
Def-Wide	Menwith Hill Station	Mhs Utilities and Roads .....	3,795	3,795
Def-Wide	Menwith Hill Station	Replace Menwith Hill Elementary/High School .....	46,488	46,488
Def-Wide	Raf Feltwell	Feltwell Elementary School Addition .....	30,811	30,811
Def-Wide	Raf Mildenhall	SOF CV-22 Simulator Facility .....	6,490	6,490
	Utah			
Def-Wide	Camp Williams	Ic Cnei Data Center 1 Inc 4 .....	191,414	191,414
	Virginia			
Def-Wide	Dam Neck	SOF Magazines .....	0	0
Def-Wide	Joint Expeditionary Base Little Creek— Story	SOF Combat Services Support Facility—East .....	11,132	11,132
Def-Wide	Norfolk	Veterinary Facility Replacement .....	8,500	8,500
	Washington			
Def-Wide	Fort Lewis	SOF Battalion Operations Facility .....	46,553	46,553
Def-Wide	Fort Lewis	SOF Military Working Dog Kennel .....	3,967	3,967
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction .....	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program .....	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction .....	6,440	6,440
Def-Wide	Unspecified Worldwide Locations	Minor Construction .....	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning & Design .....	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	105,700	105,700
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	47,978	47,978
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	7,928	7,928
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	105,569	105,569
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	2,919	2,919
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	8,300	8,300
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	27,620	27,620
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	4,548	4,548
Def-Wide	Unspecified Worldwide Locations	SOF Operations and Skills Training Complex .....	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Const .....	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	7,254	7,254
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	4,091	4,091
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Mileon .....	3,000	3,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
<b>Total Military Construction, Defense-Wide</b>			<b>3,654,623</b>	<b>3,432,423</b>
Chem Demil	Colorado Pueblo Depot	Ammunition Demilitarization Facility, Ph Xiv	36,000	36,000
Chem Demil	Kentucky Blue Grass Army Depot	Ammunition Demilitarization Ph Xiii	115,000	115,000
<b>Total Chemical Demilitarization Construction, Defense</b>			<b>151,000</b>	<b>151,000</b>
NATO	Worldwide Unspecified NATO Security Investment Program	NATO Security Investment Program	254,163	254,163
<b>Total NATO Security Investment Program</b>			<b>254,163</b>	<b>254,163</b>
Army NG	Alabama Fort MC Clellan	Live Fire Shoot House	5,400	5,400
Army NG	Arkansas Searcy	Field Maintenance Shop	6,800	6,800
Army NG	California Fort Irwin	Maneuver Area Training & Equipment Site Ph3	25,000	25,000
Army NG	Connecticut Camp Hartell	Combined Support Maintenance Shop	32,000	32,000
Army NG	Delaware Bethany Beach	Regional Training Institute Ph1	5,500	5,500
Army NG	Florida Camp Blanding	Combined Arms Collective Training Fac	9,000	9,000
Army NG	Miramar	Readiness Center	20,000	20,000
Army NG	Guam Barrigada	JFHQ Ph4	8,500	8,500
Army NG	Hawaii Kapolei	Army Aviation Support Facility Ph1	28,000	28,000
Army NG	Idaho Orehard Training Area	Orte(Barracks)Ph2	40,000	40,000
Army NG	Indiana South Bend	Armed Forces Reserve Center Add/Alt	21,000	21,000
Army NG	Terre Haute	Field Maintenance Shop	9,000	9,000
Army NG	Iowa Camp Dodge	Urban Assault Course	3,000	3,000
Army NG	Kansas Topeka	Taxiway, Ramp & Hangar Alterations	9,500	9,500
Army NG	Kentucky Frankfort	Army Aviation Support Facility	32,000	32,000
Army NG	Massachusetts Camp Edwards	Ground Water Extraction, Treatment, and Recharge System.	0	0
Army NG	Camp Edwards	Unit Training Equipment Site	22,000	22,000
Army NG	Michigan Camp Grayling	Operational Readiness Training Complex (Orte) Barracks.	0	0
Army NG	Minnesota Arden Hills	Readiness Center	0	17,000
Army NG	Camp Ripley	Scout Reconnaissance Range	17,000	17,000
Army NG	St Paul	Readiness Center	17,000	0
Army NG	Missouri Fort Leonard Wood	Regional Training Institute	18,000	18,000
Army NG	Kansas City	Readiness Center Add/Alt	1,900	1,900
Army NG	Monett	Readiness Center Add/Alt	820	820
Army NG	Perryville	Readiness Center Add/Alt	700	700
Army NG	Montana Miles City	Readiness Center	11,000	11,000
Army NG	New Jersey Sea Girt	Regional Training Institute	34,000	34,000
Army NG	New York Stormville	Combined Support Maint Shop Ph1	24,000	24,000
Army NG	Ohio Chillicothe	Field Maintenance Shop Add/Alt	3,100	3,100
Army NG	Delaware	Readiness Center	12,000	12,000
Army NG	Oklahoma Camp Gruber	Operations Readiness Training Complex	25,000	25,000
Army NG	Puerto Rico Camp Santiago	Readiness Center	3,800	3,800
Army NG	Ceiba	Refill Station Building	2,200	2,200
Army NG	Guaynabo	Readiness Center (JFHQ)	15,000	15,000
Army NG	Gurabo	Readiness Center	14,700	14,700
Army NG	Utah Camp Williams	BEQ Facility (Regional Training Institute)	15,000	15,000

<b>SEC. 4601. MILITARY CONSTRUCTION</b>				
<b>(In Thousands of Dollars)</b>				
<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
Army NG	Camp Williams	Regional Training Institute Ph2 .....	21,000	21,000
	Vermont			
Army NG	North Hyde Park	Field Maintenance Shop .....	0	0
	Washington			
Army NG	Fort Lewis	Readiness Center .....	35,000	35,000
	West Virginia			
Army NG	Logan	Readiness Center .....	14,200	14,200
	Wisconsin			
Army NG	Wausau	Field Maintenance Shop .....	10,000	10,000
	Worldwide Unspecified			
Army NG	Unspecified Worldwide	Planning and Design .....	26,622	26,622
	Locations			
Army NG	Unspecified Worldwide	Unspecified Minor Construction .....	15,057	15,057
	Locations			
<b>Total Military Construction, Army National Guard .....</b>			<b>613,799</b>	<b>613,799</b>
	California			
Army Res	Fort Hunter Liggett	Access Control Point .....	0	0
Army Res	Fort Hunter Liggett	Orte .....	64,000	64,000
Army Res	Fort Hunter Liggett	Uph Barracks .....	4,300	4,300
Army Res	Tustin	Army Reserve Center .....	27,000	27,000
	Illinois			
Army Res	Fort Sheridan	Army Reserve Center .....	28,000	28,000
	Maryland			
Army Res	Aberdeen Proving	Army Reserve Center .....	21,000	21,000
	Ground			
Army Res	Baltimore	Add/Alt Army Reserve Center .....	10,000	10,000
	Massachusetts			
Army Res	Devens Reserve Forces	Automatic Record Fire Range .....	4,800	4,800
	Training Area			
Army Res	Devens Reserve Forces	Combat Pistol/MP Firearms Qualification .....	3,700	3,700
	Training Area			
	Nevada			
Army Res	Las Vegas	Army Reserve Center/AMSA .....	21,000	21,000
	New Jersey			
Army Res	Joint Base McGuire-	Automated Infantry Squad Battle Course .....	7,400	7,400
	Dix-Lakehurst			
	Pennsylvania			
Army Res	Conneant Lake	Defense Access Road .....	0	0
	Washington			
Army Res	Joint Base Lewis-	Army Reserve Center .....	40,000	40,000
	Mechord			
	Wisconsin			
Army Res	Fort Me Coy	Central Issue Facility .....	12,200	12,200
Army Res	Fort Me Coy	Dining Facility .....	8,600	8,600
Army Res	Fort Me Coy	Ecs Tactical Equip. Maint. Facility (Temf) .....	27,000	27,000
	Worldwide Unspecified			
Army Res	Unspecified Worldwide	Planning and Design .....	15,951	15,951
	Locations			
Army Res	Unspecified Worldwide	Unspecified Minor Construction .....	10,895	10,895
	Locations			
<b>Total Military Construction, Army Reserve .....</b>			<b>305,846</b>	<b>305,846</b>
	Arizona			
N/MC Res	Yuma	Reserve Training Facility—Yuma AZ .....	5,379	5,379
	Iowa			
N/MC Res	Fort Des Moines	Joint Reserve Center—Des Moines IA .....	19,162	19,162
	Louisiana			
N/MC Res	New Orleans	Transient Quarters .....	7,187	7,187
	New York			
N/MC Res	Brooklyn	Vehicle Maint. Fae.—Brooklyn NY .....	4,430	4,430
	Texas			
N/MC Res	Fort Worth	Commercial Vehicle Inspection Site .....	11,256	11,256
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide	Planning and Design .....	2,118	2,118
	Locations			
<b>Total Military Construction, Naval Reserve .....</b>			<b>49,532</b>	<b>49,532</b>
	California			
Air NG	Fresno Yosemite IAP	F-15 Conversion .....	11,000	11,000
	ANG			
	Hawaii			
Air NG	Joint Base Pearl Har-	TFI—F-22 Combat Apron Addition .....	6,500	6,500
	bor-Hickam			
	New Mexico			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Air NG	Kirtland AFB Tennessee	Alter Target Intelligence Facility .....	8,500	8,500
Air NG	Meghee-Tyson Airport Worldwide Unspecified	Dormitory Classroom Facility .....	0	0
Air NG	Various Worldwide Locations	Planning and Design .....	4,000	4,000
Air NG	Various Worldwide Locations	Unspecified Minor Construction .....	5,900	5,900
Air NG	Wyoming Cheyenne Map	C-130 Flight Simulator Training Facility .....	6,486	6,486
<b>Total Military Construction, Air National Guard .....</b>			<b>42,386</b>	<b>42,386</b>
AF Res	California March Air Reserve Base	Joint Regional Deployment Processing Center .....	0	0
AF Res	New York Niagara Falls IAP	Flight Simulator Facility .....	6,100	6,100
AF Res	Worldwide Unspecified Various Worldwide Locations	Planning and Design .....	2,879	2,879
AF Res	Various Worldwide Locations	Unspecified Minor Construction .....	2,000	2,000
<b>Total Military Construction, Air Force Reserve .....</b>			<b>10,979</b>	<b>10,979</b>
FH Con Army	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing P&d .....	4,641	4,641
<b>Total Family Housing Construction, Army .....</b>			<b>4,641</b>	<b>4,641</b>
FH Ops Army	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account .....	31,785	31,785
FH Ops Army	Unspecified Worldwide Locations	Leasing .....	203,533	203,533
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property .....	109,534	109,534
FH Ops Army	Unspecified Worldwide Locations	Management Account .....	56,970	56,970
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account .....	620	620
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs .....	26,010	26,010
FH Ops Army	Unspecified Worldwide Locations	Services Account .....	13,487	13,487
FH Ops Army	Unspecified Worldwide Locations	Utilities Account .....	88,112	88,112
<b>Total Family Housing Operation And Maintenance, Army .....</b>			<b>530,051</b>	<b>530,051</b>
FH Con AF	Worldwide Unspecified Unspecified Worldwide Locations	Improvements .....	79,571	79,571
FH Con AF	Unspecified Worldwide Locations	Planning and Design .....	4,253	4,253
<b>Total Family Housing Construction, Air Force .....</b>			<b>83,824</b>	<b>83,824</b>
FH Ops AF	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account .....	37,878	37,878
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization .....	46,127	46,127
FH Ops AF	Unspecified Worldwide Locations	Leasing .....	62,730	62,730
FH Ops AF	Unspecified Worldwide Locations	Maintenance (Rpma Rpme) .....	201,937	201,937
FH Ops AF	Unspecified Worldwide Locations	Management Account .....	55,002	55,002
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account .....	1,943	1,943
FH Ops AF	Unspecified Worldwide Locations	Services Account .....	16,550	16,550
FH Ops AF	Unspecified Worldwide Locations	Utilities Account .....	75,662	75,662

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
<b>Total Family Housing Operation And Maintenance, Air Force</b>			<b>497,829</b>	<b>497,829</b>
FH Con Navy	Worldwide Unspecified Unspecified Worldwide Locations	Design	4,527	4,527
FH Con Navy	Unspecified Worldwide Locations	Improvements	97,655	97,655
<b>Total Family Housing Construction, Navy And Marine Corps</b>			<b>102,182</b>	<b>102,182</b>
FH Ops Navy	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account	17,697	17,697
FH Ops Navy	Unspecified Worldwide Locations	Leasing	83,774	83,774
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property	85,254	85,254
FH Ops Navy	Unspecified Worldwide Locations	Management Account	62,741	62,741
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	491	491
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	27,798	27,798
FH Ops Navy	Unspecified Worldwide Locations	Services Account	19,615	19,615
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	80,860	80,860
<b>Total Family Housing Operation And Maintenance, Navy And Marine Corps.</b>			<b>378,230</b>	<b>378,230</b>
FH Ops DW	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account	20	20
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	4,660	4,660
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	66	66
FH Ops DW	Unspecified Worldwide Locations	Leasing	10,822	10,822
FH Ops DW	Unspecified Worldwide Locations	Leasing	35,333	35,333
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	73	73
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	567	567
FH Ops DW	Unspecified Worldwide Locations	Management Account	371	371
FH Ops DW	Unspecified Worldwide Locations	Services Account	31	31
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	12	12
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	283	283
<b>Total Family Housing Operation And Maintenance, Defense-Wide</b>			<b>52,238</b>	<b>52,238</b>
FHIF	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing Improvement Fund	1,786	1,786
<b>Total DOD Family Housing Improvement Fund</b>			<b>1,786</b>	<b>1,786</b>
BRAC 05	Worldwide Unspecified Unspecified Worldwide Locations	Comm Add 3: Galena Fol, AK	1,337	1,337
BRAC 05	Unspecified Worldwide Locations	Don-100: Planing, Design and Management	5,038	5,038
BRAC 05	Unspecified Worldwide Locations	Don-101: Various Locations	4,176	4,176
BRAC 05	Unspecified Worldwide Locations	Don-138: NAS Brunswick, ME	4,897	4,897
BRAC 05	Unspecified Worldwide Locations	Don-157: Mesa Kansas City, MO	39	39
BRAC 05	Unspecified Worldwide Locations	Don-168: Ns Newport, RI	1,742	1,742
BRAC 05	Unspecified Worldwide Locations	Don-172: NWS Seal Beach, Concord, CA	2,129	2,129

<b>SEC. 4601. MILITARY CONSTRUCTION</b>				
<b>(In Thousands of Dollars)</b>				
<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
BRAC 05	Unspecified Worldwide Locations	Don-84: JRB Willow Grove & Cambria Reg Ap .....	189	189
BRAC 05	Unspecified Worldwide Locations	Ind-106: Kansas Army Ammunition Plant, KS .....	7,280	7,280
BRAC 05	Unspecified Worldwide Locations	Ind-110: Mississippi Army Ammo Plant, MS .....	160	160
BRAC 05	Unspecified Worldwide Locations	Ind-112: River Bank Army Ammo Plant, CA .....	22,431	22,431
BRAC 05	Unspecified Worldwide Locations	Ind-119: Newport Chemical Depot, IN .....	197	197
BRAC 05	Unspecified Worldwide Locations	Ind-122: Lone Star Army Ammo Plant, TX .....	11,379	11,379
BRAC 05	Unspecified Worldwide Locations	Med-2: Walter Reed Nmmc, Bethesda, MD .....	7,787	7,787
BRAC 05	Unspecified Worldwide Locations	Med-57: Brooks City Base, TX .....	326	326
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations .....	605	605
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations .....	20,453	20,453
BRAC 05	Unspecified Worldwide Locations	Usa-113: Fort Monroe, VA .....	12,184	12,184
BRAC 05	Unspecified Worldwide Locations	Usa-121: Fort Gillem, GA .....	4,976	4,976
BRAC 05	Unspecified Worldwide Locations	Usa-167: USAR Command and Control-NE .....	175	175
BRAC 05	Unspecified Worldwide Locations	Usa-212: USAR Cmd & Cntrl-New England .....	222	222
BRAC 05	Unspecified Worldwide Locations	Usa-222: Fort Mepherston, GA .....	6,772	6,772
BRAC 05	Unspecified Worldwide Locations	Usa-223: Fort Monmouth, NJ .....	9,989	9,989
BRAC 05	Unspecified Worldwide Locations	Usa-236: Re Transformation in CT .....	557	557
BRAC 05	Unspecified Worldwide Locations	Usa-242: Re Transformation in NY .....	172	172
BRAC 05	Unspecified Worldwide Locations	Usa-253: Re Transformation in PA .....	100	100
BRAC 05	Unspecified Worldwide Locations	Usa-36: Red River Army Depot .....	1,385	1,385
<b>Total Base Realignment and Closure Account 2005 .....</b>			<b>126,697</b>	<b>126,697</b>
BRAC IV	Worldwide Unspecified Base Realignment & Closure, Air Force	Base Realignment & Closure .....	122,552	122,552
BRAC IV	Worldwide Unspecified Base Realignment & Closure, Army	Base Realignment & Closure .....	79,893	79,893
BRAC IV	Worldwide Unspecified Base Realignment & Closure, Navy	Base Realignment & Closure .....	146,951	146,951
<b>Total Base Realignment and Closure Account 1990 .....</b>			<b>349,396</b>	<b>349,396</b>
PYS	Worldwide Unspecified Unspecified Worldwide Locations	BRAC 2005 .....	0	-132,513
PYS	Worldwide Unspecified Unspecified Worldwide Locations	Contingency Construction .....	0	-20,000
<b>Total Prior Year Savings .....</b>			<b>0</b>	<b>-152,513</b>
GR	Worldwide Unspecified Unspecified Worldwide Locations	Civilian Pay Raise Reduction .....	0	-2,334
<b>Total General Reductions .....</b>			<b>0</b>	<b>-2,334</b>
<b>Total Military Construction, Base Funding .....</b>			<b>11,222,710</b>	<b>10,412,905</b>

1 **SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CON-**  
 2 **TINGENCY OPERATIONS.**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Service	Country and Location	Project	FY 2013 Request	Conference Authorized
Navy	Sw Asia .....	Combined Dining Facility .....	0	0
Navy	Sw Asia .....	Transient Quarters .....	0	0
Navy	Camp Lemonier, Djibouti ...	Containerized Living and Work Units .....	0	7,510
Navy	Camp Lemonier, Djibouti ...	Fitness Center .....	0	26,960
Navy	Camp Lemonier, Djibouti ...	Galley Addition and Warehouse .....	0	22,220
Navy	Camp Lemonier, Djibouti ...	Joint HQ/Joint Operations Center Facility .....	0	42,730
<b>Total Military Construction, Navy .....</b>			<b>0</b>	<b>99,420</b>
PYS	Unspecified Worldwide Lo- cations.	112-10 and Title Iv of Division H P.I. 112-74 .....	0	-150,768
<b>Total Prior Year Savings .....</b>			<b>0</b>	<b>-150,768</b>
<b>Total Military Construction, OCO Funding .....</b>			<b>0</b>	<b>-51,348</b>

3 **TITLE XLVII—DEPARTMENT OF**  
 4 **ENERGY NATIONAL SECURITY**  
 5 **PROGRAMS**

6 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**  
 7 **PROGRAMS.**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)			
Program	FY 2013 Request	Conference Authorized	
<b>Discretionary Summary By Appropriation</b>			
<b>Energy And Water Development, And Related Agencies</b>			
<b>Appropriation Summary:</b>			
<b>Energy Programs</b>			
Electricity delivery and energy reliability .....	6,000	0	
<b>Atomic Energy Defense Activities</b>			
<b>National nuclear security administration:</b>			
Weapons activities .....	7,577,341	7,657,921	
Defense nuclear nonproliferation .....	2,458,631	2,485,631	
Naval reactors .....	1,088,635	1,088,635	
Office of the administrator .....	411,279	382,000	
<b>Total, National nuclear security administration .....</b>	<b>11,535,886</b>	<b>11,614,187</b>	
<b>Environmental and other defense activities:</b>			
Defense environmental cleanup .....	5,472,001	5,009,001	
Other defense activities .....	735,702	731,299	
<b>Total, Environmental &amp; other defense activities .....</b>	<b>6,207,703</b>	<b>5,740,300</b>	
<b>Total, Atomic Energy Defense Activities .....</b>	<b>17,743,589</b>	<b>17,354,487</b>	
<b>Total, Discretionary Funding .....</b>	<b>17,749,589</b>	<b>17,354,487</b>	
<b>Electricity Delivery &amp; Energy Reliability</b>			
<b>Electricity Delivery &amp; Energy Reliability</b>			
Infrastructure security & energy restoration .....	6,000	0	
<b>Weapons Activities</b>			
<b>Directed stockpile work</b>			
<b>Life extension programs</b>			
B61 Life extension program .....	369,000	369,000	
W76 Life extension program .....	174,931	219,931	
<b>Total, Life extension programs .....</b>	<b>543,931</b>	<b>588,931</b>	
<b>Stockpile assessment and design</b>			

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2013 Request	Conference Authorized
W78 Life extension study .....		0
W88 Alt 370 .....		0
<b>Total, Stockpile assessment and design .....</b>	<b>0</b>	<b>0</b>
<b>Stockpile systems</b>		
Stockpile systems .....	0	
B61 Stockpile systems .....	72,364	72,364
W76 Stockpile systems .....	65,445	65,445
W78 Stockpile systems .....	139,207	139,207
W80 Stockpile systems .....	46,540	46,540
B83 Stockpile systems .....	57,947	57,947
W87 Stockpile systems .....	85,689	85,689
W88 Stockpile systems .....	123,217	123,217
<b>Total, Stockpile systems .....</b>	<b>590,409</b>	<b>590,409</b>
<b>Weapons dismantlement and disposition</b>		
Operations and maintenance .....	51,265	51,265
<b>Stockpile services</b>		
Production support .....	365,405	371,405
Research and development support .....	28,103	28,103
R&D certification and safety .....	191,632	199,632
Management, technology, and production .....	175,844	175,844
Plutonium sustainment .....	141,685	141,685
<b>Total, Stockpile services .....</b>	<b>902,669</b>	<b>916,669</b>
<b>Total, Directed stockpile work .....</b>	<b>2,088,274</b>	<b>2,147,274</b>
<b>Campaigns:</b>		
<b>Science campaign</b>		
Advanced certification .....	44,104	54,104
Primary assessment technologies .....	94,000	99,000
Dynamic materials properties .....	97,000	106,000
Advanced radiography .....	30,000	30,000
Secondary assessment technologies .....	85,000	85,000
<b>Total, Science campaign .....</b>	<b>350,104</b>	<b>374,104</b>
<b>Engineering campaign</b>		
Enhanced surety .....	46,421	54,421
Weapon systems engineering assessment technology .....	18,983	18,983
Nuclear survivability .....	21,788	21,788
Enhanced surveillance .....	63,379	63,379
<b>Total, Engineering campaign .....</b>	<b>150,571</b>	<b>158,571</b>
<b>Inertial confinement fusion ignition and high yield campaign</b>		
Diagnostics, cryogenics and experimental support .....	81,942	81,942
Ignition .....	84,172	84,172
Support of other stockpile programs .....	14,817	14,817
NIF diagnostics, cryogenics and experimental support .....	0	0
Pulsed power inertial confinement fusion .....	6,044	6,044
Joint program in high energy density laboratory plasmas .....	8,334	8,334
Facility operations and target production .....	264,691	264,691
<b>Total, Inertial confinement fusion and high yield campaign .....</b>	<b>460,000</b>	<b>460,000</b>
Advanced simulation and computing campaign .....	600,000	600,000
<b>Readiness Campaign</b>		
Stockpile readiness .....	0	0
High explosives and weapon operations .....	0	0
Nonnuclear readiness .....	64,681	64,681
Tritium readiness .....	65,414	65,414
Advanced design and production technologies .....	0	0
<b>Total, Readiness campaign .....</b>	<b>130,095</b>	<b>130,095</b>
<b>Total, Campaigns .....</b>	<b>1,690,770</b>	<b>1,722,770</b>
<b>Readiness in technical base and facilities (RTBF)</b>		
<b>Operations of facilities</b>		
Kansas City Plant .....	163,602	163,602
Lawrence Livermore National Laboratory .....	89,048	89,048

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2013 Request	Conference Authorized
Los Alamos National Laboratory .....	335,978	335,978
Nevada National Security Site .....	115,697	115,697
Pantex .....	172,020	172,020
Sandia National Laboratory .....	167,384	167,384
Savannah River Site .....	120,577	120,577
Y-12 National security complex .....	255,097	255,097
Institutional site support .....	0	0
<b>Total, Operations of facilities .....</b>	<b>1,419,403</b>	<b>1,419,403</b>
Program Readiness .....	0	0
Science, technology and engineering capability support .....	166,945	166,945
Maintenance and repair of facilities .....	0	0
Nuclear operations capability support .....	203,346	203,346
<b>Subtotal, Readiness in technical base and facilities .....</b>	<b>1,789,694</b>	<b>1,789,694</b>
<b>Construction:</b>		
13-D-301 Electrical infrastructure upgrades, LANL/LLNL .....	23,000	23,000
12-D-301 TRU waste facilities, LANL .....	24,204	24,204
11-D-801 TA-55 Reinvestment project, LANL .....	8,889	8,889
10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN .....	17,909	17,909
09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM .....	11,332	11,332
08-D-802 High explosive pressing facility Pantex Plant, Amarillo, TX .....	24,800	24,800
07-D-140 Project engineering and design (PED) various locations .....	0	0
06-D-140 Project engineering design (PED) various locations .....	0	0
06-D-141 PED/Construction, Uranium Capabilities Replacement Project Y-12, Oak Ridge, TN .....	340,000	0
06-D-141 PED/Construction, Uranium Capabilities Replacement Project Y-12, Phase I, Oak Ridge, TN .....	0	340,000
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM .....	0	0
<b>Total, Construction .....</b>	<b>450,134</b>	<b>450,134</b>
<b>Total, Readiness in technical base and facilities .....</b>	<b>2,239,828</b>	<b>2,239,828</b>
<b>Secure transportation asset</b>		
Operations and equipment .....	114,965	114,965
Program direction .....	104,396	104,396
<b>Total, Secure transportation asset .....</b>	<b>219,361</b>	<b>219,361</b>
Nuclear counterterrorism incident response .....	247,552	247,552
<b>Site stewardship</b>		
Operations and maintenance .....	90,001	79,581
<b>Construction</b>		
11-D-601 Sanitary effluent reclamation facility, LANL .....	0	0
<b>Total, Site stewardship .....</b>	<b>90,001</b>	<b>79,581</b>
<b>Defense nuclear security</b>		
Operations and maintenance .....	643,285	643,285
NNSA CIO activities .....	155,022	155,022
Legacy contractor pensions .....	185,000	185,000
Science, Technology and Engineering Capability .....	0	0
National security applications .....	18,248	18,248
<b>Subtotal, Weapons activities .....</b>	<b>7,577,341</b>	<b>7,657,921</b>
Rescission .....		0
<b>Total, Weapons Activities .....</b>	<b>7,577,341</b>	<b>7,657,921</b>
<b>Defense Nuclear Nonproliferation</b>		
<b>Nonproliferation and verification R&amp;D</b>		
Operations and maintenance .....	398,186	398,186
Domestic Enrichment R&D .....	150,000	150,000
<b>Subtotal, Nonproliferation and verification R&amp;D .....</b>	<b>548,186</b>	<b>548,186</b>

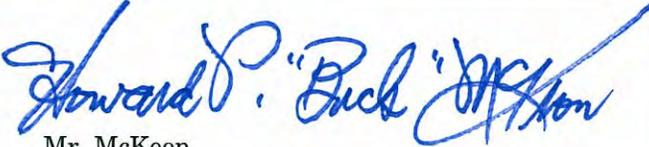
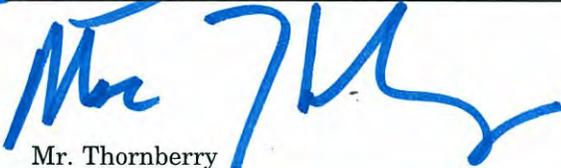
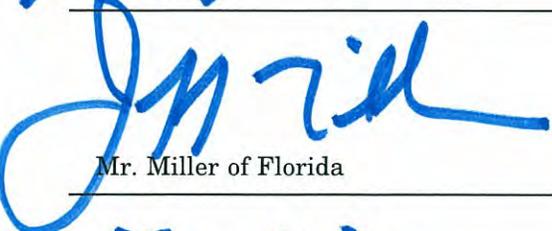
SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2013 Request	Conference Authorized
Nonproliferation and international security .....	150,119	150,119
International nuclear materials protection and cooperation .....	311,000	311,000
<b>Fissile materials disposition</b>		
<b>U.S. surplus fissile materials disposition</b>		
<b>Operations and maintenance</b>		
U.S. plutonium disposition .....	498,979	498,979
U.S. uranium disposition .....	29,736	29,736
<b>Total, Operations and maintenance .....</b>	<b>528,715</b>	<b>528,715</b>
<b>Construction:</b>		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC .....	388,802	388,802
99-D-141-01 Pit disassembly and conversion facility, Savan- nah River, SC .....	0	0
99-D-141-02 Waste Solidification Building, Savannah River, SC .....	0	0
<b>Total, Construction .....</b>	<b>388,802</b>	<b>388,802</b>
<b>Total, U.S. surplus fissile materials disposition .....</b>	<b>917,517</b>	<b>917,517</b>
Russian surplus fissile materials disposition .....	3,788	3,788
<b>Total, Fissile materials disposition .....</b>	<b>921,305</b>	<b>921,305</b>
Global threat reduction initiative .....	466,021	493,021
Legacy contractor pensions .....	62,000	62,000
<b>Subtotal, Defense Nuclear Nonproliferation .....</b>	<b>2,458,631</b>	<b>2,507,211</b>
Rescission .....		0
<b>Total, Defense Nuclear Nonproliferation .....</b>	<b>2,458,631</b>	<b>2,485,631</b>
<b>Naval Reactors</b>		
Naval reactors development .....	418,072	418,072
Ohio replacement reactor systems development .....	89,700	89,700
S8G Prototype refueling .....	121,100	121,100
Naval reactors operations and infrastructure .....	366,961	366,961
<b>Construction:</b>		
13-D-905 Remote-handled low-level waste facility, INL .....	8,890	8,890
13-D-904 KS Radiological work and storage building, KSO .....	2,000	2,000
13-D-903, KS Prototype Staff Building, KSO .....	14,000	14,000
10-D-903, Security upgrades, KAPL .....	19,000	19,000
10-D-904, NRF infrastructure upgrades, Idaho .....	0	0
09-D-902, NRF Office Building #2 ECC Upgrade, Idaho .....	0	0
08-D-190 Expended Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID .....	5,700	5,700
07-D-190 Materials research technology complex (MRTC) .....	0	0
<b>Total, Construction .....</b>	<b>49,590</b>	<b>49,590</b>
Program direction .....	43,212	43,212
<b>Subtotal, Naval Reactors .....</b>	<b>1,088,635</b>	<b>1,088,635</b>
<b>Adjustments:</b>		
Rescission of prior year balances .....	0	0
<b>Total, Naval Reactors .....</b>	<b>1,088,635</b>	<b>1,088,635</b>
<b>Office Of The Administrator</b>		
Office of the administrator .....	411,279	382,000
<b>Total, Office Of The Administrator .....</b>	<b>411,279</b>	<b>382,000</b>
<b>Defense Environmental Cleanup</b>		
<b>Closure sites:</b>		
Closure sites administration .....	1,990	1,990
<b>Hanford site:</b>		
River corridor and other cleanup operations .....	389,347	389,347
Central plateau remediation .....	558,820	558,820
Richland community and regulatory support .....	15,156	15,156

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2013 Request	Conference Authorized
<b>Total, Hanford site</b>	<b>963,323</b>	<b>963,323</b>
<b>Idaho National Laboratory:</b>		
Idaho cleanup and waste disposition	396,607	396,607
Idaho community and regulatory support	3,000	3,000
<b>Total, Idaho National Laboratory</b>	<b>399,607</b>	<b>399,607</b>
<b>NNSA sites</b>		
Lawrence Livermore National Laboratory	1,484	1,484
Nuclear facility D & D Separations Process Research Unit	24,000	24,000
Nevada	64,641	64,641
Sandia National Laboratories	5,000	5,000
Los Alamos National Laboratory	239,143	239,143
<b>Total, NNSA sites and Nevada off-sites</b>	<b>334,268</b>	<b>334,268</b>
<b>Oak Ridge Reservation:</b>		
Building 3019	0	0
OR Nuclear facility D & D	67,525	67,525
OR cleanup and disposition	109,470	109,470
OR reservation community and regulatory support	4,500	4,500
<b>Total, Oak Ridge Reservation</b>	<b>181,495</b>	<b>181,495</b>
<b>Office of River Protection:</b>		
<b>Waste treatment and immobilization plant</b>		
01-D-416 A-E/ORP-0060 / Major construction	690,000	690,000
<b>Tank farm activities</b>		
Rad liquid tank waste stabilization and disposition	482,113	482,113
<b>Total, Office of River protection</b>	<b>1,172,113</b>	<b>1,172,113</b>
<b>Savannah River sites:</b>		
Savannah River risk management operations	444,089	444,089
SR community and regulatory support	16,584	16,584
<b>Radioactive liquid tank waste:</b>		
Radioactive liquid tank waste stabilization and disposition	698,294	698,294
<b>Construction:</b>		
05-D-405 Salt waste processing facility, Savannah River	22,549	22,549
PE&D glass waste storage building #3	0	0
<b>Total, Radioactive liquid tank waste</b>	<b>720,843</b>	<b>720,843</b>
<b>Total, Savannah River site</b>	<b>1,181,516</b>	<b>1,181,516</b>
<b>Waste Isolation Pilot Plant</b>		
Waste isolation pilot plant	198,010	198,010
<b>Total, Waste Isolation Pilot Plant</b>	<b>198,010</b>	<b>198,010</b>
Program direction	323,504	323,504
Program support	18,279	18,279
<b>Safeguards and Security:</b>		
Oak Ridge Reservation	18,817	18,817
Paducah	8,909	8,909
Portsmouth	8,578	8,578
Richland/Hanford Site	71,746	71,746
Savannah River Site	121,977	121,977
Waste Isolation Pilot Project	4,977	4,977
West Valley	2,015	2,015
<b>Total, Safeguards and Security</b>	<b>237,019</b>	<b>237,019</b>
Technology development	20,000	20,000
Uranium enrichment D&D fund contribution	463,000	0
<b>Subtotal, Defense environmental cleanup</b>	<b>5,494,124</b>	<b>5,031,124</b>
<b>Adjustments</b>		
Use of prior year balances	-12,123	-12,123
Use of unobligated balances	-10,000	-10,000
<b>Rescission</b>		
<b>Total, Adjustments</b>	<b>-22,123</b>	<b>-22,123</b>
<b>Total, Defense Environmental Cleanup</b>	<b>5,472,001</b>	<b>5,009,001</b>

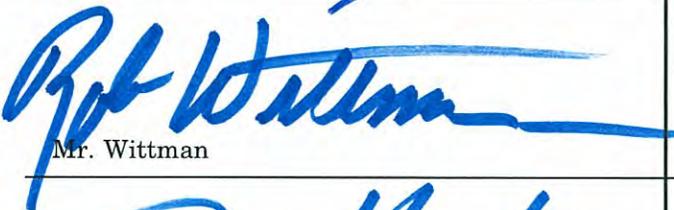
SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2013 Request	Conference Authorized
<b>Other Defense Activities</b>		
<b>Health, safety and security</b>		
Health, safety and security .....	139,325	139,325
Program direction .....	106,175	106,175
Undistributed adjustment .....		-4,403
<b>Total, Health, safety and security .....</b>	<b>245,500</b>	<b>241,097</b>
Specialized security activities .....	188,619	188,619
<b>Office of Legacy Management</b>		
Legacy management .....	164,477	164,477
Program direction .....	13,469	13,469
<b>Total, Office of Legacy Management .....</b>	<b>177,946</b>	<b>177,946</b>
<b>Defense-related activities</b>		
<b>Infrastructure</b>		
Idaho sitewide safeguards and security .....	0	0
Defense related administrative support .....	118,836	118,836
Office of hearings and appeals .....	4,801	4,801
<b>Subtotal, Other defense activities .....</b>	<b>735,702</b>	<b>731,299</b>
<b>Total, Other Defense Activities .....</b>	<b>735,702</b>	<b>731,299</b>

And the Senate agree to the same.

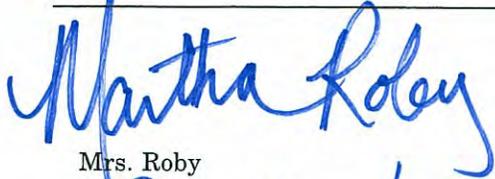
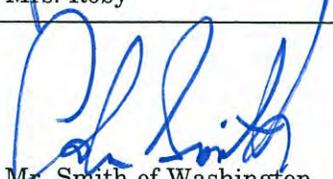
# H.R. 4310

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:	
 Mr. McKeon	
 Mr. Bartlett	
 Mr. Thornberry	
 Mr. Forbes	
 Mr. Miller of Florida	
 Mr. Wilson of South Carolina	
 Mr. LoBiondo	

### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Mr. Turner of Ohio	
 Mr. Kline	
 Mr. Rogers of Alabama	
 Mr. Shuster	
 Mr. Conaway	
 Mr. Wittman	
 Mr. Hunter	
 Mr. Rigell	

### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Mrs. Hartzler	
 Mr. West	
 Mrs. Roby	
 Mr. Smith of Washington	
<del>Mr. Reyes</del>	
<del>Ms. Loretta Sanchez of California</del>	
 Mr. McIntyre	
 Mr. Andrews	

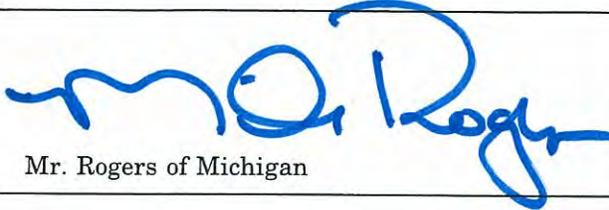
### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Mrs. Davis of California	
 Mr. Langevin	
 Mr. Larsen of Washington	
 Mr. Cooper	
 Ms. Bordallo	
 Mr. Courtney	
<del>Mr. Loebsock</del>	
 Ms. Tsongas	

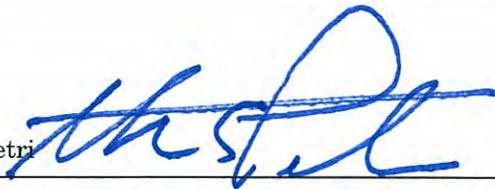
### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<del>Ms. Pingree of Maine</del>	

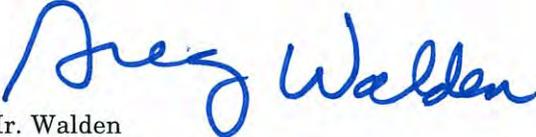
### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Permanent Select Committee on Intel- ligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:	
 Mr. Rogers of Michigan	
<del>Mr. Nunes</del>	
 Mr. Ruppensberger	

### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Education and the Workforce, for consideration of secs. 541 and 561 of the House bill and secs. 563 and 571-73 of the Senate amendment, and modifications committed to conference:	
Mr. Petri 	
Mrs. Noem 	
 Mr. Scott of Virginia	

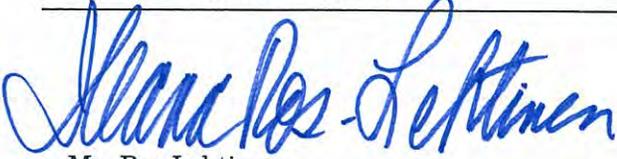
### H.R. 4310—Continued

<i>Managers on the part of the</i> <b>HOUSE</b>	<i>Managers on the part of the</i> <b>SENATE</b>
From the Committee on Energy and Commerce, for consideration of secs. 312, 601, 727, 3111, 3113, 3114, 3117, 3118, 3132, 3133, 3151, and 3202 of the House bill and secs. 736, 758, 914, 3118, 3122, 3152-54, 3156, and 5022 of the Senate amendment, and modifications committed to conference:	
 Mr. Walden	
 Mr. Whitfield	
 Mr. Waxman	

### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Financial Services, for consideration of sec. 661 of the House bill and secs. 651-55, subtitle E of title XII, and title L of the Senate amendment, and modifications committed to conference:	
 Mrs. Capito	
 Mr. Huizenga of Michigan	
 Mr. Perlmutter	

### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Foreign Affairs, for consideration of secs. 227, 230, 335, 355, 952, 1013, 1033, 1035, 1037, 1041, 1043, 1097, 1111, 1202, 1203, 1212, 1213, 1217, 1219, 1234, 1237, 1238, 1240, 1240A, 1240B, 1240C, 1243, 1245-47, 1301, 1303, 1531-33, title XVII, secs. 3120, 3121, and 3123 of the House bill and secs. 237, 342, 873, subtitle F of title VIII, secs. 1013, 1031, 1033, 1042, 1045, 1050, 1093, 1201-04, 1212-15, 1217, 1218, 1223, 1224, 1241, 1242, 1247, 1248, subtitle E of title XII, secs. 1301, 1531, 1532, 1534, 3114, and 5023 of the Senate amendment, and modifications committed to conference:</p>	
 <p>Ms. Ros-Lehtinen</p>	
 <p>Mr. Royce</p>	
<p><del>Mr. Berman</del></p>	

## H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Homeland Security, for consideration of sec. 1111 of the House bill and sec. 1803 of the Senate amendment, and modifications committed to conference:	
<del>Mr. King of New York</del>	
<del>Mr. Turner of New York</del>	
 Mr. Thompson of Mississippi	

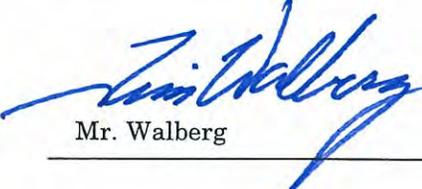
### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on the Judiciary, for consideration of secs. 564, 593, 599, 1033, 1084, 1088, 1099C, 1707, and 1709 of the House bill and secs. 653, 736, 844, 844A, 897, 899, 1033, 1092, 1096, 1099C, 5021, 5024, subtitle E of title XII, and title LI of the Senate amendment, and modifications committed to conference:</p>	
 <p>Mr. Smith of Texas</p>	
 <p>Mr. Daniel E. Lungren of California</p>	
 <p>Mr. Conyers</p>	

### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Natural Resources, for consideration of secs. 316, 317, 601, 2841, 2846, and 2861 of the House bill and secs. 271, 312, 1091, 1433, title XIX, and sec. 2842 of the Senate amendment, and modifications committed to conference:	
 Mr. Hastings of Washington	
 Mr. Bishop of Utah	
<del>Mr. Markey</del>	

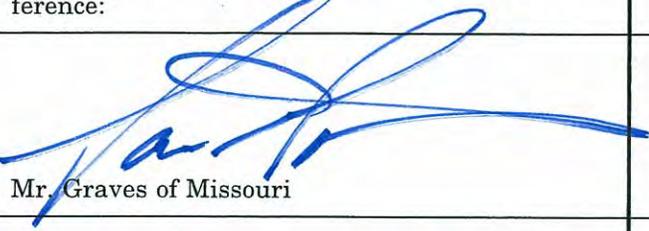
### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Oversight and Government Reform, for consideration of secs. 313, 651, 663, 801, 812, 833, 952, 1101-04, 1111, 1616, 1683, 1702, 1704-06, and 2811 of the House bill and secs. 641, 822, 825, 844, 844A, 892, 894-96, 903, 1099A, 1101-04, and subtitle B of title LIII of the Senate amendment, and modifications committed to conference:</p>	
 Mr. Issa	
 Mr. Walberg	
	

### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Science, Space, and Technology, for consideration of secs. 916, 1074, 1603, 1617, 1661, and 3158 of the House bill and secs. 271, 912, 1046, title XVIII, secs. 3153, 3159, and 3504 of the Senate amendment, and modifications committed to conference:</p>	
<p><i>Ralph M. Hall M.C.</i> Mr. Hall <i>4<sup>th</sup> 2<sup>d</sup></i></p>	
<p><i>Judy Biggert</i> Mrs. Biggert <i>IL-13</i></p>	
<p><i>Eddie Bernice Johnson</i> Ms. Eddie Bernice Johnson of Texas <i>TX 30</i></p>	

### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Small Business, for consideration of secs. 1611, 1621-23, 1631, 1632, 1641, 1651-58, 1661, 1671-73, 1681-83, 1691, 1693a, 1695, and 1697 of the House bill and secs. 848, 888, 889E, 1090, and 1099E of the Senate amendment, and modifications committed to conference:</p>	
 <p>Mr. Graves of Missouri</p>	
 <p>Ms. Herrera Beutler</p>	
<p><del>Ms. Velasquez</del></p>	

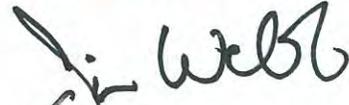
### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Transportation and Infrastructure, for consideration of secs. 334, 535, 601, 704, 1074, 1078, 2801, and 3509 of the House bill and secs. 521, 1803, 1804, 3503-05, 3508, and 3509 of the Senate amendment, and modifications committed to conference:</p>	
 <p>Mr. Mica</p>	
 <p>Mr. Coble</p>	
 <p>Mr. Bishop of New York</p>	

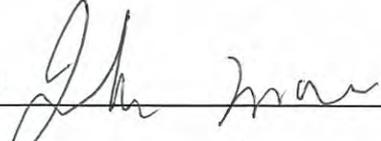
### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Veterans Affairs, for consideration of secs. 355, 564, 565, 664, and 728 of the House bill and secs. 642, 755, 756, 759-64, 1044, 1087, 1090, 1097, 1099B, and title L of the Senate amendment, and modifications committed to conference:	
 Mr. Bilirakis	
 Mr. Lamborn	
 Mr. Michaud	

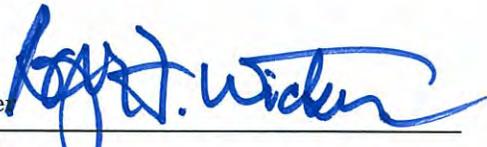
### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mr. Levin
	 Mr. Lieberman
	 Mr. Reed of Rhode Island
	 Mr. Akaka
	 Mr. Nelson of Nebraska
	 Mr. Webb
	 Mrs. McCaskill
	 Mr. Udall of Colorado

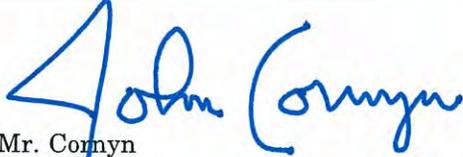
### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	Mrs. Hagan 
	Mr. Begich 
	Mr. Manchin 
	Mrs. Shaheen 
	Mrs. Gillibrand 
	Mr. Blumenthal 
	Mr. McCain 
	Mr. Inhofe 

### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mr. Sessions
	 Mr. Chambliss
	 Mr. Wicker
	 Mr. Brown of Massachusetts
	 Mr. Portman
	 Ms. Ayotte
	 Ms. Collins
	 Mr. Graham

### H.R. 4310—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mr. Cornyn
	 Mr. Vitter