

112TH CONGRESS
2^D SESSION

S. 3254

AN ACT

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.

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

3 **SECTION 1. SHORT TITLE.**

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

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

8 (a) DIVISIONS.—This Act is organized into seven di-
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 11 izations.

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 13 izations.

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 18 erans.

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- Sec. 1074. Briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems.

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- Sec. 1081. Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.
- Sec. 1082. Technical amendments to repeal statutory references to United States Joint Forces Command.
- Sec. 1083. 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. 1084. Sense of Senate on the maintenance by the United States of a triad of strategic nuclear delivery systems.
- Sec. 1085. Plan to partner with State and local entities to address veterans claims backlog.
- Sec. 1086. Sense of the Senate on protection of Department of Defense airfields, training airspace, and air training routes.
- Sec. 1087. 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. 1088. Sense of Congress that the bugle call commonly known as Taps should be designated as the National Song of Military Remembrance.
- Sec. 1089. Reports on the potential security threat posed by Boko Haram.
- Sec. 1090. National Veterans Business Development Corporation.
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- Sec. 1094. Transfer of excess aircraft to other departments.
- Sec. 1095. Reauthorization of sale of aircraft and parts for wildfire suppression purposes.
- Sec. 1096. Protection of veterans' memorials.
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- Sec. 1099. Technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment.

- Sec. 1099A. Improved enumeration of members of the Armed Forces in any tabulation of total population by Secretary of Commerce.
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- Sec. 1212. Extension of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1213. One-year extension and modification of authority to use funds for reintegration activities in Afghanistan.
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- Sec. 1216. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
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- Sec. 1219. Independent assessment of the Afghan National Security Forces.
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- Sec. 1222. Sense of Congress commending the Enduring Strategic Partnership Agreement between the United States and Afghanistan.
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- Sec. 1231. Review and reports on Department of Defense efforts to build the capacity of and partner with foreign security forces.
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- Sec. 1233. Report on implementation by Government of Bahrain of recommendations in Report of the Bahrain Independent Commission of Inquiry.
- Sec. 1234. Reports on Syria.
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- Sec. 1244. Authority to establish program to provide assistance to foreign civilians for harm incident to combat operations of the Armed Forces in foreign countries.
- Sec. 1245. Sustainability requirements for certain capital projects in connection with overseas contingency operations.
- Sec. 1246. Efforts to remove Joseph Kony from power and end atrocities committed by the Lord’s Resistance Army.
- Sec. 1247. Imposition of sanctions with respect to support for the rebel group known as M23.
- Sec. 1248. Program on repair, overhaul, and refurbishment of defense articles for sale or transfer to eligible foreign countries and entities.
- Sec. 1249. Plan for promoting the security of Afghan women and girls during the security transition process.
- Sec. 1250. Sense of Congress on the Israeli Iron Dome defensive weapon system.
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- Sec. 1262. Definitions.
- Sec. 1263. Declaration of policy on human rights.

- Sec. 1264. Imposition of sanctions with respect to the energy, shipping, and shipbuilding sectors of Iran.
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- Sec. 1268. Inclusion of the Islamic Republic of Iran Broadcasting on the list of human rights abusers.
- Sec. 1269. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.
- Sec. 1270. Waiver requirement related to exceptional circumstances preventing significant reductions in crude oil purchases.
- Sec. 1271. Statute of limitations for civil actions regarding terrorist acts.
- Sec. 1272. Report on use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers.
- Sec. 1273. Implementation; penalties.
- Sec. 1274. Applicability to certain natural gas projects.
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- Sec. 1431. Authorization of appropriations for Armed Forces Retirement Home.
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TITLE XV—AUTHORIZATION OF APPROPRIATIONS FOR OVERSEAS
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- Sec. 1521. Treatment as additional authorizations.
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Subtitle C—Limitations and Other Matters

- Sec. 1531. Afghanistan Security Forces Fund.
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- Sec. 1533. 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. 1534. Extension of authority on Task Force for Business and Stability Operations in Afghanistan.
- Sec. 1535. Assessments of training activities and intelligence activities of the Joint Improvised Explosive Device Defeat Organization.
- Sec. 1536. Submittal to Congress of risk assessments on changes in United States troop levels in Afghanistan.
- Sec. 1537. Report on insider attacks in Afghanistan and their effect on the United States transition strategy for Afghanistan.

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- Sec. 1603. Definitions.
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- Sec. 1605. Commission hearings and meetings.
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- Sec. 1607. Consideration of Commission recommendations by the President and Congress.
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- Sec. 1609. Executive Director.
- Sec. 1610. Staff.
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- Sec. 1709. Funding for maintenance of force structure of the Air Force pending Commission recommendations.
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- Sec. 1711. Air Force assessments of the effects of proposed movements of airframes on joint readiness training.

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- 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.
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- Sec. 1807. Studies and reports on the state of fire services.

Subtitle B—Reauthorization of United States Fire Administration

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- Sec. 1902. Definitions.
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- Sec. 2205. Modification of authority to carry out certain fiscal year 2012 project.
- Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.
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- Sec. 2301. Authorized Air Force construction and land acquisition projects.
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TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
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- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
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- Sec. 2611. Extension of authorization of certain fiscal year 2009 project.
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TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2703. Technical amendments to section 2702 of fiscal year 2012 Act.
- Sec. 2704. Criteria for decisions involving certain base closure and realignment activities.
- Sec. 2705. Modification of notice requirements in advance of permanent reduction of sizable numbers of members of the Armed Forces at military installations.
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- Sec. 2801. Authorized cost and scope variations.
- Sec. 2802. Comptroller General report on in-kind payments.
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- Sec. 2811. Authority to accept as consideration for leases of non-excess property of military departments and Defense Agencies real property interests and natural resource management services related to agreements to limit encroachment.
- Sec. 2812. Clarification of parties with whom Department of Defense may conduct exchanges of real property at military installations.

Subtitle C—Energy Security

- Sec. 2821. Guidance on financing for renewable energy projects.
- Sec. 2822. Continuation of limitation on use of funds for Leadership in Energy and Environmental Design (LEED) Gold or Platinum certification.

Subtitle D—Land Conveyances

- Sec. 2831. Land conveyance, local training area for Browning Army Reserve Center, Utah.
- Sec. 2832. Use of proceeds, land conveyance, Tyndall Air Force Base, Florida.

Subtitle E—Other Matters

- Sec. 2841. Clarification of authority of Secretary to assist with development of public infrastructure in connection with the establishment or expansion of a military installation.
- Sec. 2842. Petersburg National Battlefield boundary modification.
- Sec. 2843. Congressional notification with respect to oversight and maintenance of base cemeteries following closure of overseas military installations.
- Sec. 2844. Additional exemptions from certain requirements applicable to funding for data servers and centers.

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- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.

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- Sec. 3111. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.
- Sec. 3112. Submittal to Congress of selected acquisition reports and independent cost estimates on nuclear weapon systems undergoing life extension.
- Sec. 3113. Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina.
- Sec. 3114. Program on scientific engagement for nonproliferation.
- Sec. 3115. Repeal of requirement for annual update of Department of Energy defense nuclear facilities workforce restructuring plan.
- Sec. 3116. Quarterly reports to Congress on financial balances for atomic energy defense activities.
- Sec. 3117. Transparency in contractor performance evaluations by the National Nuclear Security Administration leading to award fees.
- Sec. 3118. Expansion of authority to establish certain scientific, engineering, and technical positions.
- Sec. 3119. 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. 3120. Cost containment for Y-12 Uranium Processing Facility, Y-12 National Security Complex, Oak Ridge, Tennessee.
- Sec. 3121. Authority to restore certain formerly Restricted Data to the Restricted Data category.
- Sec. 3122. Renewable energy.

Subtitle C—Reports

- Sec. 3131. Report on actions required for transition of regulation of non-nuclear activities of the National Nuclear Security Administration to other Federal agencies.
- Sec. 3132. Report on consolidation of facilities of the National Nuclear Security Administration.
- Sec. 3133. Regional radiological security zones.
- Sec. 3134. Report on legacy uranium mines.
- Sec. 3135. Comptroller General of the United States review of projects carried out by Office of Environmental Management of the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009.

Subtitle D—Other Matters

- Sec. 3141. Sense of Congress on oversight of the nuclear security enterprise.

Subtitle E—American Medical Isotopes Production

- Sec. 3151. Short title.
- Sec. 3152. Definitions.
- Sec. 3153. Improving the reliability of domestic medical isotope supply.
- Sec. 3154. Exports.
- Sec. 3155. Report on disposition of exports.
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- Sec. 3159. Repeal.

Subtitle F—Other Matters

- Sec. 3161. Congressional advisory panel on the governance structure of the National Nuclear Security Administration and its relationship to other Federal agencies.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Short title.
- Sec. 3502. Container-on-barge transportation.
- Sec. 3503. Short sea transportation.
- Sec. 3504. Maritime environmental and technical assistance.
- Sec. 3505. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.
- Sec. 3506. Maritime workforce study.
- Sec. 3507. Maritime administration vessel recycling contract award practices.
- Sec. 3508. Requirement for barge design.
- Sec. 3509. Eligibility to receive surplus training equipment.

DIVISION D—FUNDING TABLES

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Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

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EVALUATION

Sec. 4201. Research, development, test, and evaluation.

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

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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.

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TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY
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Sec. 4701. Department of Energy national security authorizations.

DIVISION E—HOUSING ASSISTANCE FOR VETERANS

TITLE L—HOUSING ASSISTANCE FOR VETERANS

Sec. 5001. Short title.

Sec. 5002. Definitions.

Sec. 5003. Establishment of a pilot program.

DIVISION F—STOLEN VALOR ACT

TITLE LI—STOLEN VALOR ACT

Sec. 5011. Short title.

Sec. 5012. Findings.

Sec. 5013. Military medals or decorations.

Sec. 5014. Severability.

DIVISION G—MISCELLANEOUS

TITLE LII—MISCELLANEOUS

- Sec. 5021. Public Safety Officers' Benefits Program.
- Sec. 5022. Scientific framework for recalcitrant cancers.
- Sec. 5023. United States Advisory Commission on Public Diplomacy.
- Sec. 5024. Removal of action.

TITLE LIII—GAO MANDATES REVISION ACT

Subtitle A—GAO Mandates Revision Act

- Sec. 5301. Short title.
- Sec. 5302. Repeals and modifications.

Subtitle B—Improper Payments Elimination and Recovery Improvement Act

- Sec. 5311. Short title.
- Sec. 5312. Definitions.
- Sec. 5313. Improving the determination of improper payments by Federal agencies.
- Sec. 5314. Improper payments information.
- Sec. 5315. Do not pay initiative.
- Sec. 5316. Improving recovery of improper payments.

Subtitle C—Sense of Congress Regarding Spectrum.

- Sec. 5317. Sense of Congress regarding spectrum.

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 **SEC. 4. SCORING OF BUDGETARY EFFECTS.**

6 The budgetary effects of this Act, for the purpose of
7 complying with the Statutory Pay-As-You-Go-Act of 2010,
8 shall be determined by reference to the latest statement
9 titled “Budgetary Effects of PAYGO Legislation” for this
10 Act, submitted for printing in the Congressional Record
11 by the Chairman of the Senate Budget Committee, pro-
12 vided that such statement has been submitted prior to the
13 vote on passage.

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

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

11 **Subtitle B—Army Programs**

12 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
13 **ARMY CH-47F HELICOPTERS.**

14 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.—**
15 Subject to section 2306b of title 10, United States Code,
16 the Secretary of the Army may enter into a multiyear con-
17 tract or contracts, beginning with the fiscal year 2013 pro-
18 gram year, for the procurement of airframes for CH-47F
19 helicopters.

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

1 **Subtitle C—Navy Programs**

2 **SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE** 3 **U.S.S. ABRAHAM LINCOLN.**

4 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—

5 Of the amount authorized to be appropriated for fiscal
6 year 2013 by section 101 and available for shipbuilding
7 and conversion as specified in the funding table in section
8 4101, \$1,613,392,000 is authorized to be available for the
9 commencement of the nuclear refueling and complex over-
10 haul of the U.S.S. Abraham Lincoln (CVN-72) during fis-
11 cal year 2013. The amount authorized to be made avail-
12 able in the preceding sentence is the first increment in
13 the two-year sequence of incremental funding planned for
14 the nuclear refueling and complex overhaul of that vessel.

15 (b) CONTRACT AUTHORITY.—The Secretary of the

16 Navy may enter into a contract during fiscal year 2013
17 for the nuclear refueling and complex overhaul of the
18 U.S.S. Abraham Lincoln.

19 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-

20 MENTS.—A contract entered into under subsection (b)
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 for that purpose for that later fiscal year.

1 **SEC. 122. FORD CLASS AIRCRAFT CARRIERS.**

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

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

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

1 **SEC. 123. LIMITATION ON AVAILABILITY OF AMOUNTS FOR**
2 **SECOND FORD CLASS AIRCRAFT CARRIER.**

3 (a) **LIMITATION.**—Of the amount authorized to be
4 appropriated for fiscal year 2013 by section 101 and avail-
5 able for shipbuilding and conversion for the second Ford
6 class aircraft carrier as specified in the funding table in
7 section 4101, not more than 50 percent of such amount
8 may be obligated or expended until the Secretary of the
9 Navy submits to the congressional defense committees a
10 report setting forth a description of the program manage-
11 ment and cost control measures that will be employed in
12 constructing the second Ford class aircraft carrier.

13 (b) **ELEMENTS.**—The report described in subsection
14 (a) shall include a plan to do the following with respect
15 to the Ford class aircraft carriers:

16 (1) To maximize planned work in shops and
17 early stages of construction.

18 (2) To sequence construction of structural units
19 to maximize the effects of lessons learned.

20 (3) To incorporate design changes to improve
21 producibility for the Ford class aircraft carriers.

22 (4) To increase the size of erection units to
23 eliminate disruptive unit breaks and improve unit
24 alignment and fairness.

25 (5) To increase outfitting levels for assembled
26 units before erection in the dry-dock.

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

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

5 (8) To ensure the shipbuilder initiates plans
6 that will improve productivity through capital im-
7 provements that would provide targeted return on
8 investment, 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. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-**
18 **GINIA CLASS SUBMARINE PROGRAM.**

19 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—
20 Subject to section 2306b of title 10, United States Code,
21 the Secretary of the Navy may enter into multiyear con-
22 tracts, beginning with the fiscal year 2014 program year,
23 for procurement of Virginia class submarines and Govern-
24 ment-furnished equipment associated with the Virginia
25 class submarine program.

1 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The
2 Secretary may enter into one or more contracts, beginning
3 in fiscal year 2013, for advance procurement associated
4 with the vessels and equipment for which authorization to
5 enter into a multiyear procurement contract is provided
6 under subsection (a).

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

13 (d) LIMITATION ON TERMINATION LIABILITY.—con-
14 tract for construction of vessels or equipment, entered into
15 in accordance with subsection (a) shall include a clause
16 that limits the liability of the Government to the con-
17 tractor for any termination of the contract. The maximum
18 liability of the Government under the clause shall be the
19 amount appropriated for the vessels or equipment covered
20 by the contract. Additionally, in the event of cancellation,
21 the maximum liability of the Government shall include the
22 amount of the unfunded cancellation ceiling in the con-
23 tract.

24 (e) AUTHORITY TO EXPAND MULTIYEAR PROCURE-
25 MENT.—The Secretary may employ incremental funding

1 for the procurement of Virginia class submarines and Gov-
2 ernment-furnished equipment associated with the Virginia
3 class submarines to be procured during fiscal years 2013
4 through 2018 if the Secretary—

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

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

9 **SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR**
10 **ARLEIGH BURKE CLASS DESTROYERS AND**
11 **ASSOCIATED SYSTEMS.**

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

21 (b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The
22 Secretary may enter into one or more contracts, beginning
23 in fiscal year 2013, for advance procurement associated
24 with the vessels and systems for which authorization to

1 enter into a multiyear procurement contract is provided
2 under subsection (a).

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

9 **SEC. 126. AUTHORITY FOR RELOCATION OF CERTAIN AEGIS**
10 **WEAPON SYSTEM ASSETS BETWEEN AND**
11 **WITHIN THE DDG-51 CLASS DESTROYER AND**
12 **AEGIS ASHORE PROGRAMS IN ORDER TO**
13 **MEET MISSION REQUIREMENTS.**

14 (a) **AUTHORITY.**—

15 (1) **TRANSFER TO AEGIS ASHORE SYSTEM.**—
16 Notwithstanding any other provision of law, the Sec-
17 retary of the Navy may transfer AEGIS Weapon
18 System (AWS) equipment with ballistic missile de-
19 fense (BMD) capability to the Missile Defense Agen-
20 cy for use in the AEGIS Ashore System of the
21 Agency for installation in the country designated as
22 Host Nation #1 (HN-1) by transferring to the
23 Agency such equipment procured with amounts au-
24 thorized to be appropriated to the SCN account for

1 fiscal years 2010 and 2011 for the DDG–51 Class
2 Destroyer Program.

3 (2) ADJUSTMENTS IN EQUIPMENT DELIV-
4 ERIES.—

5 (A) USE OF FY12 FUNDS FOR AWS SYS-
6 TEMS ON DESTROYERS PROCURED WITH FY11
7 FUNDS.—Amounts authorized to be appro-
8 priated to the SCN account for fiscal year
9 2012, and any AEGIS Weapon System assets
10 procured with such amounts, may be used to
11 deliver complete, mission-ready AEGIS Weapon
12 Systems with ballistic missile defense capability
13 to any DDG–51 class destroyer for which
14 amounts were authorized to be appropriated for
15 the SCN account for fiscal year 2011.

16 (B) USE OF AWS SYSTEMS PROCURED
17 WITH RDTE FUNDS ON DESTROYERS.—The Sec-
18 retary may install on any DDG–51class de-
19 stroyer AEGIS weapon systems with ballistic
20 missile defense capability transferred pursuant
21 to paragraph (3).

22 (3) TRANSFER FROM AEGIS ASHORE SYSTEM.—
23 The Director of the Missile Defense Agency shall
24 transfer AEGIS Weapon System equipment with
25 ballistic missile defense capability procured for in-

1 stallation in the AEGIS Ashore System to the De-
2 partment of the Navy for the DDG–51 Class De-
3 stroyer Program to replace any equipment trans-
4 ferred to Agency under paragraph (1).

5 (4) TREATMENT OF TRANSFER IN FUNDING DE-
6 STROYER CONSTRUCTION.—Notwithstanding the
7 source of funds for any equipment transferred under
8 paragraph (3), the Secretary shall fund all work nec-
9 essary to complete construction and outfitting of any
10 destroyer in which such equipment is installed in the
11 same manner as if such equipment had been ac-
12 quired using amounts in the SCN account.

13 (5) SCN ACCOUNT DEFINED.—In this sub-
14 section, the term “SCN account” means the Ship-
15 building and Conversion, Navy account.

16 (b) RELATIONSHIP TO OTHER LAW.—Nothing in this
17 section shall be construed to repeal or otherwise modify
18 in any way the limitation on obligation or expenditure of
19 funds for missile defense interceptors in Europe as speci-
20 fied in section 223 of the Ike Skelton National Defense
21 Authorization Act for Fiscal Year 2011 Public Law 111–
22 383; 124 Stat. 4168).

1 **SEC. 127. DESIGNATION OF MISSION MODULES OF THE LIT-**
2 **TORAL COMBAT SHIP AS A MAJOR DEFENSE**
3 **ACQUISITION PROGRAM.**

4 (a) DESIGNATION REQUIRED.—The Secretary of De-
5 fense shall—

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

11 (2) with respect to the development and produc-
12 tion of each variant, submit to the congressional de-
13 fense committees a report setting forth such cost,
14 schedule, and performance information as would be
15 provided if such effort were a major defense acquisi-
16 tion program, including Selected Acquisition Re-
17 ports, unit cost reports, and program baselines.

18 (b) ADDITIONAL QUARTERLY REPORTS.—The Sec-
19 retary shall submit to the congressional defense commit-
20 tees on a quarterly basis a report on the development and
21 production of each variant of the mission modules in sup-
22 port of the Littoral Combat Ship, including cost, schedule,
23 and performance, and identifying actual and potential
24 problems with such development or production and poten-
25 tial mitigation plans to address such problems.

1 **SEC. 128. TRANSFER OF CERTAIN FISCAL YEAR 2012 PRO-**
2 **CUREMENT OF AMMUNITION, NAVY AND MA-**
3 **RINE CORPS FUNDS.**

4 (a) **IN GENERAL.**—To the extent provided in appro-
5 priations Acts, the Secretary of the Navy may transfer
6 from fiscal year 2012 Procurement of Ammunition, Navy
7 and Marine Corps funds, \$88,300,000 to other, higher pri-
8 ority programs of the Navy and the Marine Corps.

9 (b) **COVERED FUNDS.**—For purposes of this section,
10 the term “fiscal year 2012 Procurement of Ammunition,
11 Navy and Marine Corps funds” means amounts author-
12 ized to be appropriated for fiscal year 2012 by section 101
13 of the National Defense Authorization Act for Fiscal Year
14 2012 (Public Law 112–81; 125 Stat. 1317) and available
15 for Procurement of Ammunition, Navy and Marine Corps
16 as specified in the funding table in section 4101 of that
17 Act.

18 (c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A
19 transfer made from one account to another under the au-
20 thority of this section shall be deemed to increase the
21 amount authorized for the account to which the amount
22 is transferred by an amount equal to the amount trans-
23 ferred.

24 (d) **CONSTRUCTION OF AUTHORITY.**—The transfer
25 authority in this section is in addition to any other trans-
26 fer authority provided in this Act.

1 **SEC. 129. TRANSFER OF CERTAIN FISCAL YEAR 2012 PRO-**
2 **CUREMENT, MARINE CORPS FUNDS FOR PRO-**
3 **CUREMENT OF WEAPONS AND COMBAT VEHI-**
4 **CLES.**

5 (a) IN GENERAL.—To the extent provided in appro-
6 priations Acts, the Secretary of the Navy may transfer
7 from fiscal year 2012 Procurement, Marine Corps funds
8 for procurement of weapons and combat vehicles,
9 \$135,200,000 to other, higher priority programs of the
10 Navy and the Marine Corps.

11 (b) COVERED FUNDS.—For purposes of this section,
12 the term “fiscal year 2012 Procurement, Marine Corps
13 funds for procurement of weapons and combat vehicles”
14 means amounts authorized to be appropriated for fiscal
15 year 2012 by section 101 of the National Defense Author-
16 ization Act for Fiscal Year 2012 (Public Law 112–81; 125
17 Stat. 1317) and available for Procurement, Marine Corps
18 for the procurement of weapons and combat vehicles as
19 specified in the funding table in section 4101 of that Act.

20 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
21 transfer made from one account to another under the au-
22 thority of this section shall be deemed to increase the
23 amount authorized for the account to which the amount
24 is transferred by an amount equal to the amount trans-
25 ferred.

1 (d) CONSTRUCTION OF AUTHORITY.—The transfer
2 authority in this section is in addition to any other trans-
3 fer authority provided in this Act.

4 **SEC. 130. SENSE OF CONGRESS ON MARINE CORPS AMPHIB-**
5 **IOUS LIFT AND PRESENCE REQUIREMENTS.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The United States Marine Corps is a com-
9 bat force which leverages maneuver from the sea as
10 a force multiplier allowing for a variety of oper-
11 ational tasks ranging from major combat operations
12 to humanitarian assistance.

13 (2) The United States Marine Corps is unique
14 in that, while embarked upon Naval vessels, they
15 bring all the logistic support necessary for the full
16 range of military operations, operating “from the
17 sea” they require no third party host nation permis-
18 sion to conduct military operations.

19 (3) The Department of the Navy has a require-
20 ment for 38 amphibious assault ships to meet this
21 full range of military operations.

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

1 (5) The Department of the Navy has been un-
2 able to meet even the minimal requirement of 30
3 operationally available vessels and has submitted a
4 shipbuilding and ship retirement plan to Congress
5 which will reduce the force to 28 vessels.

6 (6) Experience has shown that early engineer-
7 ing and design of naval vessels has significantly re-
8 duced the acquisition costs and life-cycle costs of
9 those vessels.

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

12 (1) the Department of Defense should carefully
13 evaluate the maritime force structure necessary to
14 execute demand for forces by the commanders of the
15 combatant commands;

16 (2) the Department of the Navy carefully evalu-
17 ate amphibious lift capabilities to meet current and
18 projected requirements;

19 (3) the Department of the Navy should consider
20 prioritization of investment in and procurement of
21 the next generation of amphibious assault ships, as
22 a component of the balanced battle force;

23 (4) the next generation amphibious assault
24 ships should maintain survivability protection;

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

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

8 **SEC. 131. SENSE OF SENATE ON DEPARTMENT OF NAVY FIS-**
9 **CAL YEAR 2014 BUDGET REQUEST FOR TAC-**
10 **TICAL AVIATION AIRCRAFT.**

11 It is the sense of Senate that, if the budget request
12 of the Department of the Navy for fiscal year 2014 for
13 F-18 aircraft includes a request for funds for more than
14 13 new F-18 aircraft, the budget request of the Depart-
15 ment of the Navy for fiscal year 2014 for F-35 aircraft
16 should include a request for funds for not fewer than 6
17 F-35B aircraft and 4 F-35C aircraft, presuming that de-
18 velopment, testing, and production of the F-35 aircraft
19 are proceeding according to current plans.

20 **SEC. 132. SPIDERNET/SPECTRAL WARRIOR HARDWARE.**

21 (a) **ADDITIONAL AMOUNT FOR OTHER PROCURE-**
22 **MENT, NAVY.**—The amount authorized to be appropriated
23 for fiscal year 2013 by section 101 is hereby increased
24 by \$2,000,000, with the amount of the increase to be
25 available for amounts authorized to be appropriated by

1 that section and available for other procurement, Navy,
2 Satellite Communications, line 085, Satellite Communica-
3 tions Systems, as specified in the funding table in section
4 4101.

5 (b) AVAILABILITY OF AMOUNT.—To the extent pro-
6 vided in appropriations Acts, the amount authorized and
7 made available by subsection (a) may be obligated and ex-
8 pended for a new program to procure SPIDERNet/Spec-
9 tral Warrior Hardware and installation in order to provide
10 a cloud network for Spectral Warrior terminals in support
11 of requirements of the commanders of the combatant com-
12 mands.

13 **Subtitle D—Air Force Programs**

14 **SEC. 141. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED** 15 **TO BE MAINTAINED IN STRATEGIC AIRLIFT** 16 **AIRCRAFT INVENTORY.**

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

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

22 (2) by striking “301 aircraft” and inserting
23 “275 aircraft”.

24 (b) MODIFICATION OF CERTIFICATION REQUIRE-
25 MENT.—Section 137(d)(3)(B) of the National Defense

1 Authorization Act for Fiscal Year 2010 (Public Law 111–
2 84; 123 Stat. 2221) is amended by striking “316 strategic
3 airlift aircraft” and inserting “275 strategic airlift air-
4 craft”.

5 (c) PRESERVATION OF CERTAIN RETIRED C–5 AIR-
6 CRAFT.—The Secretary of the Air Force shall preserve
7 each C–5 aircraft retired by the Secretary after September
8 30, 2012, such that the aircraft—

9 (1) is stored in flyable condition;

10 (2) can be returned to service; and

11 (3) is not used to supply parts to other aircraft
12 unless specifically authorized by the Secretary of De-
13 fense upon a request by the Secretary of the Air
14 Force.

15 **SEC. 142. 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.

1 (b) COVERED PROGRAMS.—The programs referred to
2 in this subsection for the F-22A Raptor aircraft are the
3 following:

4 (1) Any modernization program through Incre-
5 ment 3.2A.

6 (2) The Reliability and Maintainability Matura-
7 tion Program (RAMMP) and the Structural Repair
8 Program (SRP II).

9 (3) The modernization Increment 3.2B and any
10 future F-22A Raptor aircraft modernization pro-
11 gram that would otherwise, if a standalone program,
12 qualify for treatment as a major defense acquisition
13 program for purposes of chapter 144 of title 10,
14 United States Code.

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

16 (a) LIMITATIONS.—

17 (1) AVIONICS MODERNIZATION PROGRAM.—The
18 Secretary of the Air Force shall take no action to
19 cancel or modify the Avionics Modernization Pro-
20 gram (AMP) for the C-130 aircraft until 30 days
21 after the date of the submittal to the congressional
22 defense committees of the report required by sub-
23 section (b).

24 (2) CNS/ATM PROGRAM.—

1 (A) IN GENERAL.—The Secretary shall
2 take no action described in subparagraph (B)
3 until 30 days after the date of the submittal to
4 the congressional defense committees of the re-
5 port required by subsection (b).

6 (B) COVERED ACTIONS.—An action de-
7 scribed in this subparagraph is an action to
8 begin an alternative communication, navigation,
9 surveillance, and air traffic management (CNS/
10 ATM) program for the C-130 aircraft that is
11 designed or intended—

12 (i) to meet international communica-
13 tion, navigation, surveillance, and air traf-
14 fic management standards for the fleet of
15 C-130 aircraft; or

16 (ii) to replace the current Avionics
17 Modernization Program for the C-130 air-
18 craft.

19 (b) REPORT.—Not later than 30 days after the date
20 of the enactment of this Act, the Secretary of Defense
21 shall submit to the congressional defense committees re-
22 port on the results of a study to be conducted by the Office
23 of Cost Assessment and Program Evaluation of the De-
24 partment of Defense on the following:

1 (1) The costs and schedule to complete the cur-
2 rent program of record for the Avionics Moderniza-
3 tion Program for the C-130 aircraft, as anticipated
4 at the time of the last certification on that program
5 under section 2433a of title 10, United States Code.

6 (2) The total cost and schedule, from start to
7 completion, of any proposed alternative communica-
8 tion, navigation, surveillance, and air traffic man-
9 agement program for the C-130 aircraft.

10 (3) The projected manpower savings to be de-
11 rived from the current program of record for the
12 Avionics Modernization Program for the C-130 air-
13 craft in comparison with the projected manpower
14 savings to be derived from any proposed alternative
15 communication, navigation, surveillance, and air
16 traffic management program for the C-130 aircraft.

17 **SEC. 144. PROCUREMENT OF SPACE-BASED INFRARED SYS-**
18 **TEM SATELLITES.**

19 (a) CONTRACT AUTHORITY.—

20 (1) IN GENERAL.—The Secretary of the Air
21 Force may procure two space-based infrared system
22 satellites by entering into a fixed-price contract for
23 such procurement.

1 (2) COST REDUCTION.—The Secretary may in-
2 clude in a contract entered into under paragraph (1)
3 the following:

4 (A) The procurement of material and
5 equipment in economic order quantities if the
6 procurement of such material and equipment in
7 such quantities will result in cost savings.

8 (B) Cost reduction initiatives.

9 (3) USE OF INCREMENTAL FUNDING.—The
10 Secretary may use incremental funding for a con-
11 tract entered into under paragraph (1) for a period
12 not to exceed six fiscal years.

13 (4) LIABILITY.—A contract entered into under
14 paragraph (1) shall provide that—

15 (A) any obligation of the United States to
16 make a payment under the contract is subject
17 to the availability of appropriations for that
18 purpose; and

19 (B) the total liability of the Federal Gov-
20 ernment for the termination of the contract
21 shall be limited to the total amount of funding
22 obligated at the time of the termination of the
23 contract.

24 (b) LIMITATION OF COSTS.—

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

7 (2) EXCLUSION.—The amounts described in
8 this paragraph are amounts associated with the fol-
9 lowing:

10 (A) Plans.

11 (B) Technical data packages.

12 (C) Post-delivery and program-related sup-
13 port costs.

14 (D) Technical support for obsolescence
15 studies.

16 (c) ADJUSTMENT TO LIMITATION AMOUNT.—

17 (1) IN GENERAL.—The Secretary may increase
18 the limitation set forth in subsection (b)(1) by the
19 amount of an increase described in paragraph (2) if
20 the Secretary submits to the congressional defense
21 committees written notification of the increase made
22 to that limitation.

23 (2) INCREASE DESCRIBED.—An increase de-
24 scribed in this paragraph is one of the following:

1 (A) An increase in costs that is attrib-
2 utable to economic inflation after September
3 30, 2012.

4 (B) An increase in costs that is attrib-
5 utable to compliance with changes in Federal,
6 State, or local laws enacted after September 30,
7 2012.

8 (C) An increase in the cost of a space-
9 based infrared system satellite that is attrib-
10 utable to the insertion of a new technology into
11 the satellite that was not built into such sat-
12 ellites procured before fiscal year 2013, if the
13 Secretary determines, and certifies to the con-
14 gressional defense committees, that insertion of
15 the new technology into the satellite is—

16 (i) expected to decrease the life-cycle
17 cost of the satellite; or

18 (ii) required to meet an emerging
19 threat that poses grave harm to the na-
20 tional security of the United States.

21 (d) REPORTS.—

22 (1) REPORT ON CONTRACTS.—Not later than
23 30 days after the date on which the Secretary enters
24 into a contract under subsection (a), the Secretary

1 shall submit to the congressional defense committees
2 a report on the contract that includes the following:

3 (A) The total cost savings resulting from
4 the authority provided by subsection (a).

5 (B) The type and duration of the contract.

6 (C) The total value of the contract.

7 (D) The funding profile under the contract
8 by year.

9 (E) The terms of the contract regarding
10 the treatment of changes by the Federal Gov-
11 ernment to the requirements of the contract, in-
12 cluding how any such changes may affect the
13 success of the contract.

14 (2) PLAN FOR USING COST SAVINGS.—Not later
15 than 90 days after the date on which the Secretary
16 enters into a contract under subsection (a), the Sec-
17 retary shall submit to the congressional defense com-
18 mittees a plan for using the cost savings described
19 in paragraph (1)(A) to improve the capability of
20 military infrared and early warning satellites that
21 includes a description of the following:

22 (A) The available funds, by year, resulting
23 from such cost savings.

24 (B) The specific activities or subprograms
25 to be funded using such cost savings and the

1 funds, by year, allocated to each such activity
2 or subprogram.

3 (C) The objectives for each such activity or
4 subprogram.

5 (D) The criteria used by the Secretary to
6 determine which such activities or subprograms
7 to fund.

8 (E) The method by which the Secretary
9 will determine which such activities or subpro-
10 grams to fund, including whether that deter-
11 mination will be on a competitive basis.

12 (F) The plan for encouraging participation
13 in such activities and subprograms by small
14 businesses.

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

19 (e) USE OF FUNDS AVAILABLE FOR SPACE VEHICLE
20 NUMBER 5 FOR SPACE VEHICLE NUMBER 6.—The Sec-
21 retary may obligate and expend amounts authorized to be
22 appropriated for fiscal year 2013 by section 101 for pro-
23 curement for the Air Force as specified in the funding
24 table in section 4101 and available for the advanced pro-
25 curement of long-lead parts and the replacement of obso-

1 lete parts for space-based infrared system satellite space
2 vehicle number 5 for the advanced procurement of long-
3 lead parts and the replacement of obsolete parts for space-
4 based infrared system space vehicle number 6.

5 (f) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the Secretary should not enter into a fixed-price
7 contract under subsection (a) for the procurement of two
8 space-based infrared system satellites unless the Secretary
9 determines that entering into such a contract will save the
10 Air Force not less than 20 percent over the cost of pro-
11 curing two such satellites separately.

12 **SEC. 145. TRANSFER OF CERTAIN FISCAL YEAR 2011 AND**
13 **2012 FUNDS FOR AIRCRAFT PROCUREMENT**
14 **FOR THE AIR FORCE.**

15 (a) IN GENERAL.—To the extent provided in appro-
16 priations Acts, the Secretary of the Air Force may trans-
17 fer from fiscal year 2011 and 2012 Aircraft Procurement,
18 Air Force funds, an aggregate of \$920,748,000 to other,
19 higher priority programs of the Air Force.

20 (b) COVERED FUNDS.—For purposes of this section,
21 the term “fiscal year 2011 and 2012 Aircraft Procure-
22 ment, Air Force funds” means—

23 (1) amounts authorized to be appropriated for
24 fiscal year 2011 by section 103(1) of the Ike Skelton
25 National Defense Authorization Act for Fiscal Year

1 2011 (Public Law 111–383; 124 Stat. 4152) for air-
2 craft procurement for the Air Force; and

3 (2) amounts authorized to be appropriated for
4 fiscal year 2012 by section 101 of the National De-
5 fense Authorization Act for Fiscal Year 2012 (Pub-
6 lic Law 112–81; 125 Stat. 1317) and available for
7 Aircraft Procurement, Air Force as specified in the
8 funding table in section 4101 of that Act.

9 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
10 transfer made from one account to another under the au-
11 thority of this section shall be deemed to increase the
12 amount authorized for the account to which the amount
13 is transferred by an amount equal to the amount trans-
14 ferred.

15 (d) CONSTRUCTION OF AUTHORITY.—The transfer
16 authority in this section is in addition to any other trans-
17 fer authority provided in this Act.

18 **Subtitle E—Joint and Multiservice** 19 **Matters**

20 **SEC. 151. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22** 21 **JOINT AIRCRAFT PROGRAM.**

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

1 gram year, for the procurement of V-22 aircraft for the
2 Department of the Navy, the Department of the Air
3 Force, and the United States Special Operations Com-
4 mand.

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

11 **SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR**
12 **FULL-RATE PRODUCTION OF HANDHELD,**
13 **MANPACK, AND SMALL FORM/FIT RADIOS**
14 **UNDER THE JOINT TACTICAL RADIO SYSTEM**
15 **PROGRAM.**

16 Amounts available for the Joint Tactical Radio Sys-
17 tem (JTRS) program may not be obligated or expended
18 for full-rate production of the Handheld, Manpack, and
19 Small Form/Fit (HMS) radios under that program until
20 the Under Secretary of Defense for Acquisition, Tech-
21 nology, and Logistics certifies to the congressional defense
22 committees that the acquisition strategy for such radios
23 provides, to the maximum extent practicable, for full and
24 open competition in the acquisition of such radios.

1 **SEC. 153. SHALLOW WATER COMBAT SUBMERSIBLE PRO-**
2 **GRAM.**

3 (a) INITIAL REPORT.—Not later than 90 days after
4 the date of the enactment of this Act, the Commander of
5 the United States Special Operations Command shall sub-
6 mit to the congressional defense committees a report set-
7 ting forth the following:

8 (1) A description of the efforts of the con-
9 tractor under the Shallow Water Combat Submers-
10 ible (SWCS) program and the United States Special
11 Operations Command to improve the accuracy of the
12 tracking of the schedule and costs of the program.

13 (2) The revised timeline for the initial and full
14 operational capability of the Shallow Water Combat
15 Submersible.

16 (3) A current estimate of the cost to meet the
17 basis of issue requirement under the program.

18 (b) SUBSEQUENT REPORTS.—

19 (1) QUARTERLY REPORTS REQUIRED.—The
20 Commander of the United States Special Operations
21 Command shall submit to the congressional defense
22 committees on a quarterly basis updates on the
23 metrics from the earned value management system
24 with which the Command is tracking the schedule
25 and cost performance of the contractor of the Shal-
26 low Water Combat Submersible program.

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

6 **SEC. 154. AC-130 AIRCRAFT ELECTRO-OPTICAL AND INFRA-**
7 **RED SENSORS.**

8 (a) ADDITIONAL AMOUNT FOR PROCUREMENT, DE-
9 FENSE-WIDE.—The amount authorized to be appropriated
10 for fiscal year 2013 by section 101 is hereby increased
11 by \$6,000,000, with the amount of the increase to be
12 available for amounts authorized to be appropriated by
13 that section and available for procurement, Defense-wide,
14 other procurement programs, line 079, Combat mission re-
15 quirements, as specified in the funding table in section
16 4101.

17 (b) AVAILABILITY OF AMOUNT.—To the extent pro-
18 vided in appropriations Acts, the amount authorized and
19 made available by subsection (a) may be obligated and ex-
20 pended for a new program to procure color electro-optical
21 and infrared imaging sensors for AC-130 aircraft used by
22 the United States Special Operations Command in ongo-
23 ing contingency operations.

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

4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

11 **Subtitle B—Program Require-**
12 **ments, Restrictions, and Limita-**
13 **tions**

14 **SEC. 211. NEXT GENERATION FOUNDRY FOR THE DEFENSE**
15 **MICROELECTRONICS ACTIVITY.**

16 Amounts authorized to be appropriated for fiscal year
17 2013 by section 201 and available for research, develop-
18 ment, test, and evaluation for the Next Generation Found-
19 ry for the Defense Microelectronics Activity (DMEA) (PE
20 #603720S) as specified in the funding table in section
21 4201 may not be obligated or expended for that purpose
22 until 60 days after the date on which the Assistant Sec-
23 retary of Defense for Research and Engineering—

24 (1) develops a microelectronics strategy as de-
25 scribed in the Senate report to accompany S. 1235

1 of the 112th Congress (S. Rept. 112–26) and an es-
2 timate of the full life-cycle costs for the upgrade of
3 the Next Generation Foundry; and

4 (2) submits the strategy and cost estimate re-
5 quired by paragraph (1) to the congressional defense
6 committees.

7 **SEC. 212. ADVANCED ROTORCRAFT INITIATIVE.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Under Secretary
10 of Defense for Acquisition, Technology, and Logistics
11 shall, in consultation with the military departments, the
12 Defense Advanced Research Projects Agency, and indus-
13 try (including the Vertical Lift Consortium (VLC)), sub-
14 mit to the congressional defense committees a report set-
15 ting forth a strategy for the use of integrated platform
16 design teams and agile prototyping approaches for the de-
17 velopment of advanced rotorcraft capabilities.

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

20 (1) Mechanisms for establishing agile proto-
21 typing practices and programs, including rotorcraft
22 X-planes, and an identification of the resources re-
23 quired for such purposes.

24 (2) A restructuring of the Joint Multi-role
25 (JMR) development program of the Army to include

1 more technology demonstration platforms with chal-
2 lenge goals of significant reductions in cost and time
3 to flight.

4 (3) A restructuring of the X-Plane Rotorcraft
5 program of the Defense Advanced Research Projects
6 Agency to develop performance objectives beyond the
7 Joint Multi-role development program, including at
8 least two competing teams.

9 (4) Approaches, including competitive prize
10 awards, to encourage the development of advanced
11 rotorcraft capabilities to address challenge problems
12 such as nap-of-earth automated flight, urban oper-
13 ation near buildings, slope landings, automated auto-
14 rotation or power-off recovery, and automated selec-
15 tion of landing areas.

16 **SEC. 213. TRANSFER OF CERTAIN FISCAL YEAR 2012 NAVY**
17 **RESEARCH, DEVELOPMENT, TEST, AND EVAL-**
18 **UATION FUNDS.**

19 (a) IN GENERAL.—To the extent provided in appro-
20 priations Acts, the Secretary of the Navy may transfer
21 from fiscal year 2012 Navy research, development, test,
22 and evaluation funds, \$8,832,000 to other, higher priority
23 programs of the Navy.

24 (b) COVERED FUNDS.—For purposes of this section,
25 the term “fiscal year 2012 Navy research, development,

1 test, and evaluation funds” means amounts authorized to
2 be appropriated for fiscal year 2012 by section 201 of the
3 National Defense Authorization Act for Fiscal Year 2012
4 (Public Law 112–81; 125 Stat. 1329) and available for
5 Research, Development, Test, and Evaluation, Navy as
6 specified in the funding table in section 4201 of that Act.

7 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
8 transfer made from one account to another under the au-
9 thority of this section shall be deemed to increase the
10 amount authorized for the account to which the amount
11 is transferred by an amount equal to the amount trans-
12 ferred.

13 (d) CONSTRUCTION OF AUTHORITY.—The transfer
14 authority in this section is in addition to any other trans-
15 fer authority provided in this Act.

16 **SEC. 214. AUTHORITY FOR DEPARTMENT OF DEFENSE LAB-**
17 **ORATORIES TO ENTER INTO EDUCATION**
18 **PARTNERSHIPS WITH EDUCATIONAL INSTI-**
19 **TUTIONS IN UNITED STATES TERRITORIES**
20 **AND POSSESSIONS.**

21 (a) AUTHORITY.—Subsection (a) of section 2194 of
22 title 10, United States Code, is amended by inserting “,
23 the Commonwealth of Puerto Rico, the Commonwealth of
24 the Northern Mariana Islands, and any possession of the
25 United States” after “institutions of the United States”.

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

4 **SEC. 215. TRANSFER OF CERTAIN FISCAL YEAR 2012 AIR**
5 **FORCE RESEARCH, DEVELOPMENT, TEST,**
6 **AND EVALUATION FUNDS.**

7 (a) IN GENERAL.—To the extent provided in appro-
8 priations Acts, the Secretary of the Air Force may trans-
9 fer from fiscal year 2012 Air Force research, development,
10 test, and evaluation funds, \$78,426,000 to other, higher
11 priority programs of the Air Force.

12 (b) COVERED FUNDS.—For purposes of this section,
13 the term “fiscal year 2012 Air Force research, develop-
14 ment, test, and evaluation funds” means amounts author-
15 ized to be appropriated for fiscal year 2012 by section 201
16 of the National Defense Authorization Act for Fiscal Year
17 2012 (Public Law 112–81; 125 Stat. 1329) and available
18 for Research, Development, Test, and Evaluation, Air
19 Force as specified in the funding table in section 4201
20 of that Act.

21 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
22 transfer made from one account to another under the au-
23 thority of this section shall be deemed to increase the
24 amount authorized for the account to which the amount

1 is transferred by an amount equal to the amount trans-
2 ferred.

3 (d) CONSTRUCTION OF AUTHORITY.—The transfer
4 authority in this section is in addition to any other trans-
5 fer authority provided in this Act.

6 **SEC. 216. RELOCATION OF C-BAND RADAR FROM ANTIGUA**
7 **TO H.E. HOLT STATION IN WESTERN AUS-**
8 **TRALIA TO ENHANCE SPACE SITUATIONAL**
9 **AWARENESS CAPABILITIES.**

10 To the extent provided in appropriations Acts, of the
11 amounts authorized to be appropriated for fiscal year
12 2013 by section 201 and available for research, develop-
13 ment, test, and evaluation for Space Situation Awareness
14 Systems (PE 0604425F) for System Development and
15 Demonstration as specified in the funding table in section
16 4201, \$3,000,000 may be obligated and expended for a
17 new program for the relocation and research and develop-
18 ment activities to enhance Space Situational Awareness
19 capabilities through—

20 (1) the repurposing of the C-Band Radar at
21 Antigua;

22 (2) the relocation of that radar to the H.E.
23 Holt Station in Western Australia;

1 (3) upgrades of the hardware and software of
2 that radar to meet Space Situational Awareness mis-
3 sion needs;

4 (4) operational testing of that radar; and

5 (5) transfer of jurisdiction of that radar to the
6 Air Force Space Command for operations and
7 sustainment by September 30, 2016.

8 **SEC. 217. DETAILED DIGITAL RADIO FREQUENCY MODULA-**
9 **TION COUNTERMEASURES STUDIES AND SIM-**
10 **ULATIONS.**

11 (a) **ADDITIONAL AMOUNT FOR RDT&E, ARMY.**—The
12 amount authorized to be appropriated for fiscal year 2013
13 by section 201 is hereby increased by \$38,000,000, with
14 the amount of the increase to be available for amounts
15 authorized to be appropriated by that section and available
16 for research, development, test, and evaluation, Army, for
17 system development and demonstration (PE 0605457A)
18 Army Integrated Air and Missile Defense (AIAMD), as
19 specified in the funding table in section 4201.

20 (b) **AVAILABILITY OF AMOUNT.**—To the extent pro-
21 vided in appropriations Acts, the amount authorized and
22 made available by subsection (a) may be obligated and ex-
23 pended for a new program to conduct detailed digital radio
24 frequency modulation (DRFM) countermeasures studies
25 and simulations to develop algorithms to address this

1 threat change in support of the accelerated fielding of a
2 new capability in Patriot, Sentinel, and Integrated Air and
3 Missile Defense (IAMD) for the requirements of the com-
4 manders of the combatant commands.

5 **Subtitle C—Missile Defense** 6 **Matters**

7 **SEC. 231. HOMELAND BALLISTIC MISSILE DEFENSE.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) The Ballistic Missile Defense Review of
11 February 2010 stated as its first policy priority that
12 “the United States will continue to defend the home-
13 land against the threat of limited ballistic missile at-
14 tack” and that “an essential element of the United
15 States’ homeland ballistic missile defense strategy is
16 to hedge against future uncertainties, including both
17 the uncertainty of future threat capabilities and the
18 technical risks inherent to our own development
19 plans”.

20 (2) The United States currently has an oper-
21 ational Ground-based Midcourse Defense (GMD)
22 system with 30 Ground-Based Interceptors (GBIs)
23 deployed in Alaska and California, protecting the
24 United States against the potential future threat of

1 limited ballistic missile attack from countries such
2 as North Korea and Iran.

3 (3) As Deputy Assistant Secretary of Defense
4 for Nuclear and Missile Defense Policy Bradley Rob-
5 erts testified before the Committee on Armed Serv-
6 ices of the Senate on April 25, 2012, “[w]ith 30
7 GBIs in place, the United States is in an advan-
8 tageous position vis-à-vis the threats from North
9 Korea and Iran,” and “neither has successfully test-
10 ed an ICBM or demonstrated an ICBM-class war-
11 head”.

12 (4) Deputy Assistant Secretary Roberts testi-
13 fied that maintaining this advantageous position
14 “requires continued improvement to the GMD sys-
15 tem, including enhanced performance by the GBIs
16 and the deployment of new sensors. It also requires
17 the development of the Precision Tracking Space
18 System (PTSS) to handle larger raid sizes and the
19 Standard Missile-3 (SM-3) Block IIB as the ICBM
20 threat from states like Iran and North Korea ma-
21 tures. These efforts will help to ensure that the
22 United States possesses the capability to counter the
23 projected threat for the foreseeable future”.

24 (5) As its highest priority, the Missile Defense
25 Agency is designing a correction to the problem that

1 caused a December 2010 flight test failure of the
2 Ground-based Midcourse Defense system using the
3 Capability Enhancement II (CE-II) model of exo-at-
4 mospheric kill vehicle, and plans to demonstrate the
5 correction in two flight tests before resuming pro-
6 duction or assembly of additional Capability En-
7 hancement II kill vehicles.

8 (6) The Department of Defense has a program
9 to improve the performance and reliability of the
10 Ground-based Midcourse Defense system, including
11 a plan to test every component of the Ground-Based
12 Interceptors for reliability. According to Department
13 of Defense officials, the goal of the Ground-Based
14 Interceptor reliability program is to double the num-
15 ber of threat Intercontinental Ballistic Missiles
16 (ICBMs) that our current inventory of Ground-
17 Based Interceptors could defeat, thereby effectively
18 doubling the capability of our current Ground-based
19 Midcourse Defense system.

20 (7) The Missile Defense Agency, working with
21 the Director of Operational Test and Evaluation and
22 with United States Strategic Command, has devel-
23 oped a comprehensive Integrated Master Test Plan
24 (IMTP) for missile defense, with flight tests for the
25 Ground-based Midcourse Defense system planned

1 through fiscal year 2022, including salvo testing,
2 multiple simultaneous engagement testing, and oper-
3 ational testing.

4 (8) The Director of Operational Test and Eval-
5 uation, who must review, approve, and sign each
6 semi-annual version of the Integrated Master Test
7 Plan, testified that the Test Plan is “a robust and
8 rigorous test plan”. He also testified that the cur-
9 rent pace of Ground-based Midcourse Defense sys-
10 tem testing of one flight test per year is the “best
11 that we’ve been able to achieve over a decade”.

12 (9) The Director of the Missile Defense Agency
13 testified before the Committee on Armed Services of
14 the Senate on April 25, 2012, that flight testing the
15 Ground-based Midcourse Defense system more often
16 than once per year could cause “greater risk of fur-
17 ther failure and setbacks to developing our homeland
18 defense capability as rapidly as possible”.

19 (10) As part of its homeland defense hedging
20 strategy, the Department of Defense has already de-
21 cided upon or implemented a number of actions to
22 improve the missile defense posture of the United
23 States in case the threat of Intercontinental Ballistic
24 Missiles from North Korea or Iran emerges sooner

1 or in greater numbers than anticipated. These in-
2 clude the following actions:

3 (A) The Missile Defense Agency has com-
4 pleted construction of Missile Field-2 at Fort
5 Greely, Alaska, with eight extra silos available
6 to deploy additional operational Ground-Based
7 Interceptors, if needed.

8 (B) With its request for 5 additional
9 Ground-Based Interceptors in the budget of the
10 President for fiscal year 2013, the Missile De-
11 fense Agency plans to have enough test and
12 spare Ground-Based Interceptors to emplace in
13 the 8 extra silos from 2014 through 2025, and
14 will keep the Ground-Based Interceptor produc-
15 tion line active for 5 additional years, thus al-
16 lowing additional Ground-Based Interceptor
17 purchases in the future, if needed.

18 (C) The Department has decided not to
19 decommission prototype Missile Field-1 at Fort
20 Greely but, instead, to keep it in a storage sta-
21 tus that would permit it to be refurbished and
22 reactivated within a few years if future threat
23 developments make that necessary.

24 (D) The Missile Defense Agency plans to
25 build an in-flight interceptor communications

1 terminal at Fort Drum, New York, to enhance
2 the performance of Ground-Based Interceptors
3 defending the eastern United States against
4 possible future missile threats from Iran.

5 (E) The Missile Defense Agency is con-
6 tinuing the development and testing of the two-
7 stage Ground-Based Interceptor for possible de-
8 ployment in the future, if needed.

9 (F) The Missile Defense Agency is upgrad-
10 ing early warning radars in Clear, Alaska, and
11 Cape Cod, Massachusetts, to enhance the abil-
12 ity to defend against potential multiple future
13 Intercontinental Ballistic Missile threats from
14 North Korea and Iran.

15 (G) The Missile Defense Agency is pur-
16 suing development of the Standard Missile-3
17 Block IIB interceptor for Phase 4 of the Euro-
18 pean Phased Adaptive Approach. It is intended
19 to augment the Ground-based Midcourse De-
20 fense system as a cost-effective first layer of de-
21 fense of the homeland against a possible future
22 Intercontinental Ballistic Missile threat from
23 Iran.

24 (H) The Missile Defense Agency is pur-
25 suing development of the Precision Tracking

1 Space System, a satellite sensor system to pro-
2 vide persistent tracking of large numbers of
3 missiles in flight, and fire-control quality tar-
4 geting data to various missile defense inter-
5 ceptor systems. According to the Director of the
6 Missile Defense Agency, “the greatest future
7 enhancement for both homeland and regional
8 defense in the next ten years is the development
9 of the Precision Tracking Space System sat-
10 ellites”.

11 (11) As part of its homeland defense hedging
12 strategy review, the Department of Defense is con-
13 sidering other options to enhance the future United
14 States posture to defend the homeland, including the
15 feasibility, advisability and affordability of deploying
16 additional Ground-Based Interceptors, either in
17 Alaska or at a missile defense site on the East Coast
18 of the United States.

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

21 (1) it is a national priority to defend the home-
22 land against the potential future threat of limited
23 ballistic missile attack from countries such as North
24 Korea and Iran;

1 (2) the currently deployed Ground-based Mid-
2 course Defense system, with 30 Ground-Based Inter-
3 ceptors deployed in Alaska and California, provides
4 protection of the United States homeland against
5 the potential future threat of limited ballistic missile
6 attack from North Korea and Iran;

7 (3) it is essential for the Ground-based Mid-
8 course Defense system to achieve the levels of reli-
9 ability, availability, sustainability, and operational
10 performance that will allow it to continue providing
11 protection of the United States homeland against
12 limited ballistic missile attack;

13 (4) the Missile Defense Agency should, as its
14 highest priority, correct the problem that caused the
15 December 2010 Ground-based Midcourse Defense
16 system flight test failure and demonstrate the cor-
17 rection in flight tests before resuming production of
18 the Capability Enhancement-II kill vehicle, in order
19 to provide confidence that the system will work as
20 intended;

21 (5) the Department of Defense should continue
22 to enhance the performance and reliability of the
23 Ground-based Midcourse Defense system, and en-
24 hance the capability of the Ballistic Missile Defense
25 System, to provide improved capability to defend the

1 homeland against possible increased future missile
2 threats from North Korea and Iran;

3 (6) the Missile Defense Agency should continue
4 its robust, rigorous, and realistic testing of the
5 Ground-based Midcourse Defense system at a pace
6 of one flight test per year, as described in the Inte-
7 grated Master Test Plan, including salvo testing,
8 multiple simultaneous engagement testing, and oper-
9 ational testing;

10 (7) if successfully developed, the Standard Mis-
11 sile-3 Block IIB interceptor would provide an essen-
12 tial first layer of defense of the homeland against an
13 emerging Intercontinental Ballistic Missile threat
14 from Iran, using a cost-effective forward-based early
15 intercept system that could permit holding Ground-
16 Based Interceptors in reserve, and if such inter-
17 ceptor could be deployed on ships, it would also pro-
18 vide a significant enhancement to defense against
19 possible future threats from North Korea;

20 (8) the Precision Tracking Space System has
21 the potential to improve dramatically the capability
22 of homeland and regional missile defense systems
23 against large numbers of missiles launched simulta-
24 neously, and should remain a high priority for devel-
25 opment;

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

6 (10) the Department of Defense should con-
7 tinue to evaluate the evolution of the long-range mis-
8 sile threat from North Korea and Iran and consider
9 other possibilities for prudent, affordable, cost-effec-
10 tive, and operationally significant steps to improve
11 the posture of the United States to defend the home-
12 land against possible future growth in the threat.

13 (c) REPORT.—

14 (1) REPORT REQUIRED.—Not later than 180
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 on the status of
18 efforts to improve the homeland ballistic missile de-
19 fense capability of the United States.

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

22 (A) A detailed description of the actions
23 taken or planned to improve the reliability,
24 availability, and capability of the Ground-based
25 Midcourse Defense system.

1 (B) A description of any improvements
2 achieved as a result of the actions described in
3 subparagraph (A).

4 (C) A description of the results of the two
5 planned flight tests of the Ground-based Mid-
6 course Defense system (Control Test Vehicle
7 flight test-1, and GMD Flight Test-06b) in-
8 tended to demonstrate the success of the correc-
9 tion of the problem that caused the flight test
10 failure of December 2010, and the status of
11 any decision to resume production of the Capa-
12 bility Enhancement-II kill vehicle.

13 (D) A detailed description of actions taken
14 or planned to improve the homeland defense
15 posture of the United States to hedge against
16 potential future Intercontinental Ballistic Mis-
17 sile threat growth from North Korea and Iran.

18 (E) Any other matters the Secretary con-
19 siders appropriate.

20 (3) FORM OF REPORT.—The report shall be
21 submitted in unclassified form, but may include a
22 classified annex.

23 **SEC. 232. REGIONAL BALLISTIC MISSILE DEFENSE.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) In the introduction to the Ballistic Missile
2 Defense Review of February 2010, Secretary of De-
3 fense Robert Gates states that “I have made defend-
4 ing against near-term regional threats a top priority
5 of our missile defense plans, programs and capabili-
6 ties”.

7 (2) In describing the threat of regional ballistic
8 missiles, the report of the Ballistic Missile Defense
9 Review states that “there is no uncertainty about
10 the existence of regional threats. They are clear and
11 present. The threat from short-range, medium-
12 range, and intermediate-range ballistic missiles
13 (SRBMs, MRBMs, and IRBMs) in regions where
14 the United States deploys forces and maintains secu-
15 rity relationships is growing at a particularly rapid
16 pace”.

17 (3) In testimony before the Committee on
18 Armed Services of the Senate on April 25, 2012, Dr.
19 Bradley Roberts, Deputy Assistant Secretary of De-
20 fense for Nuclear and Missile Defense Policy stated,
21 with respect to regional missile defense, that “the
22 need arises from the rapidly emerging threats to our
23 armed forces in Europe, the Middle East, and East
24 Asia from regional missile proliferators and the basic
25 challenge such proliferation poses to the safety and

1 security of our forces and allies and to our power
2 projection strategy”.

3 (4) Iran has the largest inventory of regional
4 ballistic missiles in the Middle East, with hundreds
5 of missiles that can reach southeastern Europe and
6 all of the Middle East, including Israel. Iran is im-
7 proving its existing missiles and developing new and
8 longer-range missiles.

9 (5) North Korea has a large and growing inven-
10 tory of short-range and medium-range ballistic mis-
11 siles that can reach United States forces and allies
12 in South Korea and Japan. North Korea is improv-
13 ing its existing missiles and developing new and
14 longer-range missiles.

15 (6) In September 2009, President Barack
16 Obama announced that he had accepted the unani-
17 mous recommendation of the Secretary of Defense
18 and the Joint Chiefs of Staff to establish a Euro-
19 pean Phased Adaptive Approach to missile defense,
20 designed to protect deployed United States forces
21 and allies and partners in Europe against the large
22 and growing threat of ballistic missiles from Iran.

23 (7) In November 2010, at the Lisbon Summit,
24 the North Atlantic Treaty Organization (NATO) de-
25 cided to adopt the core mission of missile defense of

1 its population, territory and forces. The North At-
2 lantic Treaty Organization agreed to enhance its
3 missile defense command and control system, the
4 Active Layered Theater Ballistic Missile Defense, to
5 provide a North Atlantic Treaty Organization com-
6 mand and control capability. This is in addition to
7 contributions of missile defense capability from indi-
8 vidual nations.

9 (8) During 2011, the United States successfully
10 implemented Phase 1 of the European Phased
11 Adaptive Approach, including deployment of an AN/
12 TPY-2 radar in Turkey, deployment of an Aegis
13 Ballistic Missile Defense ship in the eastern Medi-
14 terranean Sea with Standard Missile-3 Block IA
15 interceptors, and establishment of a missile defense
16 command and control system in Germany.

17 (9) During 2011, the United States successfully
18 negotiated all the international agreements with
19 North Atlantic Treaty Organization allies needed to
20 permit future phases of the European Phased
21 Adaptive Approach, including agreements with Ro-
22 mania and Poland to permit the deployment of Aegis
23 Ashore missile defense systems on their territory, an
24 agreement with Turkey to permit deployment of an
25 AN/TPY-2 radar on its territory, and an agreement

1 with Spain to permit the forward stationing of four
2 Aegis Ballistic Missile Defense ships at Rota.

3 (10) Phase 2 of the European Phased Adaptive
4 Approach is planned for deployment in 2015, and is
5 planned to include the deployment of Standard Mis-
6 sile-3 Block IB interceptors on Aegis Ballistic Mis-
7 sile Defense ships and at an Aegis Ashore site in
8 Romania.

9 (11) Phase 3 of the European Phased Adaptive
10 Approach is planned for deployment in 2018, and is
11 planned to include the deployment of Standard Mis-
12 sile-3 Block IIA interceptors on Aegis Ballistic Mis-
13 sile Defense ships and at an Aegis Ashore site in Po-
14 land.

15 (12) Phase 4 of the European Phased Adaptive
16 Approach is planned for deployment in 2020, and is
17 planned to include the deployment of Standard Mis-
18 sile-3 Block IIB interceptors at Aegis Ashore sites.
19 This interceptor is intended to protect both Europe
20 and the United States against potential future long-
21 range ballistic missiles from Iran.

22 (13) At the North Atlantic Treaty Organization
23 Summit in Chicago in 2012, the North Atlantic
24 Treaty Organization plans to announce it has
25 achieved an “interim capability” for the North At-

1 Atlantic Treaty Organization missile defense system,
2 including initial capability of its Active Layered The-
3 ater Ballistic Missile Defense system at a command
4 and control facility in Germany.

5 (14) The United States has a robust program
6 of missile defense cooperation with Israel, including
7 joint development of the Arrow Weapon System and
8 the new Arrow-3 upper tier intereceptor, designed to
9 defend Israel against ballistic missiles from Iran.
10 These jointly developed missile defense systems are
11 designed to be interoperable with United States bal-
12 listic missile defenses, and these interoperable sys-
13 tems are tested in large military exercises. The
14 United States has deployed an AN/TPY-2 radar in
15 Israel to enhance missile defense against missiles
16 from Iran.

17 (15) The United States is working with the na-
18 tions of the Gulf Cooperation Council on enhanced
19 national and regional missile defense capabilities
20 against growing missile threats from Iran. As part
21 of this effort, the United Arab Emirates plans to
22 purchase two batteries of the Terminal High Altitude Air Defense (THAAD) system, as well as other
23 equipment.
24

1 (16) The United States has a strong program
2 of missile defense cooperation with Japan, including
3 the co-development of the Standard Missile-3 (SM-
4 3) Block IIA interceptor for the Aegis Ballistic Mis-
5 sile Defense system, intended to be deployed by
6 Japan and in Phase 3 of the European Phased
7 Adaptive Approach, Japan's fleet of Aegis Ballistic
8 Missile Defense ships using the SM-3 Block IA
9 interceptors, and the United States deployment of
10 an AN/TPY-2 radar in Japan.

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

13 (1) the threat from regional ballistic missiles,
14 particularly from Iran and North Korea, is serious
15 and growing, and puts at risk forward-deployed
16 United States forces and allies and partners in Eu-
17 rope, the Middle East, and the Asia-Pacific region;

18 (2) the Department of Defense has an obliga-
19 tion to provide force protection of forward-deployed
20 United States forces, assets, and facilities from re-
21 gional ballistic missile attack;

22 (3) the United States has an obligation to meet
23 its security commitments to its allies, including bal-
24 listic missile defense commitments;

1 (4) the Department of Defense has a balanced
2 program of investment and capabilities to provide
3 for both homeland defense and regional defense
4 against ballistic missiles, consistent with the Bal-
5 listic Missile Defense Review and with the prioritized
6 and integrated needs of the commanders of the com-
7 batant commands;

8 (5) the European Phased Adaptive Approach to
9 missile defense is an appropriate and necessary re-
10 sponse to the existing and growing ballistic missile
11 threat from Iran to forward deployed United States
12 forces and allies and partners in Europe;

13 (6) the Department of Defense—

14 (A) should, as a high priority, continue to
15 develop, test, and plan to deploy all four phases
16 of the European Phased Adaptive Approach, in-
17 cluding all variants of the Standard Missile-3
18 interceptor; and

19 (B) should also continue with its other
20 phased and adaptive regional missile defense ef-
21 forts tailored to the Middle East and the Asia-
22 Pacific region;

23 (7) European members of the North Atlantic
24 Treaty Organization are making valuable contribu-
25 tions to missile defense in Europe, by hosting ele-

1 ments of United States missile defense systems on
2 their territories, through individual national con-
3 tributions to missile defense capability, and by col-
4 lective funding and development of the Active Lay-
5 ered Theater Ballistic Missile Defense system; and

6 (8) the Department of Defense should continue
7 with the development of the key enablers of en-
8 hanced regional missile defense, including the Preci-
9 sion Tracking Space System.

10 (c) REPORT.—

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

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

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

1 tion would be available absent the European
2 Phased Adaptive Approach.

3 (B) An assessment whether the European
4 Phased Adaptive Approach and other planned
5 regional missile defense approaches of the
6 United States meet the integrated priorities of
7 the commanders of the regional combatant com-
8 mands in an affordable and balanced manner.

9 (C) A description of the progress made in
10 the development and testing of elements of sys-
11 tems intended for deployment in Phases 2
12 through 4 of the European Phased Adaptive
13 Approach, including the Standard Missile-3
14 Block IB interceptor and the Aegis Ashore sys-
15 tem.

16 (D) A description of the manner in which
17 elements of regional missile defense architec-
18 tures, such as forward-based X-band radars in
19 Turkey and Japan, contribute to the enhance-
20 ment of homeland defense of the United States.

21 (E) A description of the current and
22 planned contributions of North Atlantic Treaty
23 Organization allies, both collectively and indi-
24 vidually, to missile defense in Europe.

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

4 **SEC. 233. MISSILE DEFENSE COOPERATION WITH RUSSIA.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) For more than a decade, the United States
8 and Russia have discussed a variety of options for
9 cooperation on shared early warning and ballistic
10 missile defense. For example, on May 1, 2001,
11 President George W. Bush spoke of a “new coopera-
12 tive relationship” with Russia and said “it should be
13 premised on openness, mutual confidence and real
14 opportunities for cooperation, including the area of
15 missile defense. It should allow us to share informa-
16 tion so that each nation can improve its early warn-
17 ing capability, and its capability to defend its people
18 and territory. And perhaps one day, we can even co-
19 operate in a joint defense”.

20 (2) Section 1231 of the Floyd D. Spence Na-
21 tional Defense Authorization Act for Fiscal Year
22 2001 (as enacted into law by Public Law 106–398;
23 1654A–329) authorized the Department of Defense
24 to establish in Russia a “joint center for the ex-
25 change of data from systems to provide early warn-

1 ing of launches of ballistic missiles and for notifica-
2 tion of launches of such missiles”, also known as the
3 Joint Data Exchange Center (JDEC).

4 (3) On March 31, 2008, Deputy Secretary of
5 Defense Gordon England stated that “we have of-
6 fered Russia a wide-ranging proposal to cooperate
7 on missile defense—everything from modeling and
8 simulation, to data sharing, to joint development of
9 a regional missile defense architecture—all designed
10 to defend the United States, Europe, and Russia
11 from the growing threat of Iranian ballistic missiles.
12 An extraordinary series of transparency measures
13 have also been offered to reassure Russia. Despite
14 some Russian reluctance to sign up to these coopera-
15 tive missile defense activities, we continue to work
16 toward this goal”.

17 (4) On July 6, 2009, President Barack Obama
18 and Russian President Dmitry Medvedev issued a
19 joint statement on missile defense issues, which stat-
20 ed that “Russia and the United States plan to con-
21 tinue the discussion concerning the establishment of
22 cooperation in responding to the challenge of bal-
23 listic missile proliferation. . . We have instructed our
24 experts to work together to analyze the ballistic mis-

1 sile challenges of the 21st century and to prepare
2 appropriate recommendations”.

3 (5) The February 2010 report of the Ballistic
4 Missile Defense Review established as one of its cen-
5 tral policy pillars that increased international missile
6 defense cooperation is in the national security inter-
7 est of the United States and, with regard to coopera-
8 tion with Russia, the United States “is pursuing a
9 broad agenda focused on shared early warning of
10 missile launches, possible technical cooperation, and
11 even operational cooperation”.

12 (6) at the November 2010 Lisbon Summit, the
13 North Atlantic Treaty Organization (NATO) decided
14 to develop a missile defense system to “protect
15 NATO European populations, territory and forces”
16 and also to seek cooperation with Russia on missile
17 defense. In its Lisbon Summit Declaration, the
18 North Atlantic Treaty Organization reaffirmed its
19 readiness to “invite Russia to explore jointly the po-
20 tential for linking current and planned missile
21 defence systems at an appropriate time in mutually
22 beneficial ways”. The new NATO Strategic Concept
23 adopted at the Lisbon Summit states that “we will
24 actively seek cooperation on missile defense with
25 Russia”, that “NATO-Russia cooperation is of stra-

1 tegie importance”, and that “the security of the
2 North Atlantic Treaty Organization and Russia is
3 intertwined”.

4 (7) In a December 18, 2010, letter to the lead-
5 ership of the Senate, President Obama wrote that
6 the North Atlantic Treaty Organization “invited
7 Russia to cooperate on missile defense, which could
8 lead to adding Russian capabilities to those deployed
9 by NATO to enhance our common security against
10 common threats. The Lisbon Summit thus dem-
11 onstrated that the Alliance’s missile defenses can be
12 strengthened by improving NATO-Russian relations.
13 This comes even as we have made clear that the sys-
14 tem we intend to pursue with Russia will not be a
15 joint system, and it will not in any way limit United
16 States’ or NATO’s missile defense capabilities. Ef-
17 fective cooperation with Russia could enhance the
18 overall efficiency of our combined territorial missile
19 defenses, and at the same time provide Russia with
20 greater security”.

21 (8) Section 221(a)(3) of the Ike Skelton Na-
22 tional Defense Authorization Act for Fiscal Year
23 2011 (Public Law 111–383; 124 Stat. 4167) states
24 that it is the sense of Congress “to support the ef-
25 forts of the United States Government and the

1 North Atlantic Treaty Organization to pursue co-
2 operation with the Russian Federation on ballistic
3 missile defense relative to Iranian missile threats”.

4 (9) In a speech in Russia on March 21, 2011,
5 Secretary of Defense Robert Gates cited “the
6 NATO-Russian decision to cooperate on defense
7 against ballistic missiles. We’ve disagreed before,
8 and Russia still has uncertainties about the Euro-
9 pean Phased Adaptive Approach, a limited system
10 that poses no challenges to the large Russian nu-
11 clear arsenal. However, we’ve mutually committed to
12 resolving these difficulties in order to develop a
13 roadmap toward truly effective anti-ballistic missile
14 collaboration. This collaboration may include ex-
15 changing launch information, setting up a joint data
16 fusion center, allowing greater transparency with re-
17 spect to our missile defense plans and exercises, and
18 conducting a joint analysis to determine areas of fu-
19 ture cooperation”.

20 (10) In testimony to the Committee on Armed
21 Services of the Senate on April 13, 2011, Deputy
22 Assistant Secretary of Defense for Nuclear and Mis-
23 sile Defense Policy Bradley H. Roberts stated that
24 the United States has been pursuing a Defense
25 Technology Cooperation Agreement with Russia

1 since 2004, and that such an agreement is necessary
2 “for the safeguarding of sensitive information in
3 support of cooperation” on missile defense, and to
4 “provide the legal framework for undertaking coop-
5 erative efforts”. Further, Dr. Roberts stated that
6 the United States would not provide any classified
7 information to Russia without first conducting a Na-
8 tional Disclosure Policy review. He also stated that
9 the United States is not considering sharing “hit-to-
10 kill” technology with Russia.

11 (11) In a March 2012 answer to a question
12 from the Committee on Armed Services of the Sen-
13 ate on missile defense cooperation with Russia, Act-
14 ing Under Secretary of Defense for Policy Jim Mil-
15 ler wrote that “I support U.S.-Russian cooperation
16 on missile defenses first and foremost because it
17 could improve the effectiveness of U.S. and NATO
18 missile defenses, thereby improving the protection of
19 the United States, our forces overseas, and our Al-
20 lies. Missile defense cooperation with Russia is in
21 the security interests of the United States, NATO,
22 and Russia, first and foremost because it could
23 strengthen capabilities across Europe to intercept
24 Iranian missiles”. He also wrote that “[t]he United
25 States has pursued missile defense cooperation with

1 Russia with the clear understanding that we would
2 not accept constraints on missile defense, and that
3 we would undertake necessary qualitative and quan-
4 titative improvements to meet U.S. Security needs”.

5 (12) In February 2012, an international group
6 of independent experts known as the Euro-Atlantic
7 Security Initiative issued a report proposing missile
8 defense cooperation between the United States (with
9 its North Atlantic Treaty Organization allies) and
10 Russia. The group, whose leaders included Stephen
11 Hadley, the National Security Advisor to President
12 George W. Bush, proposed that the nations share
13 satellite and radar early warning data at joint co-
14 operation centers in order to improve their ability to
15 detect, track, and defeat medium-range and inter-
16 mediate-range ballistic missiles from the Middle
17 East.

18 (13) In a letter dated April 13, 2012, Robert
19 Nabors, Assistant to the President and Director of
20 the Office of Legislative Affairs, wrote that “it is
21 Administration policy that we will only provide infor-
22 mation to Russia that will enhance the effectiveness
23 of our missile defenses. The Administration will not
24 provide Russia with sensitive information that would

1 in any way compromise our national security, includ-
2 ing hit-to-kill technology and interceptor telemetry”.

3 (14) The United States and Russia already en-
4 gage in substantial cooperation on a number of
5 international security efforts, including nuclear non-
6 proliferation, anti-piracy, counter-narcotics, nuclear
7 security, counter-terrorism, and logistics resupply
8 through Russia of coalition forces in Afghanistan.
9 These areas of cooperation require each side to
10 share and protect sensitive information, which they
11 have both done successfully.

12 (15) The United States currently has shared
13 early warning agreements and programs of coopera-
14 tion with eight nations in addition to the North At-
15 lantic Treaty Organization. The United States has
16 developed procedures and mechanisms for sharing
17 early warning information with partner nations while
18 ensuring the protection of sensitive United States in-
19 formation.

20 (16) Russia and the United States each have
21 missile launch early warning and detection and
22 tracking sensors that could contribute to and en-
23 hance each others’ ability to detect, track, and defend
24 against ballistic missile threats from Iran.

1 (17) The Obama Administration has provided
2 regular briefings to Congress on its discussions with
3 Russia on possible missile defense cooperation.

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

6 (1) it is in the national security interest of the
7 United States to pursue efforts at missile defense
8 cooperation with Russia that would enhance the se-
9 curity of the United States, its North Atlantic Trea-
10 ty Organization allies, and Russia, particularly
11 against missile threats from Iran;

12 (2) the United States should pursue ballistic
13 missile defense cooperation with Russia on both a bi-
14 lateral basis and a multilateral basis with its North
15 Atlantic Treaty Organization allies, particularly
16 through the NATO-Russia Council;

17 (3) missile defense cooperation with Russia
18 should not “in any way limit United States’ or
19 NATO’s missile defense capabilities”, as acknowl-
20 edged in the December 18, 2010, letter from Presi-
21 dent Obama to the leadership of the Senate, and
22 should be mutually beneficial and reciprocal in na-
23 ture;

24 (4) the United States should not provide Russia
25 with sensitive missile defense information that would

1 in any way compromise United States national secu-
2 rity, including “hit-to-kill” technology and inter-
3 ceptor telemetry; and

4 (5) the United States should pursue missile de-
5 fense cooperation with Russia in a manner that en-
6 sures that—

7 (A) United States classified information is
8 appropriately safeguarded and protected from
9 unauthorized disclosure;

10 (B) prior to sharing classified information
11 with Russia, the United States conducts a Na-
12 tional Disclosure Policy review and determines
13 the types and levels of information that may be
14 shared and whether any additional procedures
15 are necessary to protect such information;

16 (C) prior to entering into missile defense
17 technology cooperation projects, the United
18 States enters into a Defense Technology Co-
19 operation Agreement with Russia that estab-
20 lishes the legal framework for a broad spectrum
21 of potential cooperative defense projects; and

22 (D) such cooperation does not limit the
23 missile defense capabilities of the United States
24 or its North Atlantic Treaty Organization allies.

1 **SEC. 234. NEXT GENERATION EXO-ATMOSPHERIC KILL VE-**
2 **HICLE.**

3 (a) PLAN FOR NEXT GENERATION KILL VEHICLE.—

4 The Director of the Missile Defense Agency shall develop
5 a long-term plan for the Exo-atmospheric Kill Vehicle
6 (EKV) that addresses both modifications and enhance-
7 ments to the current Exo-atmospheric Kill Vehicle and op-
8 tions for the competitive development of a next generation
9 Exo-atmospheric Kill Vehicle for the Ground-Based Inter-
10 ceptor (GBI) of the Ground-based Midcourse Defense
11 (GMD) system and any other interceptor that might be
12 developed for the defense of the United States against
13 long-range ballistic missiles.

14 (b) DEFINITION OF PARAMETERS AND CAPABILI-
15 TIES.—

16 (1) ASSESSMENT REQUIRED.—The Director
17 shall define the desired technical parameters and
18 performance capabilities for a next generation Exo-
19 atmospheric Kill Vehicle using an assessment con-
20 ducted by the Director for that purpose that is de-
21 signed to ensure that a next generation Exo-atmos-
22 pheric Kill Vehicle design—

23 (A) enables ease of manufacturing, high
24 tolerances to production processes and supply
25 chain variability, and inherent reliability;

1 (B) will be optimized to take advantage of
2 the Ballistic Missile Defense System architec-
3 ture and sensor system capabilities;

4 (C) leverages all relevant kill vehicle devel-
5 opment activities and technologies, including
6 from the current Standard Missile-3 Block IIB
7 (SM-3 IIB) program and the previous Multiple
8 Kill Vehicle technology development program;

9 (D) seeks to maximize, to the greatest ex-
10 tent practicable, commonality between sub-
11 systems of a next generation Exo-atmospheric
12 Kill Vehicle and other exo-atmospheric kill vehi-
13 cle programs; and

14 (E) meets Department of Defense criteria,
15 as established in the February 2010 Ballistic
16 Missile Defense Review, for affordability, reli-
17 ability, suitability, and operational effectiveness
18 to defend against limited attacks from evolving
19 and future threats from long-range missiles.

20 (2) EVALUATION OF PAYLOADS.—The assess-
21 ment required by paragraph (1) shall include an
22 evaluation of the potential benefits and drawbacks of
23 options for both unitary and multiple Exo-atmos-
24 pheric Kill Vehicle payloads.

1 retary of the Army shall submit to the congressional de-
2 fense committees a prioritized plan for support of the
3 long-term requirements in connection with the moderniza-
4 tion of the Patriot air and missile defense system.

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

7 (1) An assessment of the integrated air and
8 missile defense capabilities required to meet the de-
9 mands of evolving and emerging threats.

10 (2) A plan for the introduction of changes to
11 the Patriot air and missile defense system program
12 to achieve reductions in the life-cycle cost of the Pa-
13 triot air and missile defense system.

14 **SEC. 236. MEDIUM EXTENDED AIR DEFENSE SYSTEM.**

15 None of the funds authorized to be appropriated by
16 this Act or otherwise made available for fiscal year 2013
17 for the Department of Defense may be obligated or ex-
18 pended for the Medium Extended Air Defense System
19 (MEADS).

20 **SEC. 237. AVAILABILITY OF FUNDS FOR IRON DOME SHORT-
21 RANGE ROCKET DEFENSE PROGRAM.**

22 Of the amounts authorized to be appropriated for fis-
23 cal year 2013 by section 201 for research, development,
24 test, and evaluation, Defense-wide, and available for the
25 Missile Defense Agency, \$210,000,000 may be provided

1 to the Government of Israel for the Iron Dome short-range
2 rocket defense program as specified in the funding table
3 in section 4201.

4 **SEC. 238. READINESS AND FLEXIBILITY OF INTERCONTI-**
5 **NENTAL BALLISTIC MISSILE FORCE.**

6 The Secretary of Defense may, in a manner con-
7 sistent with the obligations of the United States under
8 international agreements—

9 (1) retain intercontinental ballistic missile
10 launch facilities currently supporting deployed stra-
11 tegic nuclear delivery vehicles within the limit of 800
12 deployed and non-deployed strategic launchers;

13 (2) maintain intercontinental ballistic missiles
14 on alert or operationally deployed status; and

15 (3) preserve intercontinental ballistic missile
16 silos in operational or warm status.

17 **SEC. 239. SENSE OF CONGRESS ON THE SUBMITTAL TO**
18 **CONGRESS OF THE HOMELAND DEFENSE**
19 **HEDGING POLICY AND STRATEGY REPORT OF**
20 **THE SECRETARY OF DEFENSE.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Section 233 of the National Defense Au-
24 thorization Act for Fiscal Year 2012 (Public Law
25 112–81; 125 Stat. 1340) requires a homeland de-

1 fense hedging policy and strategy report from the
2 Secretary of Defense.

3 (2) The report was required to be submitted
4 not later than 75 days after the date of the enact-
5 ment of the National Defense Authorization Act for
6 Fiscal Year 2012, namely by March 16, 2012.

7 (3) The Secretary of Defense has not yet sub-
8 mitted the report as required.

9 (4) In March 2012, General Charles Jacoby,
10 Jr., Commander of the United States Northern
11 Command, the combatant command responsible for
12 operation of the Ground-based Midcourse Defense
13 system to defend the homeland against ballistic mis-
14 sile threats, testified before Congress that “I am
15 confident in my ability to successfully defend the
16 homeland from the current set of limited long-range
17 ballistic missile threats”, and that “[a]gainst current
18 threats from the Middle East, I am confident we are
19 well postured”.

20 (5) Phase 4 of the European Phased Adaptive
21 Approach (EPAA) is intended to augment the cur-
22 rently deployed homeland defense capability of the
23 Ground-based Midcourse Defense system against a
24 potential future Iranian long-range missile threat by

1 deploying an additional layer of forward-deployed
2 interceptors in Europe in the 2020 timeframe.

3 (6) The Director of National Intelligence,
4 James Clapper, has testified to Congress that, al-
5 though the intelligence community does “not know if
6 Iran will eventually decide to build nuclear weap-
7 ons”, it judges “that Iran would likely choose missile
8 delivery as its preferred method of delivering a nu-
9 clear weapon”. He also testified that “Iran already
10 has the largest inventory of ballistic missiles in the
11 Middle East, and it is expanding the scale, reach,
12 and sophistication of its ballistic missile forces,
13 many of which are inherently capable of carrying a
14 nuclear payload”.

15 (7) The 2012 Annual Report to Congress on
16 the Military Power of Iran by the Department of
17 Defense states that, in addition to increasing its
18 missile inventories, “Iran has boosted the lethality
19 and effectiveness of its existing missile systems with
20 accuracy improvements and new submunitions pay-
21 loads”, and that it continues to develop missiles that
22 can strike Israel and Eastern Europe. It also states
23 that “Iran has launched multistage space launch ve-
24 hicles that could serve as a testbed for developing
25 long-range ballistic missiles technologies”, and that

1 “[w]ith sufficient foreign assistance, Iran may be
2 technically capable of flight-testing an interconti-
3 nental ballistic missile by 2015”.

4 (8) Despite the failure of its April 2012 sat-
5 ellite launch attempt, North Korea warned the
6 United States in October 2012 that the United
7 States mainland is within range of its missiles.

8 (9) The threat of limited ballistic missile attack
9 against the United States homeland from countries
10 such as North Korea and Iran is increasing.

11 (b) SENSE OF CONGRESS.—It is the sense of the
12 Congress that—

13 (1) the homeland defense hedging policy and
14 strategy report required by section 233 of the Na-
15 tional Defense Authorization Act for Fiscal Year
16 2012 is necessary to inform Congress on options to
17 protect the United States homeland against the
18 evolving ballistic missile threat, including potential
19 options prior to the deployment of Phase 4 of the
20 European Phased Adaptive Approach to missile de-
21 fense; and

22 (2) the Secretary of Defense should comply
23 with the requirements of section 233 of the National
24 Defense Authorization Act for Fiscal Year 2012 by

1 submitting the homeland defense hedging policy and
2 strategy report to Congress.

3 **Subtitle D—Reports**

4 **SEC. 251. MISSION PACKAGES FOR THE LITTORAL COMBAT** 5 **SHIP.**

6 (a) REPORT REQUIRED.—Not later than March 1,
7 2013, the Secretary of the Navy shall, in consultation with
8 the Director of Operational Test and Evaluation, submit
9 to the congressional defense committees a report on the
10 mine countermeasures warfare (MCM), antisubmarine
11 warfare (ASW), and surface warfare (SUW) Mission
12 Packages for the Littoral Combat Ship.

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

15 (1) A plan for the Mission Packages dem-
16 onstrating that Preliminary Design Review for every
17 capability increment precedes Milestone B or equiva-
18 lent approval for that increment.

19 (2) A plan for demonstrating that the capability
20 increment for each Mission Package, combined with
21 a Littoral Combat Ship, on the basis of a Prelimi-
22 nary Design Review and post-Preliminary Design
23 Review assessment, will achieve the capability speci-
24 fied for that increment.

1 (3) A plan for demonstrating the survivability
2 and lethality of the Littoral Combat Ship with its
3 Mission Packages sufficiently early in the develop-
4 ment phase of the system to minimize costs of con-
5 currency.

6 **SEC. 252. COMPTROLLER GENERAL OF THE UNITED**
7 **STATES ANNUAL REPORTS ON THE ACQUI-**
8 **SITION PROGRAM FOR THE AMPHIBIOUS COM-**
9 **BAT VEHICLE.**

10 (a) ANNUAL GAO REVIEW.—The Comptroller Gen-
11 eral of the United States shall conduct on an annual basis
12 a review of the acquisition program for the Amphibious
13 Combat Vehicle (ACV).

14 (b) ANNUAL REPORTS.—

15 (1) IN GENERAL.—Not later than March 1 of
16 each year beginning in 2013, the Comptroller Gen-
17 eral shall submit to the congressional defense com-
18 mittees a report on the review of the acquisition pro-
19 gram for the Amphibious Combat Vehicle conducted
20 under subsection (a).

21 (2) MATTERS TO BE INCLUDED.—Each report
22 on the review of the acquisition program for the Am-
23 phibious Combat Vehicle shall include, to the extent
24 appropriate and feasible, the following:

1 (A) An assessment of the extent to which
2 the program is meeting development and pro-
3 curement cost, schedule, performance, and risk
4 mitigation goals.

5 (B) With respect to meeting the desired
6 initial operational capability and full operational
7 capability dates for the Amphibious Combat Ve-
8 hicle, an assessment of the progress and results
9 of—

10 (i) developmental and operational test-
11 ing of the vehicle; and

12 (ii) plans for correcting deficiencies in
13 vehicle performance, operational effective-
14 ness, reliability, suitability, and safety.

15 (C) An assessment of procurement plans,
16 production results, and efforts to improve man-
17 ufacturing efficiency and supplier performance
18 in connection with the Amphibious Combat Ve-
19 hicle.

20 (D) An assessment of the acquisition strat-
21 egy for the Amphibious Combat Vehicle, includ-
22 ing whether the strategy complies with acquisi-
23 tion management best-practices and the acquisi-
24 tion policy and regulations of the Department
25 of Defense.

1 (E) A risk assessment of the integrated
2 master schedule and the test and evaluation
3 master plan of the Amphibious Combat Vehicle
4 as it relates to—

5 (i) the probability of success;

6 (ii) the funding required for the vehi-
7 cle in comparison with the funding pro-
8 grammed for the vehicle; and

9 (iii) development and production con-
10 currency.

11 (3) ADDITIONAL INFORMATION IN FIRST RE-
12 PORT.—In submitting to the congressional defense
13 committees the first report under paragraph (1), the
14 Comptroller General shall include, with respect to
15 the Amphibious Combat Vehicle program, an assess-
16 ment of the sufficiency and objectivity of the fol-
17 lowing documents:

18 (A) The analysis of alternatives.

19 (B) The initial capabilities document.

20 (C) The capability development document.

21 (4) INFORMATION IN SUBSEQUENT REPORTS.—

22 (A) CERTAIN INFORMATION REQUIRED
23 ONLY FOLLOWING SIGNIFICANT CHANGES.—A
24 report under this subsection after the first re-
25 port under paragraph (1) shall address the

1 matters identified in subparagraphs (C), (D),
2 and (E) of paragraph (2) only to the extent
3 that the Comptroller General determines that
4 there have been significant changes to the ap-
5 plicable plans, strategies, or schedules since the
6 last report under this subsection addressing
7 such matters.

8 (B) ADDITIONAL INFORMATION AFTER AP-
9 PROVAL OR CHANGE OF DOCUMENTS.—If any
10 document specified in paragraph (3) is ap-
11 proved or changed after the first report under
12 paragraph (1), the Comptroller General shall
13 provide an assessment of the sufficiency and ob-
14 jectivity of that document in the report to the
15 congressional defense committees under para-
16 graph (1) submitted immediately following such
17 approval or change.

18 (5) TERMINATION.—No report is required
19 under this subsection after the first report following
20 the award of a contract for full rate production of
21 the Amphibious Combat Vehicle.

1 **SEC. 253. CONDITIONAL REQUIREMENT FOR REPORT ON**
2 **AMPHIBIOUS ASSAULT VEHICLES FOR THE**
3 **MARINE CORPS.**

4 (a) IN GENERAL.—If the ongoing Marine Corps
5 ground combat vehicle fleet mix study recommends the ac-
6 quisition of a separate Marine Personnel Carrier, the Sec-
7 retary of the Navy and the Commandant of the Marine
8 Corps shall jointly submit to the congressional defense
9 committees a report that includes the following:

10 (1) A detailed description of the capability gaps
11 that Marine Personnel Carriers are intended to miti-
12 gate and the capabilities that the Marine Personnel
13 Carrier will be required to have to mitigate such
14 gaps, and an assessment whether, and to what ex-
15 tent, Amphibious Combat Vehicles could mitigate
16 such gaps.

17 (2) A detailed explanation of the role of the
18 Marine Personnel Carriers in fulfilling the forcible
19 entry requirement for the two Marine Expeditionary
20 Brigades (MEBs) that make up the assault echelons
21 of the three Marine Expeditionary Brigade force re-
22 quired to meet applicable war plans of the combat-
23 ant commands.

24 (3) A description of the fraction of the assault
25 echelon of the brigades referred to in paragraph (2)

1 that would be comprised of Marine Personnel Car-
2 riers.

3 (4) An assessment of the direct operational risk
4 associated with using ship-to-shore connectors to de-
5 liver Marine Personnel Carriers to shore in an am-
6 phibious assault.

7 (5) An assessment of the indirect operational
8 risk associated with using ship-to-shore connectors
9 to deliver Marine Personnel Carriers rather than
10 tanks and artillery and other tactical vehicles.

11 (6) A comparative estimate of the acquisition
12 and life-cycle costs of a split fleet of Amphibious
13 Combat Vehicles and Marine Personnel Carriers
14 with the acquisition and life-cycle costs of a pure
15 fleet of Amphibious Combat Vehicles.

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

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

22 (2) February 1, 2013.

1 **Subtitle E—Other Matters**

2 **SEC. 271. TRANSFER OF ADMINISTRATION OF OCEAN RE-**
3 **SEARCH AND RESOURCES ADVISORY PANEL**
4 **FROM DEPARTMENT OF THE NAVY TO NA-**
5 **TIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
6 **ISTRATION.**

7 (a) IN GENERAL.—Subsection (a) of section 7903 of
8 title 10, United States Code, is amended—

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

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

13 (B) by inserting “and Resources” after
14 “Ocean Research”;

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

17 (D) by striking “chairman” and inserting
18 “Administrator, on behalf of the Council”;

19 (2) in paragraph (1), by striking “National
20 Academy of Science” and inserting “National Acad-
21 emies of Science”;

22 (3) by striking paragraphs (2) and (3); and

23 (4) by redesignating paragraphs (4) and (5) as
24 paragraphs (2) and (3), respectively.

1 (b) RESPONSIBILITIES OF PANEL.—Subsection (b) of
2 such section is amended—

3 (1) by inserting “, through the Administrator of
4 the National Oceanic and Atmospheric Administra-
5 tion,” after “The Council”;

6 (2) by striking paragraph (2);

7 (3) by redesignating paragraphs (3) and (4) as
8 paragraphs (4) and (5), respectively; and

9 (4) by inserting after paragraph (1) the fol-
10 lowing new paragraphs (2) and (3):

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

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

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

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

24 (e) CLERICAL AMENDMENTS.—

1 (1) HEADING AMENDMENT.—The heading of
2 section 7903 of such title is amended to read as fol-
3 lows:

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

6 (2) TABLE OF SECTIONS.—The table of sections
7 at the beginning of chapter 665 of such title is
8 amended by striking the item relating to section
9 7903 and inserting the following new item:

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

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

15 **SEC. 272. SENSE OF SENATE ON INCREASING THE COST-EF-**
16 **FECTION OF TRAINING EXERCISES FOR**
17 **MEMBERS OF THE ARMED FORCES.**

18 It is the sense of the Senate that—

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

22 (2) while increased modeling and simulation has
23 reduced overall costs of training of members of the
24 Armed Forces, there are still significant costs associ-
25 ated with the human resources required to execute

1 certain training exercises where role-playing actors
2 for certain characters such as opposing forces, the
3 civilian populace, other government agencies, and
4 non-governmental organizations are required;

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

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

18 **TITLE III—OPERATION AND**
19 **MAINTENANCE**
20 **Subtitle A—Authorization of**
21 **Appropriations**

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

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 operation and
2 maintenance, as specified in the funding table in section
3 4301.

4 **Subtitle B—Energy and** 5 **Environmental Provisions**

6 **SEC. 311. DEPARTMENT OF DEFENSE GUIDANCE ON ENVI-** 7 **RONMENTAL EXPOSURES AT MILITARY IN-** 8 **STALLATIONS.**

9 (a) **GUIDANCE.**—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary of Defense
11 shall issue to the appropriate military departments and
12 other defense agencies written guidance on environmental
13 exposures at military installations. The guidance shall—

14 (1) set forth criteria for when and under what
15 circumstances public health assessments by the
16 Agency for Toxic Substances and Disease Registry
17 shall be requested in connection with environmental
18 contamination at military installations, including
19 past incidents of environmental contamination;

20 (2) establish procedures for tracking and docu-
21 menting the status and nature of responses to the
22 findings and recommendations of the public health
23 assessments of the Agency of Toxic Substances and
24 Disease Registry that involve contamination at mili-
25 tary installations; and

1 (3) prescribe appropriate actions with respect to
2 the identification of military and civilian individuals
3 who may have been exposed to contamination while
4 living or working on military installations.

5 (b) REPORT.—Not later than 30 days after issuing
6 the guidance required under subsection (a), the Secretary
7 of Defense shall transmit a copy of the guidance to the
8 congressional defense committees.

9 **SEC. 312. FUNDING OF AGREEMENTS UNDER THE SIKES**
10 **ACT.**

11 Section 103a of the Sikes Act (16 U.S.C. 670e-1)
12 is amended—

13 (1) in subsection (b)—

14 (A) by inserting “(1)” before “Funds”;

15 and

16 (B) by adding at the end the following new
17 paragraph:

18 “(2) In the case of a cooperative agreement under
19 subsection (a)(2), such funds—

20 “(A) may be paid in a lump sum and include
21 an amount intended to cover the future costs of the
22 natural resource maintenance and improvement ac-
23 tivities provided for under the agreement; and

1 “(B) may be placed by the recipient in an inter-
2 est-bearing account, and any interest shall be ap-
3 plied for the same purposes as the principal.”; and

4 (2) by amending subsection (c) to read as fol-
5 lows:

6 “(c) AVAILABILITY OF FUNDS; AGREEMENT UNDER
7 OTHER LAWS.—(1) Cooperative agreements and inter-
8 agency agreements entered into under this section shall
9 be subject to the availability of funds.

10 “(2) Notwithstanding chapter 63 of title 31, a coop-
11 erative agreement under this section may be used to ac-
12 quire property or services for the direct benefit or use of
13 the United States Government.”.

14 **SEC. 313. REPORT ON PROPERTY DISPOSALS AND ADDI-**
15 **TIONAL AUTHORITIES TO ASSIST LOCAL**
16 **COMMUNITIES AROUND CLOSED MILITARY**
17 **INSTALLATIONS.**

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 the disposition of any not yet completed closure
22 of an active duty military installation since 1988 in the
23 United States that was not subject to the property dis-
24 posal provisions contained in the Defense Base Closure

1 and Realignment Act of 1990 (part A of title XXIX of
2 Public Law 101–510; 10 U.S.C. 2687 note).

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

5 (1) The status of property described in sub-
6 section (a) that is yet to be disposed of.

7 (2) An assessment of the environmental condi-
8 tions of, and plans and costs for environmental re-
9 mediation for, each such property.

10 (3) The anticipated schedule for the completion
11 of the disposal of each such property.

12 (4) An estimate of the costs, and a description
13 of additional potential future financial liability or
14 other impacts on the Department of Defense, if the
15 authorities provided by Congress for military instal-
16 lations closed under defense base closure and re-
17 alignment (BRAC) are extended to military installa-
18 tions closed outside the defense base closure and re-
19 alignment process and for which property has yet to
20 be disposed.

21 (5) Such recommendations as the Secretary
22 considers appropriate for additional authorities to
23 assist the Department in expediting the disposal of
24 property at closed military installations in order to

1 facilitate economic redevelopment for local commu-
2 nities.

3 (c) **MILITARY INSTALLATION DEFINED.**—In this sec-
4 tion, the term “military installation” means a base, camp,
5 post, station, yard, center, homeport facility for any ship,
6 or other activity under the jurisdiction of the Department
7 of Defense, which is located within any of the several
8 States, the District of Columbia, the Commonwealth of
9 Puerto Rico, American Samoa, the Virgin Islands, the
10 Commonwealth of the Northern Mariana Islands, or
11 Guam.

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

14 **SEC. 321. REPEAL OF CERTAIN PROVISIONS RELATING TO** 15 **DEPOT-LEVEL MAINTENANCE.**

16 (a) **REPEAL.**—

17 (1) Section 2460 of title 10, United States
18 Code (as amended by section 321 of the National
19 Defense Authorization Act for Fiscal Year 2012
20 (Public Law 112–81)), is repealed.

21 (2) Section 2464 of title 10, United States
22 Code (as amended by section 327 of the National
23 Defense Authorization Act for Fiscal Year 2012), is
24 repealed.

25 (b) **REVIVAL OF SUPERSEDED PROVISIONS.**—

1 (1) The provisions of section 2460 of title 10,
2 United States Code, as in effect on December 30,
3 2011 (the day before the date of the enactment of
4 the National Defense Authorization Act for Fiscal
5 Year 2012), are hereby revived.

6 (2)(A) The provisions of section 2464 of 10,
7 United States Code, as in effect on that date, are
8 hereby revived.

9 (B) The table of sections at the beginning of
10 chapter 146 of such title is amended by striking the
11 item relating to section 2464 and inserting the fol-
12 lowing new item:

“2464. Core logistics capabilities.”.

13 (c) CONFORMING AMENDMENTS.—

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

18 (2) Section 2366b(A)(3)(F) of title 10, United
19 States Code, is amended by striking “core depot-
20 level maintenance and repair capabilities, as well as
21 the associated logistics capabilities” and inserting
22 “core logistics capabilities”.

23 (3) Section 801(c) of the National Defense Au-
24 thorization Act for Fiscal Year 2012 (125 Stat.
25 1483; 10 U.S.C. 2366a note) is amended by striking

1 “core depot-level maintenance and repair capabili-
2 ties, as well as the associated logistics capabilities”
3 and inserting “core logistics capabilities”.

4 (d) EFFECTIVE DATE.—This section and the amend-
5 ments made by this section shall take effect on December
6 31, 2011, the date of the enactment of the National De-
7 fense Authorization Act for Fiscal Year 2012, immediately
8 after the enactment of that Act.

9 **SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTI-**
10 **TRADES DEMONSTRATION PROJECT.**

11 (a) EXPANSION.—Section 338 of the National De-
12 fense Authorization Act for Fiscal Year 2004 (10 U.S.C.
13 5013 note) is amended—

14 (1) by striking subsection (a) and inserting the
15 following new subsection:

16 “(a) DEMONSTRATION PROJECT AUTHORIZED.—In
17 accordance with section 4703 of title 5, United States
18 Code, the Secretary of a military department may carry
19 out a demonstration project at facilities described in sub-
20 section (b) under which workers who are certified at the
21 journey level as able to perform multiple trades shall be
22 promoted by one grade level.”; and

23 (2) in subsection (b), by striking “Logistics
24 Center, Navy Fleet Readiness Center,” and inserting

1 “Logistics Complex, Navy Fleet Readiness Center,
2 Navy shipyard, Marine Corps Logistics Base,”.

3 (b) REAUTHORIZATION.—Such section is further
4 amended—

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

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

9 **SEC. 323. RATING CHAINS FOR SYSTEM PROGRAM MAN-**
10 **AGERS.**

11 The Secretary of the Air Force, in managing system
12 program management responsibilities for sustainment pro-
13 grams not assigned to a program executive officer or a
14 direct reporting program manager, shall comply with the
15 Department of Defense Instructions regarding assignment
16 of program responsibility.

17 **Subtitle D—Reports**

18 **SEC. 331. ANNUAL REPORT ON DEPARTMENT OF DEFENSE**
19 **LONG-TERM CORROSION STRATEGY.**

20 Section 2228(e) of title 10, United States Code, is
21 amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (B), by inserting “,
24 including available validated data on return on

1 investment for completed corrosion projects and
2 activities” after “the strategy”;

3 (B) in subparagraph (E), by striking “For
4 the fiscal year covered by the report and the
5 preceding fiscal year” and inserting “For the
6 preceding fiscal year covered by the report”;
7 and

8 (C) by inserting at the end the following
9 new subparagraph:

10 “(F) For the preceding fiscal year covered by
11 the report, a breakdown of the amount of funds used
12 for military corrosion projects, the Technical Corro-
13 sion Collaboration pilot program, and other corro-
14 sion-related activities.”;

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

16 (3) by redesignating paragraph (3) as para-
17 graph (2).

18 **SEC. 332. MODIFIED DEADLINE FOR COMPTROLLER GEN-**
19 **ERAL REVIEW OF ANNUAL REPORT ON**
20 **PREPOSITIONED MATERIEL AND EQUIP-**
21 **MENT.**

22 Section 2229a(b) of title 10, United States Code, is
23 amended by striking “By not later than 120 days after
24 the date on which a report is submitted under subsection
25 (a), the Comptroller General shall review the report” and

1 inserting “The Comptroller General shall review the report
2 submitted under subsection (a)”.

3 **Subtitle E—Other Matters**

4 **SEC. 341. SAVINGS TO BE ACHIEVED IN CIVILIAN WORK-**
5 **FORCE AND CONTRACTOR EMPLOYEE WORK-**
6 **FORCE OF THE DEPARTMENT OF DEFENSE.**

7 (a) **REQUIRED SAVINGS.**—Commencing not later
8 than 90 days after the date of the enactment of this Act,
9 the Secretary of Defense shall begin the implementation
10 of an efficiencies plan for the civilian workforce and the
11 service contractor workforce of the Department of Defense
12 which shall achieve savings in the funding for each such
13 workforce over the period from fiscal year 2012 through
14 fiscal year 2017 that are not less, as a percentage of such
15 funding, than the savings in funding for military personnel
16 achieved by the planned reduction in military end
17 strengths over the same period of time.

18 (b) **EXCLUSIONS.**—The funding reduction required
19 by subsection (a) shall not include funding for the fol-
20 lowing:

21 (1) Civilian personnel expenses for personnel as
22 follows:

23 (A) Personnel in Mission Critical Occupa-
24 tions, as defined by the Civilian Human Capital
25 Strategic Plan of the Department of Defense

1 and the Acquisition Workforce Plan of the De-
2 partment of Defense.

3 (B) Personnel employed at facilities pro-
4 viding core logistics capabilities pursuant to
5 section 2464 of title 10, United States Code.

6 (C) Personnel in the Offices of the Inspec-
7 tors General of the Department of Defense.

8 (2) Service contractor expenses for personnel as
9 follows:

10 (A) Personnel performing maintenance and
11 repair of military equipment.

12 (B) Personnel providing medical services.

13 (C) Personnel performing financial audit
14 services.

15 (3) Personnel expenses for personnel in the ci-
16 vilian personnel or service contractor workforce per-
17 forming such other critical functions as may be iden-
18 tified by the Secretary as requiring exemption in the
19 interest of the national defense.

20 (c) REPORTS.—

21 (1) INITIAL REPORT.—Not later than 120 days
22 after the date of the enactment of this Act, the Sec-
23 retary shall submit to the congressional defense com-
24 mittees a report including a comprehensive descrip-
25 tion of the plan required by subsection (a).

1 (2) STATUS REPORTS.—Not later than 60 days
2 after the end of each fiscal year from fiscal year
3 2013 through fiscal year 2017, the Secretary shall
4 submit to the congressional defense committees a re-
5 port describing the implementation of the plan dur-
6 ing the prior fiscal year. Each such report shall in-
7 clude a direct comparison of the savings achieved
8 under the plan to the savings achieved in the same
9 fiscal year through reductions in military end
10 strengths. In any case in which savings fall short of
11 the annual target, the report shall include an expla-
12 nation of the reasons for such shortfall.

13 (3) EXEMPTIONS.—Each report under para-
14 graphs (1) and (2) shall specifically identify any ex-
15 emption granted by the Secretary under subsection
16 (b)(3) in the period of time covered by the report.

17 (d) LIMITATION ON TRANSFERS OF FUNCTIONS.—
18 The Secretary shall ensure that the savings required by
19 this section are not achieved through unjustified transfers
20 of functions between or among the military, civilian, and
21 service contractor workforces of the Department of De-
22 fense.

23 (e) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that an amount equal to 30 percent of the amount
25 of the reductions in appropriated funds attributable to re-

1 duced budgets for the civilian and service contractor
2 workforces of the Department by reason of the plan re-
3 quired by subsection (a) should be made available for costs
4 of assisting military personnel separated from the Armed
5 Forces in the transition from military service.

6 (f) SERVICE CONTRACTOR WORKFORCE DEFINED.—
7 In this section, the term “service contractor workforce”
8 means contractor employees performing contract services,
9 as defined in section 2330(c)(2) of title 10, United States
10 Code, other than contract services that are funded out of
11 amounts available for overseas contingency operations.

12 **SEC. 342. NATO SPECIAL OPERATIONS HEADQUARTERS.**

13 (a) IN GENERAL.—Chapter 138 of title 10, United
14 States Code, is amended by adding at the end the fol-
15 lowing new section:

16 **“§ 2350n. NATO Special Operations Headquarters**

17 “(a) AUTHORIZATION.—Of the amounts authorized
18 to be appropriated for fiscal year 2013 and for subsequent
19 fiscal years for the Department of Defense for operation
20 and maintenance, up to \$50,000,000 may be used for a
21 fiscal year for the purposes set forth in subsection (b) for
22 support of operations of the North Atlantic Treaty Orga-
23 nization (NATO) Special Operations Headquarters.

1 “(b) PURPOSES.—The Secretary of Defense may pro-
2 vide funds for the NATO Special Operations Head-
3 quarters—

4 “(1) to improve coordination and cooperation
5 between the special operations forces of NATO
6 member countries;

7 “(2) to facilitate joint operations by special op-
8 erations forces of NATO member countries;

9 “(3) to support command, control, and commu-
10 nications capabilities peculiar to special operations
11 forces of NATO member countries;

12 “(4) to promote special operations forces intel-
13 ligence and informational requirements within the
14 NATO structure; and

15 “(5) to promote interoperability through the de-
16 velopment of common equipment standards, tactics,
17 techniques, and procedures, and through execution
18 of multinational education and training programs.

19 “(c) ANNUAL REPORT.—Not later than April 1 of
20 each year, the Secretary of Defense shall submit to the
21 congressional defense committees a report regarding De-
22 partment of Defense support for the NATO Special Oper-
23 ations Headquarters. Each report shall include the fol-
24 lowing:

1 “(1) The total amount of funding provided to
2 the NATO Special Operations Headquarters.

3 “(2) A summary of the activities funded with
4 such support.

5 “(3) Other contributions, financial or in kind,
6 provided in support of the NATO Special Operations
7 Headquarters by other NATO member countries.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by inserting
10 after the item relating to section 2350m the following new
11 item:

“2350n. NATO Special Operations Headquarters.”.

12 **SEC. 343. REPEAL OF REDUNDANT AUTHORITY TO ENSURE**
13 **INTEROPERABILITY OF LAW ENFORCEMENT**
14 **AND EMERGENCY RESPONDER TRAINING.**

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

17 (1) by striking “(a) IN GENERAL.—”; and

18 (2) by striking subsection (b).

19 **SEC. 344. SENSE OF THE CONGRESS ON NAVY FLEET RE-**
20 **QUIREMENTS.**

21 It is the sense of Congress that—

22 (1) The Secretary of the Navy, in supporting
23 the operational requirements of the combatant com-
24 mands, should maintain in the operational capability

1 of and perform the necessary maintenance on each
2 cruiser and dock landing ship belonging to the Navy;

3 (2) for retirements of ships owned by the Navy
4 prior to their projected end of service life, the Chief
5 of Naval Operations must explain to the Congres-
6 sional Defense Committees how the retention of each
7 ship would degrade the overall readiness of the fleet
8 and endanger United States National Security and
9 the objectives of the combatant commanders; and

10 (3) revitalizing the Navy's 30-year shipbuilding
11 plan should be a national priority, and a commensu-
12 rate amount of increased funding should be provided
13 to the Navy in the Future Years Defense Program
14 to help close the gap between requirements and the
15 current size of the fleet.

16 **TITLE IV—MILITARY**
17 **PERSONNEL AUTHORIZATIONS**
18 **Subtitle A—Active Forces**

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

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

- 22 (1) The Army, 552,100.
23 (2) The Navy, 322,700.
24 (3) The Marine Corps, 197,300.
25 (4) The Air Force, 329,597.

1 **SEC. 402. ADDITIONAL MARINE CORPS PERSONNEL FOR**
2 **THE MARINE CORPS SECURITY GUARD PRO-**
3 **GRAM.**

4 (a) **ADDITIONAL PERSONNEL.**—

5 (1) **IN GENERAL.**—The Secretary of Defense
6 shall develop and implement a plan which shall in-
7 crease the number of Marine Corps personnel as-
8 signed to the Marine Corps Embassy Security Group
9 at Quantico, Virginia, and Marine Security Group
10 Regional Commands and Marine Security Group de-
11 tachments at United States missions around the
12 world by up to 1,000 Marines during fiscal years
13 2014 through 2017.

14 (2) **PURPOSE.**—The purpose of the increase
15 under paragraph (1) shall be to provide the end
16 strength and resources necessary to support an in-
17 crease in Marine Corps security at United States
18 consulates and embassies throughout the world, and
19 in particular at locations identified by the Secretary
20 of State as in need of increased security in light of
21 threats to United States personnel and property by
22 terrorists.

23 (b) **CONSULTATION.**—The Secretary of Defense shall
24 develop and implement the plan required by subsection (a)
25 in consultation with the Secretary of State pursuant to
26 the responsibility of the Secretary of State for diplomatic

1 security under section 103 of the Diplomatic Security Act
2 (22 U.S.C. 4802), and in accordance with any current
3 memorandum of understanding between the Department
4 of State and the Marine Corps on the operational and ad-
5 ministrative supervision of the Marine Corps Security
6 Guard Program.

7 (c) FUNDING.—

8 (1) BUDGET REQUESTS.—The budget of the
9 President for each fiscal year after fiscal year 2013,
10 as submitted to Congress pursuant to section
11 1105(a) of title 31, United States Code, shall set
12 forth as separate line elements, under the amounts
13 requested for such fiscal year for each of procure-
14 ment, operation and maintenance, and military per-
15 sonnel to fully fund each of the following:

16 (A) The Marine Corps.

17 (B) The Marine Corps Security Guard
18 Program, including for the additional personnel
19 under the Marine Corps Security Guard Pro-
20 gram as result of the plan required by sub-
21 section (a).

22 (2) PRESERVATION OF FUNDING FOR USMC
23 UNDER NATIONAL MILITARY STRATEGY.—In deter-
24 mining the amounts to be requested for a fiscal year
25 for the Marine Corps Security Guard Program and

1 for additional personnel under the Marine Corps Se-
2 curity Guard Program under paragraph (1), the
3 President shall ensure that amounts requested for
4 the Marine Corps for that fiscal year do not degrade
5 the readiness of the Marine Corps to fulfill the re-
6 quirements of the National Military Strategy.

7 (d) REPORTS.—

8 (1) REPORTS ON PROGRAM.—Not later than
9 October 1, 2014, and annually thereafter through
10 October 1, 2017, the Secretary of Defense shall, in
11 coordination with the Secretary of State, submit to
12 Congress a report on the Marine Corps Security
13 Guard Program. Each report shall include the fol-
14 lowing:

15 (A) A description of the expanded security
16 support provided by Marine Corps Security
17 Guards to the Department of State during the
18 fiscal year ending on the date of such report,
19 including—

20 (i) any increased internal security pro-
21 vided at United States embassies and con-
22 sulates throughout the world;

23 (ii) any increased support for emer-
24 gency action planning, training, and advis-
25 ing of host nation security forces; and

1 (iii) any expansion of intelligence col-
2 lection activities.

3 (B) A description of the current status of
4 Marine Corps personnel assigned to the Pro-
5 gram as a result of the plan required by sub-
6 section (a).

7 (C) A description of the Department of
8 Defense resources required in the fiscal year
9 ending on the date of such report to support
10 the Marine Corps Security Guard program, in-
11 cluding total end strength and key supporting
12 programs that enable both its current and ex-
13 panded mission during such fiscal year.

14 (D) A reassessment of the mission of the
15 Program, as well as procedural rules of engage-
16 ment under the Program, in light of current
17 and emerging threats to United States diplo-
18 matic personnel, and a description and assess-
19 ment of options to improve the Program to re-
20 spond to such threats.

21 (E) An assessment of the feasibility and
22 advisability of authorizing, funding, and admin-
23 istering the Program as a separate program
24 within the Marine Corps, and if such actions
25 are determined to be feasible and advisable, rec-

1 ommendations for legislative and administrative
2 actions to provide for authorizing, funding, and
3 administering the Program as a separate pro-
4 gram within the Marine Corps.

5 (2) REPORT ON CHANGES IN SCOPE OF PRO-
6 GRAM IN RESPONSE TO CHANGING THREATS.—If the
7 President determines that a modification (whether
8 an increase or a decrease) in the scope of the Marine
9 Corps Security Guard Program is necessary or ad-
10 visable in light of any change in the nature of
11 threats to United States embassies, consulates and
12 other diplomatic facilities abroad, the President
13 shall—

14 (A) notify Congress of such modification
15 and the change in the nature of threats prompt-
16 ing such modification; and

17 (B) take such modification into account in
18 requesting an end strength and funds for the
19 Program for any fiscal year in which such
20 modification is in effect.

21 **Subtitle B—Reserve Forces**

22 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

23 (a) IN GENERAL.—The Armed Forces are authorized
24 strengths for Selected Reserve personnel of the reserve
25 components as of September 30, 2013, as follows:

1 (1) The Army National Guard of the United
2 States, 358,200.

3 (2) The Army Reserve, 205,000.

4 (3) The Navy Reserve, 62,500.

5 (4) The Marine Corps Reserve, 39,600.

6 (5) The Air National Guard of the United
7 States, 106,435.

8 (6) The Air Force Reserve, 72,428.

9 (7) The Coast Guard Reserve, 9,000.

10 (b) END STRENGTH REDUCTIONS.—The end
11 strengths prescribed by subsection (a) for the Selected Re-
12 serve of any reserve component shall be proportionately
13 reduced by—

14 (1) the total authorized strength of units orga-
15 nized to serve as units of the Selected Reserve of
16 such component which are on active duty (other
17 than for training) at the end of the fiscal year; and

18 (2) the total number of individual members not
19 in units organized to serve as units of the Selected
20 Reserve of such component who are on active duty
21 (other than for training or for unsatisfactory partici-
22 pation in training) without their consent at the end
23 of the fiscal year.

24 (c) END STRENGTH INCREASES.—Whenever units or
25 individual members of the Selected Reserve of any reserve

1 component are released from active duty during any fiscal
2 year, the end strength prescribed for such fiscal year for
3 the Selected Reserve of such reserve component shall be
4 increased proportionately by the total authorized strengths
5 of such units and by the total number of such individual
6 members.

7 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
8 **DUTY IN SUPPORT OF THE RESERVES.**

9 Within the end strengths prescribed in section
10 411(a), the reserve components of the Armed Forces are
11 authorized, as of September 30, 2013, the following num-
12 ber of Reserves to be serving on full-time active duty or
13 full-time duty, in the case of members of the National
14 Guard, for the purpose of organizing, administering, re-
15 cruiting, instructing, or training the reserve components:

16 (1) The Army National Guard of the United
17 States, 32,060.

18 (2) The Army Reserve, 16,277.

19 (3) The Navy Reserve, 10,114.

20 (4) The Marine Corps Reserve, 2,261.

21 (5) The Air National Guard of the United
22 States, 14,871.

23 (6) The Air Force Reserve, 2,888.

1 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
2 **(DUAL STATUS).**

3 The minimum number of military technicians (dual
4 status) as of the last day of fiscal year 2013 for the re-
5 serve components of the Army and the Air Force (notwith-
6 standing section 129 of title 10, United States Code) shall
7 be the following:

- 8 (1) For the Army Reserve, 8,445.
9 (2) For the Army National Guard of the United
10 States, 28,380.
11 (3) For the Air Force Reserve, 10,716.
12 (4) For the Air National Guard of the United
13 States, 22,313.

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

16 (a) LIMITATIONS.—

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

22 (A) For the Army National Guard of the
23 United States, 1,600.

24 (B) For the Air National Guard of the
25 United States, 350.

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

4 (3) AIR FORCE RESERVE.—The number of non-
5 dual status technicians employed by the Air Force
6 Reserve as of September 30, 2013, may not exceed
7 90.

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

12 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
13 **THORIZED TO BE ON ACTIVE DUTY FOR**
14 **OPERATIONAL SUPPORT.**

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

20 (1) The Army National Guard of the United
21 States, 17,000.

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

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

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

1 (5) The Air National Guard of the United
2 States, 16,000.

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

4 **Subtitle C—Authorization of**
5 **Appropriations**

6 **SEC. 421. MILITARY PERSONNEL.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
8 are hereby authorized to be appropriated for fiscal year
9 2013 for the use of the Armed Forces and other activities
10 and agencies of the Department of Defense for expenses,
11 not otherwise provided for, for military personnel, as spec-
12 ified in the funding table in section 4401.

13 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
14 thorization of appropriations in subsection (a) supersedes
15 any other authorization of appropriations (definite or in-
16 definite) for such purpose for fiscal year 2013.

17 **TITLE V—MILITARY PERSONNEL**
18 **POLICY**

19 **Subtitle A—Officer Policy**

20 **SEC. 501. EXTENSION OF RELAXATION OF LIMITATION ON**
21 **SELECTIVE EARLY DISCHARGES.**

22 Section 638a(d)(2) of title 10 United States Code,
23 is amended in subparagraphs (A) and (B) by striking “ex-
24 cept that during the period beginning on October 1, 2006,

1 and ending on December 31, 2012,” and inserting “except
2 that through December 31, 2018,”.

3 **SEC. 502. EXCEPTION TO 30-YEAR RETIREMENT FOR REG-**
4 **ULAR NAVY WARRANT OFFICERS IN THE**
5 **GRADE OF CHIEF WARRANT OFFICER, W-5.**

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

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

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

14 (b) MODIFICATION OF STATUTORY RETIREMENT
15 FROM 30 TO 33 YEARS.—Such section is further amended
16 by adding at the end the following new paragraph:

17 “(3) In the case of a regular Navy warrant officer
18 in the grade of chief warrant officer, W-5, the officer shall
19 be retired 60 days after the date on which the officer com-
20 pletes 33 years of total active service.”.

1 **SEC. 503. MODIFICATION OF DEFINITION OF JOINT DUTY**
 2 **ASSIGNMENT TO INCLUDE ALL INSTRUCTOR**
 3 **ASSIGNMENTS FOR JOINT TRAINING AND**
 4 **EDUCATION.**

5 Section 668(b)(1)(B) of title 10, United States Code,
 6 is amended by striking “assignments for joint” and all
 7 that follows through “Phase II” and inserting “student
 8 assignments for joint training and education”.

9 **SEC. 504. SENSE OF SENATE ON INCLUSION OF ASSIGN-**
 10 **MENTS AS ACADEMIC INSTRUCTOR AT THE**
 11 **MILITARY SERVICE ACADEMIES AS JOINT**
 12 **DUTY ASSIGNMENTS.**

13 It is the sense of the Senate that the Secretary of
 14 Defense should include assignments in which military offi-
 15 cers are assigned as instructors responsible for preparing
 16 and presenting academic courses on the faculty of the
 17 United States Military Academy, the United States Naval
 18 Academy, or the United States Air Force Academy as
 19 joint duty assignments.

20 **Subtitle B—Reserve Component**
 21 **Management**

22 **SEC. 511. AUTHORITY FOR APPOINTMENT OF PERSONS**
 23 **WHO ARE LAWFUL PERMANENT RESIDENTS**
 24 **AS OFFICERS OF THE NATIONAL GUARD.**

25 Section 313(b)(1) of title 32, United States Code, is
 26 amended by inserting “or an alien lawfully admitted for

1 permanent residence (as that term is defined in section
2 101(a)(20) of the Immigration and Nationality Act (8
3 U.S.C.1101(a)(20))” before the semicolon.

4 **SEC. 512. RESERVE COMPONENT SUICIDE PREVENTION**
5 **AND RESILIENCE PROGRAM.**

6 (a) CODIFICATION, TRANSFER OF RESPONSIBILITY,
7 AND EXTENSION.—

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

11 **“§ 10219. Suicide prevention and resilience program**

12 “(a) PROGRAM REQUIREMENT.—The Secretary of
13 Defense shall carry out a program to provide members of
14 the National Guard and Reserves and their families with
15 training in suicide prevention, resilience, and community
16 healing and response to suicide.

17 “(b) SUICIDE PREVENTION TRAINING.—Under the
18 program, the Secretary shall provide members of the Na-
19 tional Guard and Reserves with training in suicide preven-
20 tion. Such training may include—

21 “(1) describing the warning signs for suicide
22 and teaching effective strategies for prevention and
23 intervention;

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

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

4 “(c) COMMUNITY RESPONSE TRAINING.—Under the
5 program, the Secretary shall provide the families and com-
6 munities of members of the National Guard and Reserves
7 with training in responses to suicide that promote indi-
8 vidual and community healing. Such training may in-
9 clude—

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

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

16 “(3) addressing the impact of suicide on the
17 military and the larger community, and the in-
18 creased risk that can result; and

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

24 “(d) COMMUNITY TRAINING ASSISTANCE.—The pro-
25 gram shall include the provision of assistance with such

1 training to the local communities of those servicemembers
 2 and families, to be provided in coordination with local
 3 community programs.

4 “(e) COLLABORATION.—In carrying out the program,
 5 the Secretary shall collect and analyze ‘lessons learned’
 6 and suggestions from State National Guard and Reserve
 7 organizations with existing or developing suicide preven-
 8 tion and community response programs.

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

11 (2) CLERICAL AMENDMENT.—The table of sec-
 12 tions at the beginning of chapter 1007 of such title
 13 is amended by adding at the end the following new
 14 item:

“10219. Suicide prevention and resilience program.”.

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

19 **SEC. 513. REPORT ON MECHANISMS TO EASE THE RE-**
 20 **INTEGRATION INTO CIVILIAN LIFE OF MEM-**
 21 **BERS OF THE NATIONAL GUARD AND THE RE-**
 22 **SERVES FOLLOWING A DEPLOYMENT ON AC-**
 23 **TIVE DUTY.**

24 (a) STUDY REQUIRED.—The Secretary of Defense
 25 shall conduct a study of the adequacy of mechanisms for

1 the reintegration into civilian life of members of the Na-
2 tional Guard and the Reserves following a deployment on
3 active duty in the Armed Forces, including whether per-
4 mitting such members to remain on active duty for a lim-
5 ited period after such deployment (often referred to as a
6 “soft landing”) is feasible and advisable for facilitating
7 and easing that reintegration.

8 (b) ELEMENTS.—

9 (1) IN GENERAL.—The study required by sub-
10 section (a) shall address the unique challenges mem-
11 bers of the National Guard and the Reserves face
12 when reintegrating into civilian life following a de-
13 ployment on active duty in the Armed Forces and
14 the adequacy of the policies, programs, and activities
15 of the Department of Defense to assist such mem-
16 bers in meeting such challenges.

17 (2) PARTICULAR ELEMENTS.—The study shall
18 take into consideration the following:

19 (A) Disparities in reintegration after de-
20 ployment between members of the regular com-
21 ponents of the Armed Forces and members of
22 the reserve components of the Armed Forces,
23 including—

24 (i) disparities in access to services, in-
25 cluding, but not limited to, health care,

1 mental health counseling, job counseling,
2 and family counseling;

3 (ii) disparities in amounts of com-
4 pensated time provided to take care of per-
5 sonal affairs;

6 (iii) disparities in amounts of time re-
7 quired to properly access services and to
8 take care of personal affairs, including
9 travel time; and

10 (iv) disparities in costs of uncompen-
11 sated events or requirements, including,
12 but not limited to, travel costs and legal
13 fees.

14 (B) Disparities in reintegration policies
15 and practices among the various Armed Forces
16 and between the regular and reserve compo-
17 nents of the Armed Forces.

18 (C) Disparities in the lengths of time of
19 deployment between the regular and reserve
20 components of the Armed Forces.

21 (D) Applicable medical studies on re-
22 integration, including studies on the rest and
23 recuperation needed to appropriately recover
24 from combat and training stress.

1 (E) Other applicable studies on reintegra-
2 tion policies and practices, including the rec-
3 ommendations made by such studies.

4 (F) Appropriate recommendations for the
5 elements of a program to assist members of the
6 National Guard and the Reserves following a
7 deployment on active duty in the Armed Forces
8 in reintegrating into civilian life, including
9 means of ensuring that the program applies
10 uniformly across the Armed Forces and be-
11 tween the regular components and reserve com-
12 ponents of the Armed Forces.

13 (c) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, the Secretary shall submit
15 to the congressional defense committees a report on the
16 study required by subsection (a). The report shall set forth
17 the results of the study, including the matters specified
18 in subsection (b), and include such comments and rec-
19 ommendation in light of the study as the Secretary con-
20 siders appropriate.

1 **Subtitle C—General Service**
2 **Authorities**

3 **SEC. 521. DIVERSITY IN THE ARMED FORCES AND RELATED**
4 **REPORTING REQUIREMENTS.**

5 (a) PLAN TO ACHIEVE DIVERSITY IN THE ARMED
6 FORCES.—The Secretary of Defense shall develop and im-
7 plement a plan to accurately measure the efforts of the
8 Department of Defense to achieve the goal of having a
9 dynamic and sustainable 20–30 year pipeline that yields
10 a diverse officer and enlisted corps for the Armed Forces
11 that reflects the population of the United States eligible
12 to serve in the Armed Forces across all the Armed Forces,
13 and all grades of each Armed Force, that is able to prevail
14 in its wars, prevent and deter conflicts, defeat adversaries
15 and succeed in a wide-range of contingencies, and preserve
16 and enhance the all volunteer force. Any metric estab-
17 lished pursuant to this subsection may not be used in a
18 manner that undermines the merit-based processes of the
19 Department of Defense, including such processes for ac-
20 cession, retention, and promotion. Such metrics may not
21 be combined with the identification of specific quotas
22 based upon diversity characteristics. The Secretary shall
23 continue to account for diversified language and cultural
24 skills among the total force of the military.

1 (b) METRICS TO MEASURE PROGRESS IN DEVEL-
2 OPING AND IMPLEMENTING PLAN.—In developing and im-
3 plementing the plan under subsection (a), the Secretary
4 of Defense shall develop a standard set of metrics and col-
5 lection procedures that are uniform across the armed
6 forces. The metrics required by this subsection shall be
7 designed—

8 (1) to accurately capture the inclusion and ca-
9 pability aspects of the armed forces broader diversity
10 plans, including race, ethnic, and gender specific
11 groups, functional expertise, and diversified cultural
12 and language skills so as to leverage and improve
13 readiness; and

14 (2) to be verifiable and systematically linked to
15 strategic plans that will drive improvements.

16 (c) DEFINITION OF DIVERSITY.—In developing and
17 implementing the plan under subsection (a), each Sec-
18 retary of a military department shall, in consultation with
19 the Secretary of Defense, develop a definition of diversity
20 that is reflective of the culture, mission, and core values
21 of each Armed Force under the jurisdiction of such Sec-
22 retary.

23 (d) CONSULTATION.—Not less than annually, the
24 Secretary of Defense shall meet with the Secretaries of
25 the military departments, the Joint Chiefs of Staff, and

1 senior enlisted members of the Armed Forces to discuss
2 the progress being made toward developing and imple-
3 menting the plan established under subsection (a).

4 (e) REPORTS ON IMPLEMENTATION OF PLAN.—Not
5 later than July 1, 2013, and biennially thereafter through
6 July 1, 2017, the Secretary of Defense shall submit to
7 the congressional defense committees a report on the fol-
8 lowing:

9 (1) The progress made in implementing the
10 plan required by subsection (a) to accurately meas-
11 ure the efforts of the Department of Defense to
12 achieve its diversity goals.

13 (2) The number of members of the Armed
14 Forces, including reserve components, listed by sex
15 and race or ethnicity for each grade under each mili-
16 tary department.

17 (3) The number of members of the Armed
18 Forces, including reserve components, who were pro-
19 moted during the years covered by the report, listed
20 by sex and race or ethnicity for each grade under
21 each military department.

22 (4) The number of members of the Armed
23 Forces, including reserve components, who reenlisted
24 or otherwise extended the commitment to military
25 service during the years covered by the report, listed

1 by sex and race or ethnicity for each grade under
2 each military department.

3 (5) The available pool of qualified candidates
4 for the general officer grades of general and lieuten-
5 ant general and the flag officer grades of admiral
6 and vice admiral.

7 (f) **APPLICABILITY TO COAST GUARD.**—The Sec-
8 retary of Homeland Security shall apply the provisions of
9 this section (other than subsection (d)) to the Coast Guard
10 when it is not operating as a service in the Navy in order
11 to achieve diversity in the Coast Guard in the same man-
12 ner, under the same schedule, and subject to the same
13 conditions as diversity is achieved in the other Armed
14 Forces under this section. The Secretary shall submit to
15 the congressional defense committees the reports required
16 by subsection (e) with respect to the implementation of
17 the provisions of this section regarding the Coast Guard
18 when it is not operating as a service in the Navy.

19 **SEC. 522. MODIFICATION OF AUTHORITY TO CONDUCT PRO-**
20 **GRAMS ON CAREER FLEXIBILITY TO EN-**
21 **HANCE RETENTION OF MEMBERS OF THE**
22 **ARMED FORCES.**

23 (a) **EXTENSION OF PROGRAMS TO CERTAIN ACTIVE**
24 **GUARD AND RESERVE PERSONNEL.**—Section 533 of Dun-

1 can Hunter National Defense Authorization Act for Fiscal
2 Year 2009 (10 U.S.C. prec. 701 note) is amended—

3 (1) in subsection (a)(1), by inserting “and
4 members on active Guard and Reserve duty” after
5 “officers and enlisted members of the regular com-
6 ponents”;

7 (2) by redesignating subsection (l) as subsection
8 (m); and

9 (3) by inserting after subsection (k) the fol-
10 lowing new subsection (l)

11 “(l) DEFINITION.—In this section, the term ‘active
12 Guard and Reserve duty’ has the meaning given that term
13 in section 101(d)(6) of title 10, United States Code.”.

14 (b) AUTHORITY TO CARRY FORWARD UNUSED AC-
15 CRUED LEAVE.—Subsection (h) of such section is amend-
16 ed by adding at the end the following new paragraph:

17 “(5) LEAVE.—A member who participates in a
18 pilot program is entitled to carry forward the exist-
19 ing leave balance accumulated in accordance with
20 section 701 of title 10, United States Code, but not
21 to exceed 60 days.”.

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

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

1 “(1) the entitlement”;

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

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

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

9 **SEC. 523. AUTHORITY FOR ADDITIONAL BEHAVIORAL**
10 **HEALTH PROFESSIONALS TO CONDUCT PRE-**
11 **SEPARATION MEDICAL EXAMINATIONS FOR**
12 **POST-TRAUMATIC STRESS DISORDER.**

13 Section 1177(a) of title 10, United States Code, is
14 amended—

15 (1) in paragraph (1), by striking “or psychia-
16 trist” and inserting “psychiatrist, licensed clinical
17 social worker, or psychiatric nurse practitioner”; and

18 (2) in paragraph (3), by striking “or psychia-
19 trist” and inserting “, psychiatrist, licensed clinical
20 social worker, or psychiatric nurse practitioner”.

21 **SEC. 524. QUARTERLY REPORTS ON INVOLUNTARY SEPA-**
22 **RATION OF MEMBERS OF THE ARMED**
23 **FORCES.**

24 (a) **QUARTERLY REPORTS REQUIRED.**—Not later
25 than 30 days after the end of each calendar year quarter

1 in 2013 and 2014, each Secretary of a military depart-
2 ment shall submit to the Committees on Armed Services
3 of the Senate and the House of Representatives a report
4 on the number of members of the regular components of
5 the Armed Forces under the jurisdiction of such Secretary
6 who were involuntarily separated from active duty in the
7 Armed Forces during such calendar year quarter.

8 (b) ELEMENTS.—Each report on an Armed Force for
9 a calendar year quarter under subsection (a) shall set
10 forth the following:

11 (1) The total number members involuntarily
12 separated.

13 (2) The number of members separated set forth
14 by grade.

15 (3) The number of members separated set forth
16 by total years of service in the Armed Forces at the
17 time of separation.

18 (4) The number of members separated set forth
19 by military occupational specialty or rating, or com-
20 petitive category for officers.

21 (5) The number of members separated who re-
22 ceived involuntary separation pay, or who are au-
23 thorized to receive temporary retired pay, in connec-
24 tion with separation.

1 (6) The number of members who completed
2 transition assistance programs relating to future em-
3 ployment.

4 (7) The average number of months deployed to
5 overseas contingency operations set forth by grade.

6 **SEC. 525. REVIEW OF ELIGIBILITY OF VICTIMS OF DOMES-**
7 **TIC TERRORISM FOR AWARD OF THE PURPLE**
8 **HEART AND THE DEFENSE MEDAL OF FREE-**
9 **DOM.**

10 (a) REPORT.—Not later than March 1, 2013, the
11 Secretary of Defense shall, in coordination with the Secre-
12 taries of the military departments, submit to the Commit-
13 tees on Armed Services of the Senate and the House of
14 Representatives a report on—

15 (1) the advisability of modifying the criteria for
16 the award of the Purple Heart to provide for the
17 award of the Purple Heart to members of the Armed
18 Forces who are killed or wounded in a terrorist at-
19 tack within the United States that is determined to
20 be inspired by ideological, political, or religious be-
21 liefs that give rise to terrorism; and

22 (2) the advisability of modifying the criteria for
23 the award of the Defense Medal of Freedom to pro-
24 vide for the award of the Defense Medal of Freedom
25 to civilian employees of the United States who are

1 killed or wounded in a terrorist attack within the
2 United States that is determined to be inspired by
3 ideological, political, or religious beliefs that give rise
4 to terrorism.

5 (b) DETERMINATION.—As part of the review under-
6 taken to prepare the report required by subsection (a), the
7 Secretary of Defense shall conduct a review of each death
8 or wounding of a member of the Armed Forces or civilian
9 employee of the United States Government that occurred
10 within the United States since September 11, 2001, that
11 could meet the criteria as being the result of a terrorist
12 attack within the United States in order to determine
13 whether such death or wounding qualifies or potentially
14 would qualify for the award of the Purple Heart or the
15 Defense Medal of Freedom.

16 (c) CONSIDERATIONS.—In conducting the review to
17 prepare the report required by subsection (a), the Sec-
18 retary of Defense shall take into consideration the fol-
19 lowing:

20 (1) The views of veterans service organizations,
21 including the Military Order of the Purple Heart.

22 (2) The importance that has been assigned to
23 determining all available facts before a decision is
24 made to award the Purple Heart.

1 (3) Potential effects of an award on the ability
2 to prosecute perpetrators of terrorist acts in military
3 or civilian courts.

4 (4) The views of the Chairman of the Joint
5 Chiefs of Staff.

6 **SEC. 526. EXTENSION OF TEMPORARY INCREASE IN ACCU-**
7 **MULATED LEAVE CARRYOVER FOR MEMBERS**
8 **OF THE ARMED FORCES.**

9 Section 701(d) of title 10, United States Code, is
10 amended by striking “September 30, 2013” and inserting
11 “September 30, 2015”.

12 **SEC. 527. PROHIBITION ON WAIVER FOR COMMISSIONING**
13 **OR ENLISTMENT IN THE ARMED FORCES FOR**
14 **ANY INDIVIDUAL CONVICTED OF A FELONY**
15 **SEXUAL OFFENSE.**

16 An individual may not be provided a waiver for com-
17 missioning or enlistment in the Armed Forces if the indi-
18 vidual has been convicted under Federal or State law of
19 a felony offense of any of the following:

- 20 (1) Rape.
21 (2) Sexual abuse.
22 (3) Sexual assault.
23 (4) Incest.
24 (5) Any other sexual offense.

1 **SEC. 528. RESEARCH STUDY ON RESILIENCE IN MEMBERS**
2 **OF THE ARMY.**

3 (a) RESEARCH STUDY REQUIRED.—

4 (1) IN GENERAL.—The Secretary of the Army
5 shall carry out a research program on resilience in
6 members of the Army.

7 (2) PURPOSE.—The purpose of the research
8 study shall be to determine the effectiveness of the
9 current Comprehensive Soldier and Family Fitness
10 (CSF2) Program of the Army while verifying the
11 current means of the Army to reduce trends in high
12 risk or self-destructive behavior and to prepare
13 members of the Army to manage stressful or trau-
14 matic situations by training members in resilience
15 strategies and techniques.

16 (3) ELEMENTS.—In carrying out the research
17 study, the Secretary shall determine the effectiveness
18 of training under the Comprehensive Soldier and
19 Family Fitness program in—

20 (A) enhancing individual performance
21 through resiliency techniques and use of posi-
22 tive and sports psychology; and

23 (B) identifying and responding to early
24 signs of high-risk behavior in members of the
25 Army assigned to units involved in the research
26 study.

1 (4) SCIENCE-BASED EVIDENCE AND TECH-
2 NIQUES.—The research study shall be rooted in sci-
3 entific evidence, using professionally accepted meas-
4 urements of experiments, of longitudinal research,
5 random-assignment, and placebo-controlled outcome
6 studies to evaluate which interventions can prove
7 positive results and which result in no impact.

8 (b) LOCATIONS.—The Secretary carry out the re-
9 search study at locations selected by the Secretary from
10 among Army installations which are representative of the
11 Total Force. Units from all components of the Army shall
12 be involved in the research study.

13 (c) TRAINING.—In carrying out the research study
14 at an installation selected pursuant to subsection (b), the
15 Secretary shall ensure, at a minimum, that whenever a
16 unit returns from combat deployment to the installation
17 the training established for purposes of the research study
18 is provided to all members of the Army returning for such
19 deployment. The training shall include such training as
20 the Secretary considers appropriate to reduce trends in
21 high risk or self-destructive behavior.

22 (d) PERIOD.—The Secretary shall carry out the re-
23 search study through September 30, 2014.

24 (e) REPORTS.—Not later than 30 days after the end
25 of each of fiscal years 2013 and 2014, the Secretary shall

1 submit to the Committees on Armed Forces of the Senate
2 and the House of Representatives a report on the research
3 study during the preceding fiscal year. Each report shall
4 include the following:

5 (1) A description of the trends in high risk or
6 self-destructive behavior within each of the units in-
7 volved in the research study during the fiscal year
8 covered by such report.

9 (2) A description of the effectiveness of Com-
10 prehensive Soldier and Family Fitness Program
11 training in enhancing individual performance
12 through resiliency techniques, utilization of positive
13 psychology.

14 (3) In the case of the report on fiscal year
15 2014, such recommendations for the expansion or
16 modification of the research study as the Secretary
17 considers appropriate.

18 **Subtitle D—Military Justice and** 19 **Legal Matters Generally**

20 **SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE**
21 **ROLE OF THE STAFF JUDGE ADVOCATE TO**
22 **THE COMMANDANT OF THE MARINE CORPS.**

23 (a) APPOINTMENT BY THE PRESIDENT AND PERMA-
24 NENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—

1 Subsection (a) of section 5046 of title 10, United States
2 Code, is amended—

3 (1) in the first sentence, by striking “detailed”
4 and inserting “appointed by the President, by and
5 with the advice and consent of the Senate,”; and

6 (2) in the second sentence—

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

9 (B) by striking “, while so serving, has the
10 grade” and inserting “holds a lower grade, the
11 officer shall be appointed in the grade”.

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

13 Such section is further amended—

14 (1) by redesignating subsection (c) as sub-
15 section (d); and

16 (2) by inserting after subsection (b) the fol-
17 lowing new subsection (c):

18 “(c) The Staff Judge Advocate to the Commandant
19 of the Marine Corps, under the direction of the Com-
20 mandant of the Marine Corps and the Secretary of the
21 Navy, shall—

22 “(1) perform duties relating to legal matters
23 arising in the Marine Corps as may be assigned to
24 the Staff Judge Advocate;

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

6 “(3) perform such other duties as may be as-
7 signed to the Staff Judge Advocate.”.

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

10 (1) by redesignating paragraphs (4) and (5) as
11 paragraphs (5) and (6), respectively; and

12 (2) by inserting after paragraph (3) the fol-
13 lowing new paragraph (4):

14 “(4) The Staff Judge Advocate to the Com-
15 mandant of the Marine Corps.”.

16 (d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

17 (1) ADMINISTRATION OF MILITARY JUSTICE.—
18 Section 806(a) of such title (article 6(a) of the Uni-
19 form Code of Military Justice) is amended in the
20 third sentence by striking “The Judge Advocate
21 General” and all that follows through “shall” and
22 inserting “The Judge Advocates General, and within
23 the Marine Corps the Staff Judge Advocate to the
24 Commandant of the Marine Corps, or senior mem-
25 bers of their staffs, shall”.

1 (2) DELIVERY OF LEGAL ASSISTANCE.—Section
2 1044(b) of such title is amended by inserting “and
3 within the Marine Corps the Staff Judge Advocate
4 to the Commandant of the Marine Corps” after
5 “title”).

6 **SEC. 532. ADDITIONAL INFORMATION IN REPORTS ON AN-**
7 **NUAL SURVEYS OF THE COMMITTEE ON THE**
8 **UNIFORM CODE OF MILITARY JUSTICE.**

9 Subsection (c)(2) of section 946 of title 10, United
10 States Code (article 146 of the Uniform Code of Military
11 Justice), is amended—

12 (1) by redesignating subparagraph (B) as sub-
13 paragraph (C); and

14 (2) by inserting after subparagraph (A) the fol-
15 lowing new subparagraph (B):

16 “(B) Information from the Judge Advocates
17 General and the Staff Judge Advocate to the Com-
18 mandant of the Marine Corps on the following:

19 “(i) The appellate review process, includ-
20 ing—

21 “(I) information on compliance with
22 processing time goals;

23 “(II) discussions of the circumstances
24 surrounding cases in which general court-
25 martial or special court-martial convictions

1 are reversed as a result of command influ-
2 ence or denial of the right to a speedy re-
3 view or otherwise remitted due to loss of
4 records of trial or other administrative de-
5 ficiencies; and

6 “(III) discussions of cases in which a
7 provision of this chapter is held unconsti-
8 tutional.

9 “(ii) Developments in appellate case law
10 relating to courts-martial involving allegations
11 of sexual misconduct under this chapter.

12 “(iii) Issues associated with implementing
13 recent, legislatively directed changes to this
14 chapter or the Manual for Courts-Martial.

15 “(iv) Measures implemented by each armed
16 force to ensure the ability of judge advocates to
17 competently participate as trial and defense
18 counsel in, and preside as military judges over,
19 capital cases, national security cases, sexual as-
20 sault cases, and proceedings of military com-
21 missions.

22 “(v) The independent views of the Judge
23 Advocates General and the Staff Judge Advo-
24 cate to the Commandant of the Marine Corps
25 on the sufficiency of resources available within

1 their respective armed forces, including man-
 2 power, funding, training, and officer and en-
 3 listed grade structure, to capably perform mili-
 4 tary justice functions.”.

5 **Subtitle E—Sexual Assault, Hazing,**
 6 **and Related Matters**

7 **SEC. 541. AUTHORITY TO RETAIN OR RECALL TO ACTIVE**
 8 **DUTY RESERVE COMPONENT MEMBERS WHO**
 9 **ARE VICTIMS OF SEXUAL ASSAULT WHILE ON**
 10 **ACTIVE DUTY.**

11 (a) IN GENERAL.—Chapter 1209 of title 10, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing new section:

14 **“§ 12323. Active duty for response to sexual assault**

15 “(a) CONTINUATION ON ACTIVE DUTY.—In the case
 16 of a member of a reserve component who is the alleged
 17 victim of sexual assault committed while on active duty
 18 and who is expected to be released from active duty before
 19 the determination of whether the member was assaulted
 20 while in the line of duty, the Secretary concerned may,
 21 upon the request of the member, order the member to be
 22 retained on active duty until the line of duty determina-
 23 tion. A member eligible for continuation on active duty
 24 under this subsection shall be informed as soon as prac-

1 ticable after the alleged assault of the option to request
2 continuation on active duty under this subsection.

3 “(b) RETURN TO ACTIVE DUTY.—In the case of a
4 member of a reserve component not on active duty who
5 is the alleged victim of a sexual assault that occurred while
6 the member was on active duty and when the determina-
7 tion whether the member was in the line of duty is not
8 completed, the Secretary concerned may, upon the request
9 of the member, order the member to active duty for such
10 time as necessary to complete the line of duty determina-
11 tion.

12 “(c) REGULATIONS.—The Secretaries of the military
13 departments shall prescribe regulations to carry out this
14 section, subject to guidelines prescribed by the Secretary
15 of Defense. The guidelines of the Secretary of Defense
16 shall provide that—

17 “(1) a request submitted by a member de-
18 scribed in subsection (a) or (b) to continue on active
19 duty, or to be ordered to active duty, respectively,
20 must be decided within 30 days from the date of the
21 request; and

22 “(2) if the request is denied, the member may
23 appeal to the first general officer or flag officer in
24 the chain of command of the member, and in the
25 case of such an appeal a decision on the appeal must

1 be made within 15 days from the date of the ap-
2 peal.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 1209 of such title is amended
5 adding at the end the following new item:

“12323. Active duty for response to sexual assault.”.

6 **SEC. 542. ADDITIONAL ELEMENTS IN COMPREHENSIVE DE-**
7 **PARTMENT OF DEFENSE POLICY ON SEXUAL**
8 **ASSAULT PREVENTION AND RESPONSE.**

9 (a) ADDITIONAL ELEMENTS.—Not later than 180
10 days after the date of the enactment of this Act, the Sec-
11 retary of Defense shall modify the revised comprehensive
12 policy for the Department of Defense sexual assault pre-
13 vention and response program required by section 1602
14 of the Ike Skelton National Defense Authorization Act for
15 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4430;
16 10 U.S.C. 1561 note) to include in the policy the fol-
17 lowing:

18 (1) A requirement to establish within each mili-
19 tary department, under regulations prescribed by the
20 Secretary of Defense, an enhanced capability for the
21 investigation, prosecution, and defense of special vic-
22 tim offenses under chapter 47 of title 10, United
23 States Code (the Uniform Code of Military Justice).

24 (2) A requirement that each military depart-
25 ment initiate and retain for a period prescribed by

1 the Secretary of Defense a record on the disposition
2 of allegations of sexual assault using forms and pro-
3 cedures prescribed by the Secretary.

4 (3) A requirement that all commanders and
5 commanding officers receive training on sexual as-
6 sault prevention, response, and policies before, or
7 shortly after, assuming command.

8 (4) A requirement that all new members of the
9 Armed Forces (whether in the regular or reserve
10 components) receive training on the Department of
11 Defense policy on sexual assault prevention and re-
12 sponse program during initial entry training.

13 (5) A requirement for military commands and
14 units specified by the Secretary of Defense for pur-
15 poses of the policy to conduct periodic climate as-
16 sessments of such commands and units for purposes
17 of preventing and responding to sexual assaults.

18 (6) A requirement to post and widely dissemi-
19 nate information about resources available to report
20 and respond to sexual assaults, including hotline
21 phone numbers and Internet websites available to all
22 members of the Armed Forces.

23 (7) A requirement to assign responsibility to re-
24 ceive and investigate complaints against members of
25 the Armed Forces and civilian personnel of the De-

1 partment of Defense for the violation or failure to
2 provide the rights of a crime victim established by
3 section 3771 of title 18, United States Code, as ap-
4 plicable to such members and personnel in accord-
5 ance with Department of Defense Directive 1030.1,
6 or a successor directive, and Department of Defense
7 Instruction 1030.2, or a successor instruction.

8 (8) A requirement that each Secretary of a
9 military department establish policies that require
10 that each member of the Armed Forces under the
11 jurisdiction of such Secretary whose conviction for a
12 covered offense is final and who is not punitively dis-
13 charged from the Armed Forces in connection with
14 such conviction be processed for administrative sepa-
15 ration from the Armed Forces, which requirement
16 shall not be interpreted to limit or alter the author-
17 ity of such Secretary to process members of the
18 Armed Forces for administrative separation for
19 other offenses or under other provisions of law.

20 (b) DEFINITIONS.—In this section:

21 (1) The term “covered offense” means the fol-
22 lowing:

23 (A) Rape or sexual assault under sub-
24 section (a) or (b) of section 920 of title 10,

1 United States Code (article 120 of the Uniform
2 Code of Military Justice).

3 (B) Forcible sodomy under section 925 of
4 title 10, United States Code (article 125 of the
5 Uniform Code of Military Justice).

6 (C) An attempt to commit an offense spec-
7 ified in subparagraph (A) or (B) under section
8 880 of title 10, United States Code (article 80
9 of the Uniform Code of Military Justice).

10 (2) The term “special victim offenses” means
11 offenses involving allegations of any of the following:

12 (A) Child abuse.

13 (B) Rape, sexual assault, or forcible sod-
14 omy.

15 (C) Domestic violence involving aggravated
16 assault.

17 **SEC. 543. HAZING IN THE ARMED FORCES.**

18 (a) REPORT.—Not later than 180 days after the date
19 of the enactment of this Act, each Secretary of a military
20 department shall, in consultation with the Chief of Staff
21 of each Armed Force under the jurisdiction of such Sec-
22 retary, submit to the Committees on Armed Services of
23 the Senate and the House of Representatives a report on
24 hazing in such Armed Force. Not later than 180 days
25 after the date of the enactment of this Act, the Secretary

1 of Homeland Security shall submit to the committees of
2 Congress referred to in the preceding sentence a report
3 on hazing in the Coast Guard when it is not operating
4 as a service in the Navy, and, for purposes of such report,
5 the Armed Forces shall include the Coast Guard when it
6 is not operating as a service in the Navy.

7 (b) ELEMENTS.—Each report on an Armed Force re-
8 quired by subsection (a) shall include the following:

9 (1) A discussion of the policies of the Armed
10 Force for preventing and responding to incidents of
11 hazing.

12 (2) A description of the methods implemented
13 to track and report, including report anonymously,
14 incidents of hazing in the Armed Force.

15 (3) An assessment by the Secretary submitting
16 such report of the following:

17 (A) The scope of the problem of hazing in
18 the Armed Force.

19 (B) The training on recognizing and pre-
20 venting hazing provided members of the Armed
21 Force.

22 (C) The actions taken to prevent and re-
23 spond to hazing incidents in the Armed Force.

24 (4) A description of the additional actions, if
25 any, the Secretary submitting such report and the

1 Chief of Staff of the Armed Force propose to take
2 to further address the incidence of hazing in the
3 Armed Force.

4 **SEC. 544. RETENTION OF CERTAIN FORMS IN CONNECTION**
5 **WITH RESTRICTED REPORTS ON SEXUAL AS-**
6 **SAULT INVOLVING MEMBERS OF THE ARMED**
7 **FORCES.**

8 (a) PERIOD OF RETENTION.—The Secretary of De-
9 fense shall ensure that all copies of Department of De-
10 fense Form 2910 and Department of Defense Form 2911
11 filed in connection with a Restricted Report on an incident
12 of sexual assault involving a member of the Armed Forces
13 shall 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. 545. PREVENTION AND RESPONSE TO SEXUAL HAR-**
12 **ASSMENT IN THE ARMED FORCES.**

13 (a) COMPREHENSIVE POLICY REQUIRED.—

14 (1) IN GENERAL.—The Secretary of Defense
15 shall, in consultation with the Secretaries of the
16 military departments and the Equal Opportunity Of-
17 fice of the Department of Defense, develop a com-
18 prehensive policy to prevent and respond to sexual
19 harassment in the Armed Forces. The policy shall
20 provide for the following:

21 (A) Training for members of the Armed
22 Forces on the prevention of sexual harassment.

23 (B) Mechanisms for reporting incidents of
24 sexual harassment in the Armed Forces, includ-
25 ing procedures for reporting anonymously.

1 (C) Mechanisms for responding to and re-
2 solving incidents of alleged sexual harassment
3 incidences involving members of the Armed
4 Forces, including through the prosecution of of-
5 fenders.

6 (2) REPORT.—Not later than one year after the
7 date of the enactment of this Act, the Secretary of
8 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 required by
11 paragraph (1).

12 (b) COLLECTION AND RETENTION OF RECORDS ON
13 DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.—

14 (1) COLLECTION.—The Secretary of Defense
15 shall require that the Secretary of each military de-
16 partment establish a record on the disposition of any
17 report of sexual harassment, whether such disposi-
18 tion is court martial, non-judicial punishment, or
19 other administrative action. The record of any such
20 disposition shall include the following, as appro-
21 priate:

22 (A) Documentary information collected
23 about the incident reported.

24 (B) Punishment imposed, including the
25 sentencing by judicial or non-judicial means in-

1 including incarceration, fines, restriction, and
2 extra duty as a result of military court-martial,
3 Federal and local court and other sentencing,
4 or any other punishment imposed.

5 (C) Reasons for the selection of the dis-
6 position and punishments selected.

7 (D) Administrative actions taken, if any.

8 (E) Any pertinent referrals offered as a re-
9 sult of the incident (such as drug and alcohol
10 counseling and other types of counseling or
11 intervention).

12 (2) RETENTION.—The Secretary of Defense
13 shall require that—

14 (A) the records established pursuant to
15 paragraph (1) be retained by the Department of
16 Defense for a period of not less than 50 years;
17 and

18 (B) a copy of such records be maintained
19 at a centralized location for the same period as
20 applies to retention of the records under sub-
21 paragraph (A).

22 (c) ANNUAL REPORT ON SEXUAL HARASSMENT IN-
23 VOLVING MEMBERS OF THE ARMED FORCES.—

24 (1) ANNUAL REPORT ON SEXUAL HARASS-
25 MENT.—Not later than March 1, 2015, and each

1 March 1 thereafter through March 1, 2018, the Sec-
2 retary of each military department shall submit to
3 the Secretary of Defense a report on the sexual har-
4 assments involving members of the Armed Forces
5 under the jurisdiction of such Secretary during the
6 preceding year. Each Secretary of a military depart-
7 ment shall submit the report on a year under this
8 section at the same time as the submittal of the an-
9 nual report on sexual assaults during that year
10 under section 1631 of the Ike Skelton National De-
11 fense Authorization Act for Fiscal Year 2011 (10
12 U.S.C. 1561 note). In the case of the Secretary of
13 the Navy, separate reports shall be prepared under
14 this section for the Navy and the Marine Corps.

15 (2) CONTENTS.—The report of a Secretary of a
16 military department for an Armed Force under
17 paragraph (1) shall contain the following:

18 (A) The number of sexual harassments
19 committed against members of the Armed
20 Force that were reported to military officials
21 during the year covered by the report, and the
22 number of the cases so reported that were sub-
23 stantiated.

24 (B) The number of sexual harassments
25 committed by members of the Armed Force

1 that were reported to military officials during
2 the year covered by the report, and the number
3 of the cases so reported that were substan-
4 tiated. The information required by this sub-
5 paragraph may not be combined with the infor-
6 mation required by subparagraph (A).

7 (C) A synopsis of each such substantiated
8 case and, for each such case, the action taken
9 in such case, including the type of disciplinary
10 or administrative sanction imposed, section 815
11 of title 10, United States Code (article 15 of
12 the Uniform Code of Military Justice).

13 (D) The policies, procedures, and processes
14 implemented by the Secretary during the year
15 covered by the report in response to incidents of
16 sexual harassment involving members of that
17 Armed Force.

18 (E) Any other matters relating to sexual
19 harassment involving members of the Armed
20 Forces that the Secretary considers appro-
21 priate.

1 **SEC. 546. ENHANCEMENT OF ANNUAL REPORTS REGARD-**
2 **ING SEXUAL ASSAULTS INVOLVING MEMBERS**
3 **OF THE ARMED FORCES.**

4 (a) IN GENERAL.—Section 1631(b) of the Ike Skel-
5 ton National Defense Authorization Act for Fiscal Year
6 2011 (10 U.S.C. 1561 note) is amended—

7 (1) by striking paragraph (3) and inserting the
8 following new paragraph (3):

9 “(3) A synopsis of each such substantiated
10 case, organized by offense, and, for each such case,
11 the action taken in such case, including the following
12 information:

13 “(A) The type of disciplinary or adminis-
14 trative sanction imposed, if any, including
15 courts-martial sentences, non-judicial punish-
16 ments administered by commanding officers
17 pursuant to section 815 of title 10, United
18 States Code (article 15 of the Uniform Code of
19 Military Justice), and administrative separa-
20 tions.

21 “(B) A description of and rationale for the
22 final disposition and punishment, regardless of
23 type of disciplinary or administrative sanction
24 imposed.

25 “(C) The unit and location of service at
26 which the incident occurred.

1 “(D) Whether the accused was previously
2 accused of a substantiated sexual assault or
3 sexual harassment.

4 “(E) Whether the accused was admitted to
5 the Armed Forces under a moral waiver grant-
6 ed with respect to prior sexual misconduct.

7 “(F) Whether alcohol was involved in the
8 incident.

9 “(G) If the member was administratively
10 separated or, in the case of an officer, allowed
11 to resign in lieu of facing a court-martial, the
12 characterization given the service of the mem-
13 ber upon separation.”; and

14 (2) by adding at the end the following new
15 paragraphs

16 “(7) The number of applications submitted
17 under section 673 of title 10, United States Code,
18 during the year covered by the report for a perma-
19 nent change of station or unit transfer for members
20 of the Armed Forces on active duty who are the vic-
21 tim of a sexual assault or related offense, the num-
22 ber of applications denied, and, for each application
23 denied, a description of the reasons why such appli-
24 cation was denied.

1 “(8) An analysis and assessment of trends in
2 the incidence, disposition, and prosecution of sexual
3 assaults by commands and installations during the
4 year covered by the report, including trends relating
5 to prevalence of incidents, prosecution of incidents,
6 and avoidance of incidents.

7 “(9) An assessment of the adequacy of sexual
8 assault prevention and response activities carried out
9 by training commands during the year covered by
10 the report.

11 “(10) An analysis of the specific factors that
12 may have contributed to sexual assault during the
13 year covered by the report, including sexual harass-
14 ment and substance abuse, an assessment of the role
15 of such factors in contributing to sexual assaults
16 during that year, and recommendations for mecha-
17 nisms to eliminate or reduce the incidence of such
18 factors or their contributions to sexual assaults.”.

19 (b) **EFFECTIVE DATE.**—The amendments made by
20 this section shall take effect on the date of the enactment
21 of this Act, and shall apply beginning with the report re-
22 quired to be submitted by March 1, 2014, under section
23 1631 of the Ike Skelton National Defense Authorization
24 Act for Fiscal Year 2011 (as amended by subsection (a)).

1 **Subtitle F—Education and**
2 **Training**

3 **SEC. 551. INCLUSION OF THE SCHOOL OF ADVANCED MILI-**
4 **TARY STUDIES SENIOR LEVEL COURSE AS A**
5 **SENIOR LEVEL SERVICE SCHOOL.**

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

9 “(E) The Senior Level Course of the
10 School of Advanced Military Studies of the
11 United States Army Command and General
12 Staff College.”.

13 **SEC. 552. MODIFICATION OF ELIGIBILITY FOR ASSOCIATE**
14 **DEGREE PROGRAMS UNDER THE COMMU-**
15 **NITY COLLEGE OF THE AIR FORCE.**

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

19 “(3) Enlisted members of the armed forces
20 other than the Air Force who are participating in
21 joint-service medical training and education or serv-
22 ing as instructors in joint-service medical training
23 and education.”.

1 **SEC. 553. SUPPORT OF NAVAL ACADEMY ATHLETIC PRO-**
2 **GRAMS.**

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

6 **“§ 6981. Support of athletic and physical fitness pro-**
7 **grams**

8 “(a) AUTHORITY.—

9 “(1) CONTRACTS AND COOPERATIVE AGREE-
10 MENTS.—The Secretary of the Navy may enter into
11 contracts and cooperative agreements with the Asso-
12 ciation for the purpose of supporting the athletic
13 and physical fitness programs of the Naval Acad-
14 emy. Notwithstanding section 2304(k) of this title,
15 the Secretary may enter such contracts or coopera-
16 tive agreements on a sole source basis pursuant to
17 section 2304(c)(5) of this title. Notwithstanding
18 chapter 63 of title 31, a cooperative agreement
19 under this section may be used to acquire property
20 or services for the direct benefit or use of the Naval
21 Academy.

22 “(2) LEASES.—The Secretary may enter into
23 leases, in accordance with section 2667 of this title,
24 or licenses with the Association for the purpose of
25 supporting the athletic and physical fitness pro-
26 grams of the Naval Academy. Any such lease or li-

1 cense shall be deemed to satisfy the conditions of
2 section 2667(h)(2) of this title.

3 “(b) USE OF NAVY PERSONAL PROPERTY BY THE
4 ASSOCIATION.—The Secretary may allow the Association
5 to use, at no cost, personal property of the Department
6 of the Navy to assist the Association in supporting the
7 athletic and physical fitness programs of the Naval Acad-
8 emy.

9 “(c) ACCEPTANCE OF SUPPORT.—

10 “(1) SUPPORT RECEIVED FROM THE ASSOCIA-
11 TION.—Notwithstanding section 1342 of title 31, the
12 Secretary may accept from the Association funds,
13 supplies, and services for the support of the athletic
14 and physical fitness programs of the Naval Acad-
15 emy. For purposes of this section, employees or per-
16 sonnel of the Association may not be considered to
17 be employees of the United States.

18 “(2) FUNDS RECEIVED FROM NCAA.—The Sec-
19 retary may accept funds from the National Colle-
20 giate Athletic Association to support the athletic and
21 physical fitness programs of the Naval Academy.

22 “(3) LIMITATION.—The Secretary shall ensure
23 that contributions under this subsection do not re-
24 flect unfavorably on the ability of the Department of
25 the Navy, any of its employees, or any member of

1 the armed forces to carry out any responsibility or
2 duty in a fair and objective manner, or compromise
3 the integrity or appearance of integrity of any pro-
4 gram of the Department of the Navy, or any indi-
5 vidual involved in such a program.

6 “(d) RETENTION AND USE OF FUNDS.—Notwith-
7 standing section 2260(d) of this title, funds received under
8 this section may be retained for use in support of the
9 Naval Academy athletic program and shall remain avail-
10 able until expended.

11 “(e) TRADEMARKS AND SERVICE MARKS.—

12 “(1) LICENSING, MARKETING, AND SPONSOR-
13 SHIP AGREEMENTS.—An agreement under sub-
14 section (a)(1) may, consistent with sections 2260
15 (other than subsection (d)) and 5022(b)(3) of this
16 title, authorize the Association to enter into licens-
17 ing, marketing, and sponsorship agreements relating
18 to trademarks and service marks identifying the
19 Naval Academy, subject to the approval of the De-
20 partment of the Navy.

21 “(2) LIMITATIONS.—No such licensing, mar-
22 keting, or sponsorship agreement may be entered
23 into if it would reflect unfavorably on the ability of
24 the Department of the Navy, any of its employees,
25 or any member of the armed forces to carry out any

1 responsibility or duty in a fair and objective manner,
2 or if the Secretary determines that the use of the
3 trademark or service mark would compromise the in-
4 tegrity or appearance of integrity of any program of
5 the Department of the Navy, or any individual in-
6 volved in such a program.

7 “(f) SERVICE ON ASSOCIATION BOARD OF CON-
8 TROL.—The Association is a designated entity for which
9 authorization under sections 1033(a) and 1589(a) of this
10 title may be provided.

11 “(g) CONDITIONS.—The authority provided in this
12 section with respect to the Association is available only
13 so long as the Association continues to—

14 “(1) qualify as a nonprofit organization under
15 section 501(c)(3) of the Internal Revenue Code of
16 1986 and operates in accordance with this section,
17 the laws of the State of Maryland, and the constitu-
18 tion and bylaws of the Association; and

19 “(2) operate exclusively to support the athletic
20 and physical fitness programs of the Naval Acad-
21 emy.

22 “(h) ASSOCIATION DEFINED.—In this section, the
23 term ‘Association’ means the Naval Academy Athletic As-
24 sociation.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 603 of such title is amended
 3 by adding at the end the following new item:

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

4 **SEC. 554. GRADE OF COMMISSIONED OFFICERS IN UNI-**
 5 **FORMED MEDICAL ACCESSION PROGRAMS.**

6 (a) MEDICAL STUDENTS OF USUHS.—Section
 7 2114(b) of title 10, United States Code, is amended—

8 (1) in paragraph (1), by striking the second
 9 sentence and inserting the following new sentences:

10 “Each medical student shall be appointed as a reg-
 11 ular officer in the grade of second lieutenant or en-
 12 sign. An officer so appointed may, upon meeting
 13 such criteria for promotion as may be prescribed by
 14 the Secretary concerned, be appointed in the regular
 15 grade of first lieutenant or lieutenant (junior grade).
 16 Medical students commissioned under this section
 17 shall serve on active duty in their respective
 18 grades.”; and

19 (2) in paragraph (2), by striking “grade of sec-
 20 ond lieutenant or ensign” and inserting “grade in
 21 which the member is serving under paragraph (1)”.

22 (b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOL-
 23 ARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section
 24 2121(c) of such title is amended—

1 (1) in paragraph (1), by striking the second
2 sentence and inserting the following new sentences:
3 “Each person so commissioned shall be appointed as
4 a reserve officer in the grade of second lieutenant or
5 ensign. An officer so appointed may, upon meeting
6 such criteria for promotion as may be prescribed by
7 the Secretary concerned, be appointed in the reserve
8 grade of first lieutenant or lieutenant (junior grade).
9 Medical students commissioned under this section
10 shall serve on active duty in their respective grades
11 for a period of 45 days during each year of partici-
12 pation in the program.”; and

13 (2) in paragraph (2), by striking “grade of sec-
14 ond lieutenant or ensign” and inserting “grade in
15 which the member is serving under paragraph (1)”.

16 (c) OFFICERS DETAILED AS STUDENTS AT MEDICAL
17 SCHOOLS.—Subsection (e) of section 2004a of such title
18 is amended—

19 (1) in the subsection heading, by striking “AP-
20 POINTMENT AND TREATMENT OF PRIOR ACTIVE
21 SERVICE” and inserting “SERVICE ON ACTIVE
22 DUTY”; and

23 (2) by striking paragraph (1) and inserting the
24 following new paragraph (1):

1 “(1) A commissioned officer detailed under sub-
 2 section (a) shall serve on active duty, subject to the limita-
 3 tions on grade specified in section 2114(b)(1) of this title
 4 and with the entitlement to basic pay as specified in sec-
 5 tion 2114(b)(2) of this title.”.

6 **SEC. 555. AUTHORITY FOR SERVICE COMMITMENT FOR RE-**
 7 **SERVISTS WHO ACCEPT FELLOWSHIPS,**
 8 **SCHOLARSHIPS, OR GRANTS TO BE PER-**
 9 **FORMED IN THE SELECTED RESERVE.**

10 (a) IN GENERAL.—Subsection (b) of section 2603 of
 11 title 10, United States Code, is amended by striking “on
 12 active duty” and all that follows and inserting the fol-
 13 lowing: “as follows:

14 “(1) On active duty for a period at least three
 15 times the length of the period of the education or
 16 training.

17 “(2) In the case of a member of the Selected
 18 Reserve—

19 “(A) on active duty in accordance with
 20 paragraph (1); or

21 “(B) in the Selected Reserve for a period
 22 at least five times the length of the period of
 23 the education or training.”.

1 (b) TECHNICAL AMENDMENTS.—Such section is fur-
2 ther amended by striking “Armed Forces” each place it
3 appears and inserting “armed forces”.

4 (c) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply to agreements entered into
6 under section 2603(b) of title 10, United States Code,
7 after the date of the enactment of this Act.

8 **SEC. 556. REPEAL OF REQUIREMENT FOR ELIGIBILITY FOR**
9 **IN-STATE TUITION OF AT LEAST 50 PERCENT**
10 **OF PARTICIPANTS IN SENIOR RESERVE OFFI-**
11 **CERS’ TRAINING CORPS PROGRAM.**

12 Section 2107(c)(1) of title 10, United States Code,
13 is amended by striking the third sentence.

14 **SEC. 557. 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”.

24 (b) ADDITIONAL EXCEPTION.—Subsection (b) of
25 such section is amended—

1 (1) in paragraph (1), by striking “or” at the
2 end;

3 (2) in paragraph (2), by striking the period at
4 the end and inserting “; or”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(3) if the Secretaries of the military depart-
8 ments determine that the level of support of all
9 kinds (including, but not limited to, appropriated
10 funds) provided to youth development programs
11 within the Armed Forces is consistent with funding
12 limitations and the achievement of the objectives of
13 such programs.”.

14 (c) SUBMITTAL OF REPORTS.—Subsection (e) of such
15 section is amended by striking “not later than” and all
16 that follows and inserting “annually through 2012, and
17 thereafter not later than March 31 of each of 2015, 2018,
18 and 2020.”.

1 **SEC. 558. CONSOLIDATION OF MILITARY DEPARTMENT AU-**
2 **THORITY TO ISSUE ARMS, TENTAGE, AND**
3 **EQUIPMENT TO EDUCATIONAL INSTITUTIONS**
4 **NOT MAINTAINING UNITS OF THE JUNIOR**
5 **ROTC.**

6 (a) CONSOLIDATION OF AUTHORITY.—Chapter 152
7 of title 10, United States Code, is amended by inserting
8 after section 2552 the following new section:

9 **“§ 2552a. Arms, tentage, and equipment: educational**
10 **institutions not maintaining units of Jun-**
11 **ior Reserve Officers’ Training Corps**

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

16 “(1) offers a course in military instruction pre-
17 scribed by that Secretary; and

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

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

22 (c) CLERICAL AMENDMENTS.—

23 (1) The table of sections at the beginning of
24 chapter 152 of such title is amended by inserting
25 after the item relating to section 2552 the following
26 new item:

“2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior Reserve Officers’ Training Corps”.

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

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

7 (4) The table of sections at the beginning of
8 chapter 941 of such title is amended by striking the
9 item relating to section 9651.

10 **SEC. 559. MODIFICATION OF REQUIREMENT FOR REPORTS**
11 **IN FEDERAL REGISTER ON INSTITUTIONS OF**
12 **HIGHER EDUCATION INELIGIBLE FOR CON-**
13 **TRACTS AND GRANTS FOR DENIAL OF ROTC**
14 **OR MILITARY RECRUITER ACCESS TO CAM-**
15 **PUS.**

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

18 **SEC. 560. COMPTROLLER GENERAL OF THE UNITED**
19 **STATES REPORT ON THE RESERVE OFFICERS’**
20 **TRAINING CORPS.**

21 (a) REPORT REQUIRED.—Not later than 270 days
22 after the date of the enactment of this Act, the Comp-
23 troller General of the United States shall submit to the
24 congressional defense committees a report setting forth

1 the assessment of the Comptroller General regarding the
2 following:

3 (1) Whether the Reserve Officers' Training
4 Corps (ROTC) programs of the Departments of the
5 Army, the Navy, and the Air Force are effectively
6 meeting, and structured to meet, current and pro-
7 jected requirements for newly commissioned officers
8 in the Armed Forces.

9 (2) The cost-effectiveness and unit productivity
10 of the current Reserve Officers' Training Corps pro-
11 grams.

12 (3) The adequacy of current oversight and cri-
13 teria for unit closure for the Reserve Officers' Train-
14 ing Corps programs.

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

17 (1) A list of the units of the Reserve Officers'
18 Training Corps programs by Armed Force, and by
19 college or university, and the number of cadets and
20 midshipman currently enrolled by class or year
21 group.

22 (2) The number of officers commissioned in
23 2012 from the Reserve Officers' Training Corps pro-
24 grams, and the number projected to be commis-
25 sioned over the period of the current future-years

1 defense program under section 221 of title 10,
2 United States Code, from each unit listed under
3 paragraph (1).

4 (3) An assessment of the requirements of each
5 Armed Force for newly commissioned officers in
6 2012 and the strategic planning regarding such re-
7 quirements over the period of the current future-
8 years defense program.

9 (4) The number of military and civilian per-
10 sonnel of the Department of Defense assigned to
11 lead and manage Reserve Officers' Training Corps
12 program units, and the grades of the military per-
13 sonnel so assigned.

14 (5) An assessment of Department of Defense-
15 wide and Armed-Force specific standards regarding
16 the productivity of Reserve Officers' Training Corps
17 program units, and an assessment of compliance
18 with such standards.

19 (6) An assessment of the projected use by the
20 Armed Forces of the procedures available to the
21 Armed Forces to respond to overages in the number
22 of cadets and midshipmen in the Reserve Officers'
23 Training Corps programs.

24 (7) A description of the plans of the Armed
25 Forces to retain or disestablish Reserve Officers'

1 Training Corps program units that do not meet pro-
2 ductivity standards.

3 **SEC. 561. REPORT ON DEPARTMENT OF DEFENSE EFFORTS**
4 **TO STANDARDIZE EDUCATIONAL TRAN-**
5 **SCRIPTS ISSUED TO SEPARATING MEMBERS**
6 **OF THE ARMED FORCES.**

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 submit to the Committees on Armed Serv-
10 ices of the Senate and the House of Representatives a re-
11 port on the efforts of the Department of Defense to stand-
12 ardize the educational transcripts issued to members of
13 the Armed Forces on their separation from the Armed
14 Forces.

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

17 (1) A description of the similarities and dif-
18 ferences between the educational transcripts issued
19 to members separating from the various Armed
20 Forces.

21 (2) A description of any assessments done by
22 the Department, or in conjunction with educational
23 institutions, to identify shortcomings in the tran-
24 scripts issued to separating members in connection

1 with their ability to qualify for civilian educational
2 credits.

3 (3) A description of the implementation plan
4 for the Joint Services Transcript, including a sched-
5 ule and the elements of existing educational tran-
6 scripts to be incorporated into the Transcript.

7 **SEC. 562. COMPTROLLER GENERAL OF THE UNITED**
8 **STATES REPORTS ON JOINT PROFESSIONAL**
9 **MILITARY EDUCATION MATTERS.**

10 (a) REPORT ON REVIEW OF MILITARY EDUCATION
11 COORDINATION COUNCIL REPORT.—

12 (1) REVIEW OF METHODOLOGY.—The Comp-
13 troller General of the United States shall review the
14 methodology used by the Military Education Coordi-
15 nation Council in compiling the report on joint pro-
16 fessional military education that is to be submitted
17 to the Director of Joint Force Development by
18 March 1, 2013, pursuant to the Joint Staff Memo-
19 randum, Joint Staff Review, dated July 16, 2012.
20 The review shall include an examination of the ana-
21 lytical approach used by the Council for that report,
22 including the types of information considered, the
23 cost savings identified, the benefits of options con-
24 sidered, the time frames for implementation, and
25 transparency.

1 (2) REPORT.—Not later than 90 days after re-
2 ceiving from the Director of Joint Force Develop-
3 ment the report described in paragraph (1), the
4 Comptroller General shall submit to the Committees
5 on Armed Services of the Senate and the House of
6 Representatives a report on the review under para-
7 graph (1) of the report described in that paragraph.
8 The report of the Comptroller General under this
9 paragraph shall set forth the following:

10 (A) The results of the review under para-
11 graph (1).

12 (B) Such recommendations as the Comp-
13 troller General considers appropriate in light of
14 the results of the review.

15 (b) REPORT ON JOINT PROFESSIONAL MILITARY
16 EDUCATION RESEARCH INSTITUTIONS.—

17 (1) REPORT REQUIRED.—Not later than Janu-
18 ary 31, 2014, the Comptroller General of the United
19 States shall submit to the congressional defense
20 committees a report setting forth the assessment by
21 the Comptroller General of the work performed by
22 joint professional military education research institu-
23 tions in support of professional military education
24 and the broader mission of the Department of De-

1 fense, the military departments, and the Defense
2 Agencies.

3 (2) ELEMENTS.—The report required by para-
4 graph (1) shall include an assessment of the fol-
5 lowing:

6 (A) The systems, mechanisms, and struc-
7 tures within the senior and intermediate joint
8 professional military education colleges and uni-
9 versities for oversight, governance, and manage-
10 ment of the joint professional military education
11 research institutions, including systems, mecha-
12 nisms, and structures relating to the develop-
13 ment of policies and budgets for research.

14 (B) The factors contributing to and the ex-
15 tent of growth in the number and size of joint
16 professional military education research institu-
17 tions since 2000.

18 (C) The causes and extent of cost growth
19 at joint professional military education research
20 institutions since 2000.

21 (D) The focus of research activity con-
22 ducted by the joint professional military edu-
23 cation research institutions, and the extent to
24 which each joint professional military education
25 research institution performs a unique research

1 function or engages in similar or duplicative ef-
2 forts with other components or elements of the
3 Department of Defense.

4 (E) The measures of effectiveness used by
5 the joint professional military education re-
6 search institutions, the senior and intermediate
7 joint professional military education colleges
8 and universities, and other oversight entities to
9 evaluate the performance of the joint profes-
10 sional military education research institutions
11 in meeting established goals or objectives.

12 (3) DEFINITIONS.—In this subsection:

13 (A) The term “joint professional military
14 education research institutions” means subordi-
15 nate organizations (including centers, institutes,
16 and schools) under the senior and intermediate
17 joint professional military education colleges
18 and universities for which research is the pri-
19 mary mission or reason for existence.

20 (B) The term “senior and intermediate
21 joint professional military education colleges
22 and universities” means the following:

23 (i) The National Defense University.

24 (ii) The Army War College.

25 (iii) The Navy War College.

- 1 (iv) The Air University.
2 (v) The Air War College.
3 (vi) The Marine Corp University.

4 **SEC. 563. TROOPS-TO-TEACHERS PROGRAM ENHANCE-**
5 **MENTS.**

6 (a) MEMORANDUM OF AGREEMENT.—The Secretary
7 of Defense and the Secretary of Education shall enter into
8 a memorandum of agreement pursuant to which the Sec-
9 retary of Education will undertake the following:

10 (1) Disseminate information about the Troops-
11 to-Teachers Program to eligible schools (as defined
12 in section 2301(3) of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6671(3)), as
14 added by subsection (b)(2)).

15 (2) Advise the Department of Defense on how
16 to prepare eligible members of the Armed Forces de-
17 scribed in section 2303(a) of such Act to become
18 participants in the Program to meet the require-
19 ments necessary to become a teacher in an eligible
20 school.

21 (3) Advise the Department of Defense on how
22 to identify teacher preparation programs for partici-
23 pants in the Program.

24 (4) Inform the Department of Defense of aca-
25 demic subject areas with critical teacher shortages.

1 (5) Identify geographic areas with critical
2 teacher shortages, especially in high-need schools (as
3 defined in section 2301(4) of such Act, as added by
4 subsection (b)(2)).

5 (b) DEFINITIONS.—Section 2301 of the Elementary
6 and Secondary Education Act of 1965 (20 U.S.C. 6671)
7 is amended—

8 (1) by redesignating paragraphs (2) through
9 (5) as paragraphs (5) through (8), respectively; and
10 (2) by inserting after paragraph (1) the fol-
11 lowing:

12 “(2) CHARTER SCHOOL.—The term ‘charter
13 school’ has the meaning given that term in section
14 5210.

15 “(3) ELIGIBLE SCHOOL.—The term ‘eligible
16 school’ means—

17 “(A) a public school, including a charter
18 school, at which—

19 “(i) at least 30 percent of the stu-
20 dents enrolled in the school are from fami-
21 lies with incomes below 185 percent of pov-
22 erty level (as defined by the Office of Man-
23 agement and Budget and revised at least
24 annually in accordance with section 9(b)(1)
25 of the Richard B. Russell National School

1 Lunch Act (42 U.S.C. 1758(b)(1)) applica-
2 ble to a family of the size involved; or

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

7 “(B) a Bureau-funded school as defined in
8 section 1141 of the Education Amendments of
9 1978 (25 U.S.C. 2021).

10 “(4) HIGH-NEED SCHOOL.—Except for pur-
11 poses of section 2304(d), the term ‘high-need school’
12 means—

13 “(A) an elementary school or middle school
14 in which at least 50 percent of the enrolled stu-
15 dents are children from low-income families,
16 based on the number of children eligible for free
17 and reduced priced lunches under the Richard
18 B. Russell National School Lunch Act (42
19 U.S.C. 1751 et seq.), the number of children in
20 families receiving assistance under the State
21 program funded under part A of title IV of the
22 Social Security Act (42 U.S.C. 601 et seq.), the
23 number of children eligible to receive medical
24 assistance under the Medicaid program, or a
25 composite of these indicators;

1 “(B) a high school in which at least 40
2 percent of enrolled students are children from
3 low-income families, which may be calculated
4 using comparable data from feeder schools; or
5 “(C) a school that is in a local educational
6 agency that is eligible under section 6211(b).”.

7 (c) PROGRAM AUTHORIZATION.—Section 2302 of the
8 Elementary and Secondary Education Act of 1965 (20
9 U.S.C. 6672(b)) is amended by striking subsections (b)
10 through (e) and inserting the following:

11 “(b) PROGRAM AUTHORIZED.—The Secretary may
12 carry out a program (to be known as the ‘Troops-to-
13 Teachers Program’) to assist eligible members of the
14 Armed Forces described in section 2303(a) to obtain cer-
15 tification or licensing as elementary school teachers, sec-
16 ondary school teachers, or vocational or technical teachers
17 to meet the requirements necessary to become a teacher
18 in an eligible school.”.

19 (d) YEARS OF SERVICE REQUIREMENTS.—Section
20 2303(a)(2)(A)(i) of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amend-
22 ed by striking “6 or more years” and inserting “4 or more
23 years”.

24 (e) PARTICIPATION AGREEMENT.—

1 (1) AMENDMENT.—Section 2304 of the Ele-
2 mentary and Secondary Education Act of 1965 (20
3 U.S.C. 6674) is amended—

4 (A) by striking paragraph (1) of subsection
5 (a) and inserting the following:

6 “(1) IN GENERAL.—An eligible member of the
7 Armed Forces selected to participate in the Program
8 under section 2303 and to receive financial assist-
9 ance under this section shall be required to enter
10 into an agreement with the Secretary in which the
11 member agrees—

12 “(A) within such time as the Secretary
13 may require, to obtain certification or licensing
14 as an elementary school teacher, secondary
15 school teacher, or vocational or technical teach-
16 er to meet the requirements necessary to be-
17 come a teacher in an eligible school; and

18 “(B) to accept an offer of full-time employ-
19 ment as an elementary school teacher, sec-
20 ondary school teacher, or vocational or technical
21 teacher for not less than 3 school years in an
22 eligible school, to begin the school year after ob-
23 taining that certification or licensing.”; and

24 (B) by striking subsection (f) and inserting
25 the following:

1 “(f) REIMBURSEMENT UNDER CERTAIN CIR-
2 CUMSTANCES.—A participant who is paid a stipend or
3 bonus shall be subject to the repayment provisions of sec-
4 tion 373 of title 37, United States Code under the fol-
5 lowing circumstances:

6 “(1) FAILURE TO OBTAIN QUALIFICATIONS OR
7 EMPLOYMENT.—The participant fails to obtain
8 teacher certification or licensing or to meet the re-
9 quirements necessary to become a teacher in an eli-
10 gible school or to obtain employment as an elemen-
11 tary school teacher, secondary school teacher, or vo-
12 cational or technical teacher as required by the par-
13 ticipation agreement.

14 “(2) TERMINATION OF EMPLOYMENT.—The
15 participant voluntarily leaves, or is terminated for
16 cause from, employment as an elementary school
17 teacher, secondary school teacher, or vocational or
18 technical teacher during the 3 years of required
19 service in violation of the participation agreement.

20 “(3) FAILURE TO COMPLETE SERVICE UNDER
21 RESERVE COMMITMENT AGREEMENT.—The partici-
22 pant executed a written agreement with the Sec-
23 retary concerned under section 2303(e)(2) to serve
24 as a member of a reserve component of the Armed

1 Forces for a period of 3 years and fails to complete
2 the required term of service.”.

3 (f) EFFECTIVE DATE.—The amendments made by
4 subsections (b) through (e) shall take effect on the first
5 day of the first month beginning more than 90 days after
6 the date of the enactment of this Act.

7 **Subtitle G—Defense Dependents’**
8 **Education and Military Family**
9 **Readiness Matters**

10 **SEC. 571. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
11 **ABILITIES.**

12 Of the amount authorized to be appropriated for fis-
13 cal year 2013 pursuant to section 301 and available for
14 operation and maintenance for Defense-wide activities as
15 specified in the funding table in section 4301, \$5,000,000
16 shall be available for payments under section 363 of the
17 Floyd D. Spence National Defense Authorization Act for
18 Fiscal Year 2001 (as enacted into law by Public Law 106–
19 398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

1 **SEC. 572. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
2 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
3 **PENDENTS OF MEMBERS OF THE ARMED**
4 **FORCES AND DEPARTMENT OF DEFENSE CI-**
5 **VILIAN EMPLOYEES.**

6 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
7 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
8 amount authorized to be appropriated for fiscal year 2013
9 by section 301 and available for operation and mainte-
10 nance for Defense-wide activities as specified in the fund-
11 ing table in section 4301, \$25,000,000 shall be available
12 only for the purpose of providing assistance to local edu-
13 cational agencies under subsection (a) of section 572 of
14 the National Defense Authorization Act for Fiscal Year
15 2006 (Public Law 109–163; 20 U.S.C. 7703b).

16 (b) LOCAL EDUCATIONAL AGENCY DEFINED.—In
17 this section, the term “local educational agency” has the
18 meaning given that term in section 8013(9) of the Ele-
19 mentary and Secondary Education Act of 1965 (20 U.S.C.
20 7713(9)).

21 **SEC. 573. AMENDMENTS TO THE IMPACT AID PROGRAM.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Impact Aid Improvement Act of 2012”.

24 (b) AMENDMENTS TO THE IMPACT AID PROGRAM.—
25 Title VIII of the Elementary and Secondary Education
26 Act of 1965 (20 U.S.C. 7701 et seq.) is amended—

1 (1) in section 8002 (20 U.S.C. 7702)—

2 (A) in subsection (b)—

3 (i) in paragraph (2), by striking “ag-
4 gregate assessed” and inserting “estimated
5 taxable”; and

6 (ii) by striking paragraph (3) and in-
7 serting the following:

8 “(3) DETERMINATION OF TAXABLE VALUE FOR
9 ELIGIBLE FEDERAL PROPERTY.—

10 “(A) IN GENERAL.—In determining the es-
11 timated taxable value of such acquired Federal
12 property for fiscal year 2010 and each suc-
13 ceeding fiscal year, the Secretary shall—

14 “(i) first determine the total taxable
15 value for the purpose of levying property
16 tax for school purposes for current expend-
17 itures of real property located within the
18 boundaries of such local educational agen-
19 cy;

20 “(ii) then determine the total taxable
21 value of the eligible Federal property by di-
22 viding the total taxable value as deter-
23 mined in clause (i) by the difference be-
24 tween the total acres located within the
25 boundaries of the local educational agency

1 and the number of Federal acres eligible
2 under this section; and

3 “(iii) multiply the per acre value as
4 calculated under clause (ii) by the number
5 of Federal acres eligible under this section.

6 “(B) SPECIAL RULE.—In the case of Fed-
7 eral property eligible under this section that is
8 within the boundaries of 2 or more local edu-
9 cational agencies, such a local educational agen-
10 cy may ask the Secretary to calculate the per
11 acre value of each such local educational agency
12 as provided under subparagraph (A) and apply
13 the average of these per acre values to the acres
14 of the Federal property in such agency.”;

15 (B) in subsection (h)—

16 (i) in paragraph (1)—

17 (I) in the paragraph heading, by
18 striking “FOR PRE-1995 RECIPI-
19 ENTS”;

20 (II) in subparagraph (A), by
21 striking “is eligible” and all that fol-
22 lows through the period at the end
23 and inserting “was eligible to receive
24 a payment under this section for fiscal
25 year 2010.”; and

1 (III) in subparagraph (B), by
2 striking “38 percent” and all that fol-
3 lows through the period at the end
4 and inserting “90 percent of the aver-
5 age payment the local educational
6 agency received in 2006, 2007, 2008,
7 and 2009.”; and

8 (ii) by striking paragraphs (2)
9 through (4) and inserting the following:

10 “(2) FOUNDATION PAYMENTS FOR LOCAL EDU-
11 CATIONAL AGENCIES DETERMINED ELIGIBLE AFTER
12 FISCAL YEAR 2010.—

13 “(A) FIRST YEAR.—From any amounts re-
14 maining after making payments under para-
15 graph (1) and subsection (i)(1) for the fiscal
16 year involved, the Secretary shall make a pay-
17 ment, in an amount determined in accordance
18 with subparagraph (C), to each local edu-
19 cational agency that the Secretary determines
20 eligible for a payment under this section for a
21 fiscal year after fiscal year 2010, for the fiscal
22 year for which such agency was determined eli-
23 gible for such payment.

24 “(B) SECOND AND SUCCEEDING YEARS.—
25 For any succeeding fiscal year after the first

1 fiscal year that a local educational agency re-
2 ceives a foundation payment under subpara-
3 graph (A), the amount of the local educational
4 agency's foundation payment under this para-
5 graph for such succeeding fiscal year shall be
6 equal to the local educational agency's founda-
7 tion payment under this paragraph for the first
8 fiscal year.

9 “(C) AMOUNTS.—The amount of a pay-
10 ment under subparagraph (A) for a local edu-
11 cational agency shall be determined as follows:

12 “(i) Calculate the local educational
13 agency's maximum payment under sub-
14 section (b).

15 “(ii) Calculate the percentage that the
16 amount appropriated under section
17 8014(a) for the most recent fiscal year for
18 which the Secretary has completed making
19 payments under this section is of the total
20 maximum payments for such fiscal year for
21 all local educational agencies eligible for a
22 payment under subsection (b) and multiply
23 the agency's maximum payment by such
24 percentage.

1 “(iii) Multiply the amount determined
2 under clause (ii) by 90 percent.

3 “(3) REMAINING FUNDS.—From any funds re-
4 maining after making payments under paragraphs
5 (1) and (2) for the fiscal year involved, the Sec-
6 retary shall make a payment to each local edu-
7 cational agency that received a foundation payment
8 under paragraph (1) or (2) or subsection (i)(1), for
9 the fiscal year involved in an amount that bears the
10 same relation to the remainder as a percentage
11 share determined for the local educational agency
12 (by dividing the maximum amount that the agency
13 is eligible to receive under subsection (b) by the total
14 of the maximum amounts for all such agencies)
15 bears to the percentage share determined (in the
16 same manner) for all local educational agencies eligi-
17 ble to receive a payment under this section for the
18 fiscal year involved, except that, for the purpose of
19 calculating a local educational agency’s maximum
20 amount under subsection (b), data from the most
21 current fiscal year shall be used.”; and

22 (C) in subsection (i)(1), by striking “the
23 Secretary shall use the remainder described in
24 subsection (h)(3) for the fiscal year involved”
25 and inserting “the Secretary shall use amounts

1 remaining after making payments under sub-
2 section (h)(1) for the fiscal year involved”;

3 (2) in section 8003(a)(4) (20 U.S.C.
4 7703(a)(4))—

5 (A) in the paragraph heading, by striking
6 “RENOVATION OR REBUILDING” and inserting
7 “RENOVATION, REBUILDING, OR AUTHORIZED
8 FOR DEMOLITION”;

9 (B) in subparagraph (A), by striking “ren-
10 ovation or rebuilding” both places the term ap-
11 pears and inserting “renovation, rebuilding, or
12 authorized for demolition”;

13 (C) in subparagraph (B)—

14 (i) by striking “renovation or rebuild-
15 ing” each place the term appears and in-
16 serting “renovation, rebuilding, or author-
17 ized for demolition”; and

18 (ii) in clause (i)(I), by striking “3 fis-
19 cal years” and inserting “4 fiscal years
20 (which are not required to run consec-
21 tively)”;

22 (iii) in clause (ii)(I), by striking “3
23 fiscal years” and inserting “4 fiscal years
24 (which are not required to run consec-
25 tively)”;

1 (D) by adding at the end the following:

2 “(C) ELIGIBLE HOUSING.—Renovation, re-
3 building, or authorized for demolition shall be
4 defined as projects considered as recapitaliza-
5 tion, modernization, or restoration as defined
6 by the Secretary of Defense or the Secretary of
7 the Interior (as the case may be) and are
8 projects that last more than 30 days, but do
9 not include ‘sustainment projects’ such as
10 painting, carpeting, or minor repairs.”; and
11 (3) in section 8010 (20 U.S.C. 7710)—

12 (A) in subsection (c)—

13 (i) in paragraph (1), by striking
14 “paragraph (3) of this subsection” both
15 places the term appears and inserting
16 “paragraph (2)”; and

17 (ii) in paragraph (2)(E), by striking
18 “under section 8003(b)” and all that fol-
19 lows through the period at the end and in-
20 serting “under this title.”; and

21 (B) by adding at the end the following:

22 “(d) TIMELY PAYMENTS.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the Secretary shall pay a local educational agency
25 the full amount that the agency is eligible to receive

1 under this title for a fiscal year not later than Sep-
2 tember 30 of the second fiscal year following the fis-
3 cal year for which such amount has been appro-
4 priated if, not later than 1 calendar year following
5 the fiscal year in which such amount has been ap-
6 propriated, such local educational agency submits to
7 the Secretary all the data and information necessary
8 for the Secretary to pay the full amount that the
9 agency is eligible to receive under this title for such
10 fiscal year.

11 “(2) PAYMENTS WITH RESPECT OF FISCAL
12 YEARS IN WHICH INSUFFICIENT FUNDS ARE APPRO-
13 PRIATED.—For a fiscal year in which the amount
14 appropriated under section 8014 is insufficient to
15 pay the full amount a local educational agency is eli-
16 gible to receive under this title, paragraph (1) shall
17 be applied by substituting ‘is available to pay the
18 agency’ for ‘the agency is eligible to receive’ both
19 places the term appears.”.

20 (c) EFFECTIVE DATE.—Notwithstanding section
21 8005(d) of the Elementary and Secondary Education Act
22 of 1965 (20 U.S.C. 7705(d)), subsection (b)(1), and the
23 amendments made by subsection (b)(1), shall take effect
24 with respect to applications submitted under section 8002

1 of the Elementary and Secondary Education Act of 1965
2 (20 U.S.C. 7702) for fiscal year 2010.

3 **SEC. 574. MILITARY SPOUSES.**

4 (a) IN GENERAL.—Subchapter I of chapter 33 of title
5 5, United States Code, is amended by adding at the end
6 the following:

7 **“§ 3330d. Appointment of certain military spouses**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘active duty’—

10 “(A) has the meaning given that term in
11 section 101(d)(1) of title 10;

12 “(B) includes full-time National Guard
13 duty (as defined in section 101(d)(5) of title
14 10); and

15 “(C) for a member of a reserve component
16 (as described in section 10101 of title 10), does
17 not include training duties or attendance at a
18 service school;

19 “(2) the term ‘agency’—

20 “(A) has the meaning given the term ‘Ex-
21 ecutive agency’ in section 105; and

22 “(B) does not include the Government Ac-
23 countability Office;

24 “(3) the term ‘geographic area of the perma-
25 nent duty station’ means the area from which indi-

1 individuals reasonably can be expected to travel daily to
2 and from work at the location of a member’s perma-
3 nent duty station;

4 “(4) the term ‘permanent change of station’
5 means the assignment, detail, or transfer of a mem-
6 ber of the Armed Forces who is on active duty and
7 serving at a permanent duty station under a com-
8 petent authorization or order that does not—

9 “(A) specify the duty as temporary;

10 “(B) provide for assignment, detail, or
11 transfer, after that different permanent duty
12 station, to a further different permanent duty
13 station; or

14 “(C) direct return to the initial permanent
15 duty station;

16 “(5) the term ‘relocating spouse of a member of
17 the Armed Forces’ means an individual who—

18 “(A) is married to a member of the Armed
19 Forces (without regard to whether the indi-
20 vidual married the member before a permanent
21 change of station of the member) who is or-
22 dered to active duty for a period of more than
23 180 consecutive days;

24 “(B) relocates to the member’s permanent
25 duty station; and

1 “(C) before relocating as described in sub-
2 paragraph (B), resided outside the geographic
3 area of the permanent duty station; and

4 “(6) the term ‘spouse of a disabled or deceased
5 member of the Armed Forces’ means an individual—

6 “(A) who is married to a member of the
7 Armed Forces who—

8 “(i) is retired, released, or discharged
9 from the Armed Forces; and

10 “(ii) on the date on which the member
11 retires, is released, or is discharged, has a
12 disability rating of 100 percent under the
13 standard schedule of rating disabilities in
14 use by the Department of Veterans Af-
15 fairs; or

16 “(B) who—

17 “(i) was married to a member of the
18 Armed Forces on the date on which the
19 member dies while on active duty in the
20 Armed Forces; and

21 “(ii) has not remarried.

22 “(b) AUTHORITY.—The head of an agency may ap-
23 point noncompetitively a relocating spouse of a member
24 of the Armed Forces or a spouse of a disabled or deceased
25 member of the Armed Forces.

1 “(c) RELOCATING SPOUSES.—

2 “(1) IN GENERAL.—An appointment of a relo-
3 cating spouse of a member of the Armed Forces
4 under this section may only be to a position the duty
5 station for which is within the geographic area of
6 the permanent duty station of the member of the
7 Armed Forces, unless there is no agency with a posi-
8 tion with a duty station within the geographic area
9 of the permanent duty station of the member of the
10 Armed Forces.

11 “(2) SINGLE APPOINTMENT PER DUTY STA-
12 TION.—A relocating spouse of a member of the
13 Armed Forces may not receive more than 1 appoint-
14 ment under this section for each time the spouse re-
15 locates as described in subparagraphs (B) and (C)
16 of subsection (a)(5).”.

17 (b) REGULATIONS.—Not later than 180 after the
18 date of enactment of this Act, the Director of the Office
19 of Personnel Management shall amend section 315.612 of
20 title 5, Code of Federal Regulations (relating to non-
21 competitive appointment of certain military spouses) in ac-
22 cordance with the amendment made by subsection (a) and
23 promulgate or amend any other regulations necessary to
24 carry out the amendment made by subsection (a).

1 (c) TECHNICAL AND CONFORMING AMENDMENT.—
 2 The table of sections for chapter 33 of title 5, United
 3 States Code, is amended by inserting after the item relat-
 4 ing to section 3330c the following:

“3330d. Appointment of certain military spouses.”.

5 **SEC. 575. MODIFICATION OF AUTHORITY TO ALLOW DE-**
 6 **PARTMENT OF DEFENSE DOMESTIC DEPEND-**
 7 **ENT ELEMENTARY AND SECONDARY**
 8 **SCHOOLS TO ENROLL CERTAIN STUDENTS.**

9 Section 2164 of title 10, United States Code, is
 10 amended by adding at the end the following new sub-
 11 sections:

12 “(k) TUITION-FREE ENROLLMENT IN DOMESTIC DE-
 13 PENDENT SCHOOLS FOR CERTAIN OVERSEAS DEPEND-
 14 ENTS.—Tuition-free enrollment in the domestic dependent
 15 elementary and secondary schools is authorized for de-
 16 pendants who are currently enrolled in the defense depend-
 17 ents’ education school system pursuant to the Defense De-
 18 pendants’ Education Act of 1978 (20 U.S.C. 921 et seq.)
 19 if—

20 “(1) such dependents departed their overseas
 21 location due to an authorized departure or evacu-
 22 ation order;

23 “(2) the designated safe haven of such depend-
 24 ents is located within commuting distance of a

1 school operated by the domestic dependent elemen-
2 tary and secondary schools; and

3 “(3) the school concerned already possesses the
4 capacity and resources for such dependents to attend
5 the school.

6 “(1) TUITION-PAYING ENROLLMENT IN VIRTUAL EL-
7 EMENTARY AND SECONDARY EDUCATION PROGRAM FOR
8 CERTAIN DEPENDENTS TRANSITIONING FROM OVER-
9 SEAS.—Under regulations prescribed by the Secretary,
10 tuition-paying enrollment in the virtual elementary and
11 secondary education program of the Department for de-
12 pendents of members of the armed forces on active duty
13 is authorized when such dependents—

14 “(1) transition from an overseas defense de-
15 pendents’ education system school into a school op-
16 erated by a local educational agency or another ac-
17 credited educational program in the United States,
18 and

19 “(2) are not otherwise eligible to enroll in a do-
20 mestic dependent elementary or secondary school
21 pursuant to subsection (a).”.

22 **SEC. 576. SENSE OF CONGRESS REGARDING SUPPORT FOR**
23 **YELLOW RIBBON DAY.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 the five-year period beginning on the date of the submittal
2 of the report as end strengths for the Armed Forces are
3 reduced and the Armed Forces are drawn down from com-
4 bat operations in Afghanistan.

5 (b) ELEMENTS.—The report required by subsection
6 (a) shall include the following:

7 (1) A description of the current family support
8 programs of each of the Armed Forces and the De-
9 partment of Defense, including the name, scope and
10 intended purpose of each program.

11 (2) An assessment of the current costs of the
12 family support programs covered by paragraph (1),
13 and an estimate of the costs of anticipated family
14 support programs of the Department over the period
15 covered by the report.

16 (3) An assessment of the costs and other con-
17 sequences associated with the elimination or reduc-
18 tion of any current family support programs of the
19 Department over the period covered by the report.

20 (4) An assessment by the Secretary of the
21 Army of the Family Readiness Support Assistant
22 program, and a description of any planned or antici-
23 pated changes to that program over the period cov-
24 ered by the report.

1 **Subtitle H—Other Matters**

2 **SEC. 581. FAMILY BRIEFINGS CONCERNING ACCOUNTINGS**
3 **FOR MEMBERS OF THE ARMED FORCES AND**
4 **DEPARTMENT OF DEFENSE CIVILIAN EM-**
5 **PLOYEES LISTED AS MISSING.**

6 Section 1501(a)(1) of title 10, United States Code,
7 is amended—

8 (1) in subparagraph (B), by striking “and” at
9 the end;

10 (2) in subparagraph (C), by striking the period
11 at the end and inserting “; and”; and

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

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

17 **SEC. 582. ENHANCEMENT OF AUTHORITY TO ACCEPT GIFTS**
18 **AND SERVICES.**

19 (a) **ACTIVITIES BENEFITTING EDUCATION AS SERV-**
20 **ICES SUBJECT TO ACCEPTANCE.**—Section 2601(i)(2) of
21 title 10, United States Code, is amended by inserting
22 “education,” before “morale,”.

23 (b) **ACCEPTANCE OF VOLUNTARY SERVICES IN CON-**
24 **NECTION WITH ACCOUNTING FOR MISSING PERSONS.**—

1 Section 1588(a) of such title is amended by adding at the
2 end the following new paragraph:

3 “(9) Voluntary services to facilitate accounting
4 for missing persons.”.

5 (c) AUTHORITY FOR COOPERATIVE AGREEMENTS
6 FOR ACCEPTANCE BY MILITARY MUSEUMS AND EDU-
7 CATION PROGRAMS OF NONPROFIT SUPPORT.—

8 (1) IN GENERAL.—Chapter 155 of such title is
9 amended by adding at the end the following new sec-
10 tion:

11 **“§ 2615. Military museums and military education**
12 **programs: cooperative agreements for re-**
13 **ceipt of support from nonprofit entities**

14 “The Secretary concerned may enter into a coopera-
15 tive agreement (as described in section 6305 of title 31)
16 with a nonprofit entity for purposes related to support of
17 a military educational institution program or military mu-
18 seum program if a cooperative agreement is the appro-
19 priate mechanism to obtain such support under the provi-
20 sions of section 6305 of title 31.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of chapter 155 of such title
23 is amended by adding at the end the following new
24 item:

“2615. Military museums and military education programs: cooperative agree-
ments for receipt of support from nonprofit entities.”.

1 **SEC. 583. CLARIFICATION OF AUTHORIZED FISHER HOUSE**
2 **RESIDENTS AT THE FISHER HOUSE FOR THE**
3 **FAMILIES OF THE FALLEN AND MEDITATION**
4 **PAVILION AT DOVER AIR FORCE BASE, DELA-**
5 **WARE.**

6 (a) TREATMENT OF FISHER HOUSE FOR THE FAMI-
7 LIES OF THE FALLEN AND MEDITATION PAVILION.—Sub-
8 section (a) of section 2493 of title 10, United States Code,
9 is amended—

10 (1) in paragraph (1)—

11 (A) in subparagraph (B), by striking “by
12 patients” and all that follows through “such pa-
13 tients;” and inserting “by authorized Fisher
14 House residents;”; and

15 (B) by adding after subparagraph (C) the
16 following new flush sentence:

17 “The term includes the Fisher House for the Fami-
18 lies of the Fallen and Meditation Pavilion at Dover
19 Air Force Base, Delaware, so long as such facility
20 is available for residential use on a temporary basis
21 by authorized Fisher House residents.”; and

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

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

1 “(A) With respect to a facility described in
2 the first sentence of paragraph (1) that is lo-
3 cated in proximity to a health care facility of
4 the Army, the Air Force, or the Navy, the fol-
5 lowing persons:

6 “(i) Patients of that health care facil-
7 ity.

8 “(ii) Members of the families of such
9 patients.

10 “(iii) Others providing the equivalent
11 of familial support for such patients.

12 “(B) With respect to the Fisher House for
13 Families of the Fallen and Meditation Pavilion
14 at Dover Air Force Base, Delaware, the fol-
15 lowing persons:

16 “(i) The primary next of kin of a
17 member of the armed forces who dies while
18 located or serving overseas.

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

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

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

4 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
5 643 of the National Defense Authorization Act for Fiscal
6 Year 2012 (Public Law 112–81; 125 Stat. 1466) is re-
7 pealed.

8 **SEC. 584. REPORT ON ACCURACY OF DATA IN THE DE-**
9 **FENSE ENROLLMENT ELIGIBILITY REPORT-**
10 **ING SYSTEM.**

11 Not later than 90 days after the date of the enact-
12 ment of this Act, the Secretary of Defense shall submit
13 to the Committees on Armed Services of the Senate and
14 the House of Representatives a plan to improve the com-
15 pleteness and accuracy of the data contained in the De-
16 fense Enrollment Eligibility Reporting System (DEERS)
17 in order to provide for the standardization of identification
18 credentials required for eligibility, enrollment, trans-
19 actions, and updates across all Department of Defense in-
20 stallations and to ensure that those issued military identi-
21 fication cards and receiving benefits based on such data
22 are actually eligible for such cards and benefits.

1 **SEC. 585. POSTHUMOUS HONORARY PROMOTION OF SER-**
2 **GEANT PASCHAL CONLEY TO SECOND LIEU-**
3 **TENANT IN THE ARMY.**

4 Notwithstanding the time limitation specified in sec-
5 tion 1521 of title 10, United States Code, or any other
6 time limitation with respect to posthumous promotions for
7 persons who served in the Armed Forces, the President
8 is authorized to issue an appropriate posthumous hon-
9 orary commission promoting to second lieutenant in the
10 Army under section 1521 of such title Sergeant (retired)
11 Paschal Conley, a distinguished Buffalo Soldier who was
12 recommended for promotion to second lieutenant under
13 then-existing procedures by General John J. Pershing.

14 **TITLE VI—COMPENSATION AND**
15 **OTHER PERSONNEL BENEFITS**
16 **Subtitle A—Pay and Allowances**

17 **SEC. 601. RATES OF BASIC ALLOWANCE FOR HOUSING FOR**
18 **ARMY NATIONAL GUARD AND AIR NATIONAL**
19 **GUARD MEMBERS ON FULL-TIME NATIONAL**
20 **GUARD DUTY.**

21 Section 403(g) of title 37, United States Code, is
22 amended by adding at the end the following new para-
23 graph:

24 “(6)(A) The rate of basic allowance for housing to
25 be paid to a member of the Army National Guard of the
26 United States or the Air National Guard of the United

1 States on full-time National Guard duty shall be based
2 on the member's duty location.

3 “(B)(i) The rate of basic allowance for housing to be
4 paid a member described in subparagraph (A) may not
5 be modified upon the transition of the member from active
6 duty to full-time National Guard duty, or from full-time
7 National Guard duty to active duty, when the transition
8 occurs without a break in active service, unless the transi-
9 tion results in a permanent change of station and ship-
10 ment of household goods.

11 “(ii) For purposes of this subparagraph, a break in
12 active service occurs when one or more calendar days be-
13 tween active service periods do not qualify as active serv-
14 ice.”.

15 **SEC. 602. PAYMENT OF BENEFIT FOR NONPARTICIPATION**
16 **OF ELIGIBLE MEMBERS IN POST-DEPLOY-**
17 **MENT/MOBILIZATION RESPITE ABSENCE**
18 **PROGRAM DUE TO GOVERNMENT ERROR.**

19 (a) PAYMENT OF BENEFIT.—

20 (1) IN GENERAL.—Subject to subsection (e),
21 the Secretary concerned shall, upon application
22 therefor, make a payment to each individual de-
23 scribed in paragraph (2) of \$200 for each day of
24 nonparticipation of such individual in the Post-De-

1 ployment/Mobilization Respite Absence program as
2 described in that paragraph.

3 (2) COVERED INDIVIDUALS.—An individual de-
4 scribed in this paragraph is an individual who—

5 (A) was eligible for participation as a
6 member of the Armed Forces in the Post-De-
7 ployment/Mobilization Respite Absence pro-
8 gram; but

9 (B) as determined by the Secretary con-
10 cerned pursuant to an application for the cor-
11 rection of the military records of such indi-
12 vidual pursuant to section 1552 of title 10,
13 United States Code, did not participate in one
14 or more days in the program for which the indi-
15 vidual was so eligible due to Government error.

16 (b) DECEASED INDIVIDUALS.—

17 (1) APPLICATIONS.—If an individual otherwise
18 covered by subsection (a) is deceased, the application
19 required by that subsection shall be made by the in-
20 dividual's legal representative.

21 (2) PAYMENT.—If an individual to whom pay-
22 ment would be made under subsection (a) is de-
23 ceased at time of payment, payment shall be made
24 in the manner specified in section 1552(c)(2) of title
25 10, United States Code.

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) OFFSET.—The Secretary of Defense shall trans-
21 fer \$2,000,000 from the unobligated balances of the Pen-
22 tagon Reservation Maintenance Revolving Fund estab-
23 lished under section 2674(e) of title 10, United States
24 Code, to the Miscellaneous Receipts Fund of the United
25 States Treasury.

1 (f) DEFINITIONS.—In this section, the terms “Post-
2 Deployment/Mobilization Respite Absence program” and
3 “Secretary concerned” have the meaning given such terms
4 in section 604(f) of the National Defense Authorization
5 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
6 2350).

7 **SEC. 603. 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 **Subtitle B—Bonuses and Special**
15 **and Incentive Pays**

16 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
17 **SPECIAL PAY AUTHORITIES FOR RESERVE**
18 **FORCES.**

19 The following sections of title 37, United States
20 Code, are amended by striking “December 31, 2012” and
21 inserting “December 31, 2013”:

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

24 (2) Section 308c(i), relating to Selected Reserve
25 affiliation or enlistment bonus.

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

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

7 (5) Section 308h(e), relating to Ready Reserve
8 enlistment and reenlistment bonus for persons with
9 prior service.

10 (6) Section 308i(f), relating to Selected Reserve
11 enlistment and reenlistment bonus for persons with
12 prior service.

13 (7) Section 910(g), relating to income replace-
14 ment payments for reserve component members ex-
15 periencing extended and frequent mobilization for
16 active duty service.

17 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
18 **SPECIAL PAY AUTHORITIES FOR HEALTH**
19 **CARE PROFESSIONALS.**

20 (a) TITLE 10 AUTHORITIES.—The following sections
21 of title 10, United States Code, are amended by striking
22 “December 31, 2012” and inserting “December 31,
23 2013”:

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

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

4 (b) TITLE 37 AUTHORITIES.—The following sections
5 of title 37, United States Code, are amended by striking
6 “December 31, 2012” and inserting “December 31,
7 2013”:

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

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

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

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

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

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

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

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

4 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
5 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
6 **CERS.**

7 The following sections of title 37, United States
8 Code, are amended by striking “December 31, 2012” and
9 inserting “December 31, 2013”:

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

13 (2) Section 312b(c), relating to nuclear career
14 accession bonus.

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

17 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
18 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
19 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
20 **TIES.**

21 The following sections of title 37, United States
22 Code, are amended by striking “December 31, 2012” and
23 inserting “December 31, 2013”:

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

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

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

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

7 (5) Section 335(k), relating to special bonus
8 and incentive pay authorities for officers in health
9 professions.

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

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

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

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

19 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
20 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
21 **NUSES AND SPECIAL PAYS.**

22 The following sections of title 37, United States
23 Code, are amended by striking “December 31, 2012” and
24 inserting “December 31, 2013”:

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

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

5 (3) Section 308(g), relating to reenlistment
6 bonus for active members.

7 (4) Section 309(e), relating to enlistment
8 bonus.

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

11 (6) Section 326(g), relating to incentive bonus
12 for conversion to military occupational specialty to
13 ease personnel shortage.

14 (7) Section 327(h), relating to incentive bonus
15 for transfer between armed forces.

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

18 **SEC. 616. INCREASE IN AMOUNT OF OFFICER AFFILIATION**
19 **BONUS FOR OFFICERS IN THE SELECTED RE-**
20 **SERVE.**

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

1 **SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE**
 2 **BONUS FOR RESERVE COMPONENT MEM-**
 3 **BERS WHO CONVERT MILITARY OCCUPA-**
 4 **TIONAL SPECIALTY TO EASE PERSONNEL**
 5 **SHORTAGES.**

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

10 **Subtitle C—Travel and**
 11 **Transportation Allowances**

12 **SEC. 631. PERMANENT CHANGE OF STATION ALLOWANCES**
 13 **FOR MEMBERS OF SELECTED RESERVE**
 14 **UNITS FILLING A VACANCY IN ANOTHER**
 15 **UNIT AFTER BEING INVOLUNTARILY SEPA-**
 16 **RATED.**

17 (a) TRAVEL AND TRANSPORTATION ALLOWANCES
 18 GENERALLY.—Section 474 of title 37, United States
 19 Code, is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (4), by striking “and” at
 22 the end;

23 (B) in paragraph (5), by striking the pe-
 24 riod at the end and inserting “; and”; and

25 (C) by adding at the end the following new
 26 paragraph:

1 “(6) upon filling a vacancy in a Selected Re-
2 serve unit at a duty station that is more than 150
3 miles from the member’s residence if—

4 “(A) during the preceding three years the
5 member was involuntarily separated under
6 other than adverse conditions (as characterized
7 by the Secretary concerned) while assigned to a
8 unit of the Selected Reserve certified by the
9 Secretary concerned as having been adversely
10 affected by force structure reductions during
11 the period beginning on October 1, 2012, and
12 ending on December 31, 2018;

13 “(B) the involuntary separation occurred
14 during the period beginning on October 1,
15 2012, and ending on December 31, 2018; and

16 “(C) the member is—

17 “(i) qualified in a skill designated as
18 critically short by the Secretary concerned;
19 or

20 “(ii) filling a vacancy in a Selected
21 Reserve unit with a critical manpower
22 shortage, or in a pay grade with a critical
23 manpower shortage in such unit.”;

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

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

5 “(B) Regulations under this section shall provide that
6 whenever travel and transportation allowances are paid
7 under subsection (a)(6), the cost shall be borne by the unit
8 filling the vacancy.”; and

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

11 (b) TRAVEL AND TRANSPORTATION ALLOWANCES
12 FOR DEPENDENTS AND HOUSEHOLD EFFECTS.—Section
13 476 of such title is amended—

14 (1) by redesignating subsections (l), (m), and
15 (n) as subsections (m), (n), and (o); and

16 (2) by inserting after subsection (k) the fol-
17 lowing new subsection (l)

18 “(l)(1) A member described in paragraph (2) is enti-
19 tled to the travel and transportation allowances, including
20 allowances with respect to dependents, authorized by this
21 section upon filling a vacancy as described in that para-
22 graph as if the member were undergoing a permanent
23 change of station under orders in filling such vacancy.

24 “(2) A member described in this paragraph is a mem-
25 ber who is filling a vacancy in a Selected Reserve unit at

1 a duty station that is more than 150 miles from the mem-
2 ber's residence if—

3 “(A) during the three years preceding filling the
4 vacancy, the member was involuntarily separated
5 under other than adverse conditions (as character-
6 ized by the Secretary concerned) while assigned to a
7 unit of the Selected Reserve certified by the Sec-
8 retary concerned as having been adversely affected
9 by force structure reductions during the period be-
10 ginning on October 1, 2012, and ending on Decem-
11 ber 31, 2018;

12 “(B) the involuntary separation occurred during
13 the period beginning on October 1, 2012, and ending
14 on December 31, 2018; and

15 “(C) the member is—

16 “(i) qualified in a skill designated as criti-
17 cally short by the Secretary concerned; or

18 “(ii) filling a vacancy in a Selected Reserve
19 unit with a critical manpower shortage, or in a
20 pay grade with a critical manpower shortage in
21 such unit.

22 “(3) Any allowances authorized by this section that
23 are payable under this subsection may be payable in ad-
24 vance if payable in advance to a member undergoing a

1 permanent change of station under orders under the appli-
2 cable provision of this section.”.

3 **SEC. 632. AUTHORITY FOR COMPREHENSIVE PROGRAM**
4 **FOR SPACE-AVAILABLE TRAVEL ON DEPART-**
5 **MENT OF DEFENSE AIRCRAFT.**

6 (a) IN GENERAL.—Chapter 157 of title 10, United
7 States Code, is amended by inserting after section 2641b
8 the following new section:

9 **“§ 2641c. Space-available travel on Department of De-**
10 **fense aircraft**

11 “(a) AUTHORITY TO ESTABLISH PROGRAM.—(1)
12 The Secretary of Defense may establish a program to pro-
13 vide transportation on Department of Defense aircraft on
14 a space-available basis.

15 “(2) The program shall be conducted pursuant to
16 regulations prescribed by the Secretary for purposes of
17 this section. Such regulations shall be prescribed by not
18 later than January 1, 2014, and shall take effect on that
19 date or such earlier date as the Secretary shall specify in
20 such regulations.

21 “(3) The program shall be conducted in a budget
22 neutral manner. No additional funds may be used, or
23 flight hours performed, for the provision of transportation
24 under the program.

1 “(b) BENEFIT.—If the Secretary establishes a pro-
2 gram authorized by subsection (a), the Secretary shall,
3 subject to section (c), provide the benefit under the pro-
4 gram to the following categories of individuals:

5 “(1) Members of the armed forces on active
6 duty.

7 “(2) Members of the Selected Reserve who hold
8 a valid Uniformed Services Identification and Privi-
9 lege Card.

10 “(3) Retired members of a regular or reserve
11 component of the armed forces, including retired
12 members of reserve components, who, but for being
13 under the eligibility age applicable under section
14 12731 of this title, would be eligible for retired pay
15 under chapter 1223 of this title.

16 “(4) The unmarried spouses of members of
17 the armed forces who were killed on active duty or
18 otherwise died in the line of duty, and the
19 unmarried spouses of former members of the
20 armed forces who died of a combat-related illness or
21 injury, who hold a valid Uniformed Services Identi-
22 fication and Privilege Card.

23 “(5) Such categories of dependents of individ-
24 uals described in paragraphs (1) through (3) as the
25 Secretary shall specify in the regulations under sub-

1 section (a), under such conditions and circumstances
2 as the Secretary shall specify in such regulations.

3 “(6) Such other categories of individuals as the
4 Secretary, in the discretion of the Secretary, con-
5 siders appropriate.

6 “(c) ADMINISTRATION.—In carrying out a program
7 under this section, the Secretary shall—

8 “(1) in the sole discretion of the Secretary, es-
9 tablish an order of priority for transportation under
10 the program for categories of individuals under sub-
11 section (b) that is based on considerations of mili-
12 tary necessity, humanitarian concerns, and enhance-
13 ment of morale;

14 “(2) give priority in consideration of transpor-
15 tation under the program to the demands of mem-
16 bers of the armed forces in the regular components
17 and in the reserve components on active duty and to
18 the need to provide such members, and their depend-
19 ents, a means of respite from such demands; and

20 “(3) implement policies aimed at ensuring cost
21 control and the safety, security, and efficient proc-
22 essing of travelers, including limiting the benefit
23 under the program to one or more categories of indi-
24 viduals set forth in subsection (b) if considered nec-
25 essary by the Secretary.

1 “(d) CONSTRUCTION.—The authority to provide
2 transportation under this section is in addition to any
3 other authority under law to provide transportation on De-
4 partment of Defense aircraft on a space-available basis.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 157 of such title is amended
7 by inserting after the item relating to section 2641b the
8 following new item:

“2641c. Space-available travel on Department of Defense aircraft.”.

9 **Subtitle D—Disability, Retired Pay,**
10 **and Survivor Benefits**

11 **SEC. 641. REPEAL OF REQUIREMENT FOR PAYMENT OF**
12 **SURVIVOR BENEFIT PLAN PREMIUMS WHEN**
13 **PARTICIPANT WAIVES RETIRED PAY TO PRO-**
14 **VIDE A SURVIVOR ANNUITY UNDER FEDERAL**
15 **EMPLOYEES RETIREMENT SYSTEM AND TER-**
16 **MINATION OF PAYMENT OF SURVIVOR BEN-**
17 **EFIT PLAN ANNUITY.**

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

20 (1) in the subsection heading, by inserting

21 “AND FERS” after “CSRS”;

22 (2) by inserting “or for the purposes of chapter
23 84 of title 5,” after “chapter 83 of title 5,”;

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

25 and

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

2 (b) CONFORMING AMENDMENTS.—Section 1450(d)
3 of such title is amended—

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

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

7 and

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

9 (c) APPLICABILITY.—The amendments made by this
10 section shall apply with respect to any participant electing
11 a annuity for survivors under chapter 84 of title 5, United
12 States Code, on or after the date of the enactment of this
13 Act.

14 **SEC. 642. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY**
15 **SERVICEMEMBERS’ GROUP LIFE INSURANCE**
16 **FOR MEMBERS OF THE ARMED FORCES MAR-**
17 **RIED TO OTHER MEMBERS.**

18 Section 1967(a)(1) of title 38, United States Code,
19 is amended—

20 (1) in subparagraph (A)(ii), by inserting after
21 “insurable dependent of the member” the following:

22 “(other than a dependent who is also a member of
23 a uniformed service and, because of such member-
24 ship, automatically insured under this paragraph)”;

25 and

1 (2) in subparagraph (C)(ii), by inserting after
2 “insurable dependent of the member” the following:
3 “(other than a dependent who is also a member of
4 a uniformed service and, because of such member-
5 ship, automatically insured under this paragraph)”.

6 **SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-**
7 **RELATED SPECIAL COMPENSATION FOR**
8 **CHAPTER 61 DISABILITY RETIREES.**

9 (a) **IN GENERAL.**—Section 1413a(b)(3) of title 10,
10 United States Code, is amended by striking “shall be re-
11 duced by the amount (if any) by which the amount of the
12 member’s retired pay under chapter 61 of this title ex-
13 ceeds” both places it appears and inserting “may not,
14 when combined with the amount of retired pay payable
15 to the retiree after any such reduction under sections 5304
16 and 5305 of title 38, cause the total of such combined
17 payment to exceed”.

18 (b) **EFFECTIVE DATE.**—The amendments made by
19 this section shall take effect on October 1, 2013, and shall
20 apply to payments for months beginning on or after that
21 date.

1 erty, when that loan is offered for the ex-
2 press purpose of financing the purchase
3 and is secured by the car or personal prop-
4 erty procured.”.

5 (b) POLICY ON PREDATORY EXTENSION OF CREDIT
6 THROUGH INSTALLMENT LOANS TARGETING MEMBERS
7 OF THE ARMED FORCES AND DEPENDENTS.—

8 (1) POLICY REQUIRED.—The Secretary of De-
9 fense shall, in consultation with the officials and en-
10 tities specified in section 987(h)(3) of title 10,
11 United States Code, prescribe a policy on the preda-
12 tory extension of credit through installment loans
13 targeting members of the Armed Forces and their
14 dependents.

15 (2) OBJECTIVES.—The objectives of the policy
16 required by paragraph (1) shall be as follows:

17 (A) To enhance protections afforded mem-
18 bers of the Armed Forces and their dependents
19 under section 987 of title 10, United States
20 Code, by curbing continuing predatory lending
21 practices targeting members of the Armed
22 Forces and their dependents that are not cur-
23 rently regulated under that section.

24 (B) To improve the financial literacy of
25 members of the Armed Forces and their de-

1 pendents with respect to installment loans and
2 other forms of credit not currently regulated
3 under section 987 of title 10, United States
4 Code.

5 (C) To make members of the Armed
6 Forces and their dependents aware of other,
7 more beneficial sources of financial aid and
8 credit services (such as those available through
9 military relief societies) than installment loans.

10 (D) If considered appropriate by the Sec-
11 retary of Defense, to provide, by regulation, for
12 the coverage under section 987 of title 10,
13 United States Code, of installment loans ex-
14 tended to members of the Armed Forces and
15 dependents protected by that section.

16 (c) EFFECTIVE DATE.—

17 (1) MODIFICATION OF REGULATIONS.—The
18 Secretary of Defense shall modify the regulations
19 prescribed under section 987 of title 10, United
20 States Code, to take into account the amendment
21 made by subsection (a).

22 (2) EFFECTIVE DATE OF MODIFICATION AND
23 POLICY.—The amendment made by subsection (a),
24 and the policy required by subsection (b), shall take
25 effect on—

1 (A) the date that is one year after the date
2 of the enactment of this Act; or

3 (B) such earlier date as the Secretary shall
4 specify.

5 (3) PUBLICATION OF EARLIER DATE.—If pur-
6 suant to paragraph (2)(B) the Secretary specifies an
7 earlier effective date for the amendment made by
8 subsection (a) and the policy required by subsection
9 (b), the Secretary shall publish notice of such earlier
10 effective date in the Federal Register not later than
11 90 days before such earlier effective date.

12 **SEC. 652. ADDITIONAL ENHANCEMENTS OF PROTECTIONS**
13 **ON CONSUMER CREDIT FOR MEMBERS OF**
14 **THE ARMED FORCES AND THEIR DEPEND-**
15 **ENTS.**

16 (a) PROTECTIONS AGAINST DIFFERENTIAL TREAT-
17 MENT ON CONSUMER CREDIT UNDER STATE LAW.—Sub-
18 section (d)(2) of section 987 of title 10, United States
19 Code, is amended—

20 (1) in subparagraph (A), by inserting “any con-
21 sumer credit or” before “loans”; and

22 (2) in subparagraph (B), by inserting “covering
23 consumer credit” after “State consumer lending pro-
24 tectations”.

1 (b) REGULAR CONSULTATIONS ON PROTECTIONS.—

2 Subsection (h)(3) of such section is amended—

3 (1) in the matter preceding subparagraph (A)—

4 (A) by inserting “and not less often than
5 once every two years thereafter,” after “under
6 this subsection,”; and

7 (B) by inserting “appropriate Federal
8 agencies, including” before “the following”;

9 (2) by striking subparagraph (E); and

10 (3) by redesignating subparagraphs (F) and
11 (G) as subparagraphs (E) and (F), respectively.

12 (c) EFFECTIVE DATE.—

13 (1) MODIFICATION OF REGULATIONS.—The
14 Secretary of Defense shall modify the regulations
15 prescribed under section 987 of title 10, United
16 States Code, to take into account the amendments
17 made by subsection (a).

18 (2) EFFECTIVE DATE.—The amendments made
19 by subsection (a) shall take effect on—

20 (A) the date that is one year after the date
21 of the enactment of this Act; or

22 (B) such earlier date as the Secretary shall
23 specify in the modification of regulations re-
24 quired by paragraph (1).

1 (3) PUBLICATION OF EARLIER DATE.—If the
2 Secretary specifies an earlier effective date for the
3 amendments made by subsection (a) pursuant to
4 paragraph (2)(B), the Secretary shall publish notice
5 of such earlier effective date in the Federal Register
6 not later than 90 days before such earlier effective
7 date.

8 **SEC. 653. RELIEF IN CIVIL ACTIONS FOR VIOLATIONS OF**
9 **PROTECTIONS ON CONSUMER CREDIT EX-**
10 **TENDED TO MEMBERS OF THE ARMED**
11 **FORCES AND THEIR DEPENDENTS.**

12 (a) IN GENERAL.—Section 987(f) of title 10, United
13 States Code, is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(5) CIVIL LIABILITY.—

16 “(A) IN GENERAL.—A person who violates
17 this section with respect to any person is civilly
18 liable to such person for—

19 “(i) any actual damage sustained as a
20 result, but not less than \$500 for each vio-
21 lation;

22 “(ii) appropriate punitive damages;

23 “(iii) appropriate equitable or declara-
24 tory relief;

25 “(iv) any other relief provided by law;

1 “(v) in any successful action to en-
2 force the foregoing liability, the costs of
3 the action, together with reasonable attor-
4 ney fees as determined by the court; and

5 “(vi) in any successful action by a de-
6 fendant under this section, if the court
7 finds the action was brought in bad faith
8 and for the purpose of harassment, attor-
9 ney fees of the defendant as determined by
10 the court to be reasonable in relation to
11 the work expended and costs incurred.

12 “(B) DEFENSES.—A person may not be
13 held liable for civil liability under this para-
14 graph if the person shows by a preponderance
15 of evidence that the violation was not inten-
16 tional and resulted from a bona fide error not-
17 withstanding the maintenance of procedures
18 reasonably adapted to avoid any such error. Ex-
19 amples of a bona fide error include clerical, cal-
20 culation, computer malfunction and program-
21 ming, and printing errors, except that an error
22 of legal judgment with respect to a person’s ob-
23 ligations under this section is not a bona fide
24 error.

1 “(C) JURISDICTION AND VENUE; LIMITA-
2 TION.—An action for civil liability under this
3 paragraph may be brought in any appropriate
4 United States district court, without regard to
5 the amount in controversy, or in any other
6 court of competent jurisdiction, not later than
7 the earlier or—

8 “(i) two years after the date of dis-
9 covery by the plaintiff of the violation that
10 is the basis for such liability; or

11 “(ii) five years after the date on which
12 the violation that is the basis for such li-
13 ability occurs.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section and shall take effect on the date of the enact-
16 ment of this Act, and shall apply with respect to consumer
17 credit extended on or after that date.

18 **SEC. 654. MODIFICATION OF DEFINITION OF DEPENDENT**
19 **FOR PURPOSES OF LIMITATIONS ON TERMS**
20 **OF CONSUMER CREDIT EXTENDED TO MEM-**
21 **BERS OF THE ARMED FORCES AND THEIR DE-**
22 **PENDENTS.**

23 Paragraph (2) of section 987(i) of title 10, United
24 States Code, is amended to read as follows:

1 “(2) DEPENDENT.—The term ‘dependent’, with
2 respect to a covered member, has the meaning given
3 that term in section 401(a) of title 37.”.

4 **SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER**
5 **CREDIT FOR MEMBERS OF THE ARMED**
6 **FORCES AND THEIR DEPENDENTS.**

7 Section 987(f) of title 10, United States Code, as
8 amended by section 653 of this Act, is further amended
9 by adding at the end the following new paragraph:

10 “(6) ENFORCEMENT.—The provisions of this
11 section (other than paragraph (1) of this subsection)
12 shall be enforced by the agencies specified in section
13 108 of the Truth in Lending Act (15 U.S.C. 1607)
14 in the manner set forth in that section or as set
15 forth under any other applicable authorities available
16 to such agencies by law.”.

17 **Subtitle F—Other Matters**

18 **SEC. 661. TRANSITIONAL COMPENSATION FOR DEPENDENT**
19 **CHILDREN WHO ARE CARRIED DURING**
20 **PREGNANCY AT TIME OF DEPENDENT-ABUSE**
21 **OFFENSE.**

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

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

1 “(4) Payment to a child under this section shall not
2 be paid for any period before the birth of the child.”; and

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

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

16 **SEC. 662. REPORT ON ISSUANCE BY ARMED FORCES MED-**
17 **ICAL EXAMINER OF DEATH CERTIFICATES**
18 **FOR MEMBERS OF THE ARMED FORCES WHO**
19 **DIE ON ACTIVE DUTY ABROAD.**

20 (a) REPORT REQUIRED.—Not later than 120 days
21 after the date of the enactment of this Act, the Secretary
22 of Defense shall submit to the congressional defense com-
23 mittees a report on the issuance by the Armed Forces
24 Medical Examiner of death certificates for members of the
25 Armed Forces who die on active duty abroad, including

1 mechanisms for reducing or ameliorating delays in the
2 issuance of such death certificates.

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

5 (1) A description of the process used by the
6 Armed Forces Medical Examiner to issue a death
7 certificate for members of the Armed Forces who die
8 on active duty abroad, including an explanation for
9 any current delays in the issuance of such death cer-
10 tificates.

11 (2) A description of the average amount of time
12 taken by the Armed Forces Medical Examiner to
13 issue such death certificates.

14 (3) An assessment of the feasibility and advis-
15 ability of issuing temporary death certificates for
16 members of the Armed Forces who die on active
17 duty abroad in order to provide necessary docu-
18 mentation for survivors.

19 (4) A description of the actions required to en-
20 able the Armed Forces Medical Examiner to issue a
21 death certificate for a member of the Armed Forces
22 who dies on active duty abroad not later than seven
23 days after the return of the remains of the member
24 to the United States.

1 (5) Such other recommendations for legislative
2 or administrative action as the Secretary considers
3 appropriate to provide for the issuance by the Armed
4 Forces Medical Examiner of a death certificate for
5 members of the Armed Forces who die on active
6 duty abroad not later than seven days after the re-
7 turn of the remains of such members to the United
8 States.

9 **TITLE VII—HEALTH CARE**
10 **PROVISIONS**

11 **Subtitle A—TRICARE Program**

12 **SEC. 701. EXTENSION OF TRICARE STANDARD COVERAGE**
13 **AND TRICARE DENTAL PROGRAM FOR MEM-**
14 **BERS OF THE SELECTED RESERVE WHO ARE**
15 **INVOLUNTARILY SEPARATED.**

16 (a) EXTENSION OF TRICARE STANDARD COV-
17 ERAGE.—Section 1076d(b) of title 10, United States
18 Code, is amended—

19 (1) by striking “Eligibility” and inserting “(1)
20 Except as provided in paragraph (2), eligibility”;
21 and

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

24 “(2) Eligibility for a member under this section who
25 is involuntarily separated from the Selected Reserve under

1 other than adverse conditions, as characterized by the Sec-
2 retary concerned, shall terminate 180 days after the date
3 on which the member is separated.”.

4 (b) **EXTENSION OF TRICARE DENTAL PROGRAM**
5 **COVERAGE.**—Section 1076a(a)(1) of such title is amended
6 by adding at the end the following new sentence: “Such
7 plan shall provide that coverage for a member of the Se-
8 lected Reserve who is involuntarily separated from the Se-
9 lected Reserve under other than adverse conditions, as
10 characterized by the Secretary concerned, shall terminate
11 not earlier than 180 days after the date on which the
12 member is separated.”.

13 **SEC. 702. INCLUSION OF CERTAIN OVER-THE-COUNTER**
14 **DRUGS IN TRICARE UNIFORM FORMULARY.**

15 (a) **INCLUSION.**—Subsection (a)(2) of section 1074g
16 of title 10, United States Code, is amended—

17 (1) in subparagraph (D), by striking “No phar-
18 maceutical agent may be excluded” and inserting
19 “Except as provided in subparagraph (F), no phar-
20 maceutical agent may be excluded”; and

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

23 “(F)(i) The Secretary may implement procedures to
24 place selected over-the-counter drugs on the uniform for-
25 mulary and to make such drugs available to eligible cov-

1 ered beneficiaries. An over-the-counter drug may be in-
2 cluded on the uniform formulary only if the Pharmacy and
3 Therapeutics Committee established under subsection (b)
4 finds that the over-the-counter drug is cost-effective and
5 clinically effective. If the Pharmacy and Therapeutics
6 Committee recommends an over-the-counter drug for in-
7 clusion on the uniform formulary, the drug shall be consid-
8 ered to be in the same therapeutic class of pharmaceutical
9 agents, as determined by the Committee, as similar pre-
10 scription drugs.

11 “(ii) Regulations prescribed by the Secretary to carry
12 out clause (i) shall include the following with respect to
13 over-the-counter drugs included on the uniform formulary:

14 “(I) A determination of the means and condi-
15 tions under paragraphs (5) and (6) of this sub-
16 section through which over-the-counter drugs will be
17 available to eligible covered beneficiaries and the
18 amount of cost sharing that such beneficiaries will
19 be required to pay for over-the-counter drugs, except
20 that no such cost sharing may be required for a
21 member of a uniformed service on active duty.

22 “(II) Any terms and conditions for the dis-
23 pensing of over-the-counter drugs to eligible covered
24 beneficiaries.”.

1 (b) DEFINITIONS.—Subsection (g) of such section is
2 amended by adding at the end the following new para-
3 graphs:

4 “(3) The term ‘over-the-counter drug’ means a
5 drug that is not subject to section 503(b) of the
6 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
7 353(b)).

8 “(4) The term ‘prescription drug’ means a drug
9 that is subject to section 503(b) of the Federal
10 Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).”.

11 (c) TECHNICAL AMENDMENTS.—

12 (1) CROSS-REFERENCE AMENDMENTS.—Sub-
13 sections (a)(6)(A) and (b)(1) of such section are
14 amended by striking “subsection (g)” and inserting
15 “subsection (h)”.

16 (2) REPEAL OF OBSOLETE PROVISIONS.—

17 (A) Subsection (a)(2)(D) of such section is
18 amended by striking the last sentence.

19 (B) Subsection (b)(2) of such section is
20 amended by striking “Not later than” and all
21 the follows through “such 90-day period, the
22 committee” and inserting “The committee”.

23 (C) Subsection (d)(2) of such section is
24 amended—

1 (i) by striking “Effective not later
2 than April 5, 2000, the Secretary” and in-
3 serting “The Secretary”; and

4 (ii) by striking “the current managed
5 care support contracts” and inserting “the
6 managed care support contracts current as
7 of October 5, 1999,”.

8 **SEC. 703. EXPANSION OF EVALUATION OF THE EFFECTIVE-**
9 **NESS OF THE TRICARE PROGRAM.**

10 Section 717(a)(1) of the National Defense Authoriza-
11 tion Act for Fiscal Year 1996 (Public Law 106–104; 110
12 Stat. 376; 10 U.S.C. 1073 note) is amended by striking
13 “military retirees” and inserting “members of the Armed
14 Forces (whether in the regular or reserve components) and
15 their dependents, military retirees and their dependents,
16 dependent children under the age of 21, and dependents
17 of members on active duty with severe disabilities and
18 chronic health care needs”.

19 **SEC. 704. REPORT ON THE FUTURE AVAILABILITY OF**
20 **TRICARE PRIME THROUGHOUT THE UNITED**
21 **STATES.**

22 (a) REPORT REQUIRED.—Not later than 120 days
23 after the date of the enactment of this Act, the Secretary
24 of Defense shall submit to the Committees on Armed Serv-
25 ices of the Senate and the House of Representatives a re-

1 port setting forth the policy of the Department of Defense
2 on the future availability of TRICARE Prime under the
3 TRICARE program for eligible beneficiaries in all
4 TRICARE regions throughout the United States.

5 (b) ELEMENTS.—The report required by subsection
6 (a) shall include the following:

7 (1) A description, by region, of the difference in
8 availability of TRICARE Prime for eligible bene-
9 ficiaries (other than eligible beneficiaries on active
10 duty in the Armed Forces) under newly-awarded
11 TRICARE managed care contracts, including, in
12 particular, an identification of the regions or areas
13 in which TRICARE Prime will no longer be avail-
14 able for such beneficiaries under such contracts.

15 (2) A description of the transition and outreach
16 plans for eligible beneficiaries described in para-
17 graph (1) who will no longer have access to
18 TRICARE Prime under the contracts described in
19 that paragraph.

20 (3) An estimate of the increased costs to be in-
21 curred for healthcare under the TRICARE program
22 for eligible beneficiaries described in paragraph (2).

23 (4) An estimate of the saving to be achieved by
24 the Department as a result of the contracts de-
25 scribed in paragraph (1).

1 (5) A description of the plans of the Depart-
 2 ment to continue to assess the impact on access to
 3 healthcare for eligible beneficiaries described in
 4 paragraph (2).

5 **SEC. 705. CERTAIN TREATMENT OF DEVELOPMENTAL DIS-**
 6 **ABILITIES, INCLUDING AUTISM, UNDER THE**
 7 **TRICARE PROGRAM.**

8 (a) CERTAIN TREATMENT OF AUTISM.—

9 (1) IN GENERAL.—Chapter 55 of title 10,
 10 United States Code, is amended by inserting after
 11 section 1077 the following new section:

12 **“§ 1077a. Treatment of autism under the TRICARE**
 13 **program**

14 “(a) IN GENERAL.—Except as provided in subsection
 15 (c), for purposes of providing health care services under
 16 this chapter, the treatment of developmental disabilities
 17 (42 U.S.C. 15002(8)), including autism spectrum dis-
 18 orders, shall include behavioral health treatment, includ-
 19 ing applied behavior analysis, when prescribed by a physi-
 20 cian.

21 “(b) REQUIREMENTS IN PROVISION OF SERVICES.—
 22 In carrying out subsection (a), the Secretary of Defense
 23 shall ensure that—

24 “(1) except as provided by paragraph (2), a
 25 person who is authorized to provide behavioral

1 health treatment is licensed or certified by a State
2 or accredited national certification board; and

3 “(2) if applied behavior analysis or other behav-
4 ioral health treatment is provided by an employee or
5 contractor of a person described in paragraph (1),
6 the employee or contractor shall meet minimum
7 qualifications, training, and supervision require-
8 ments as set forth by the Secretary who shall ensure
9 that covered beneficiaries have appropriate access to
10 care in accordance with best practice guidelines.

11 “(c) EXCLUSIONS.—Subsection (a) shall not apply to
12 the following:

13 “(1) Covered beneficiaries under this chapter
14 who are entitled to hospital insurance benefits under
15 part A of title XVIII of the Social Security Act.

16 “(2) Covered beneficiaries under this chapter
17 who are former members, dependents of former
18 members, or survivors of any uniformed service not
19 under the jurisdiction of the Department of Defense.

20 “(d) CONSTRUCTION WITH OTHER BENEFITS.—(1)
21 Nothing in this section shall be construed as limiting or
22 otherwise affecting the benefits otherwise provided under
23 this chapter to a covered beneficiary who is a beneficiary
24 by virtue of—

1 “(A) service in the Coast Guard, the Commis-
 2 sioned Corp of the National Oceanic and Atmos-
 3 pheric Administration, or the Commissioned Corp of
 4 the Public Health Service; or

5 “(B) being a dependent of a member of a serv-
 6 ice described in subparagraph (A).

7 “(2) Nothing in this section shall be construed as lim-
 8 iting or otherwise affecting the benefits provided to a
 9 medicare-eligible beneficiary under—

10 “(A) this chapter;

11 “(B) part A of title XVIII of the Social Secu-
 12 rity Act (42 U.S.C. 1395c et seq.); or

13 “(C) any other law.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
 15 tions at the beginning of chapter 55 of such title is
 16 amended by inserting after the item relating to sec-
 17 tion 1077 the following new item:

“1077a. Treatment of autism under the TRICARE program.”.

18 (b) FUNDING.—

19 (1) INCREASE.—The amount authorized to be
 20 appropriated for fiscal year 2013 by section 1406
 21 and available for the Defense Health Program for
 22 Private Sector Care as specified in the funding table
 23 in section 4501 is hereby increased by \$45,000,000,
 24 with the amount of the increase to be available for
 25 the provision of care in accordance with section

1 1077a of title 10, United States Code (as added by
2 subsection (a)).

3 (2) OFFSET.—The amount authorized to be ap-
4 propriated for fiscal year 2013 by section 301 for
5 Operation and Maintenance and available as speci-
6 fied in the funding table in section 4301 is hereby
7 reduced by \$45,000,000.

8 **SEC. 706. SENSE OF CONGRESS ON HEALTH CARE FOR RE-**
9 **TIRED MEMBERS OF THE UNIFORMED SERV-**
10 **ICES.**

11 It is the sense of Congress that—

12 (1) members of the uniformed services and
13 their families endure unique and extraordinary de-
14 mands and make extraordinary sacrifices over the
15 course of 20 to 30 years of service in protecting
16 freedom for all Americans, as do those who have
17 been medically retired due to the hardships of mili-
18 tary service; and

19 (2) access to quality health care services is an
20 earned benefit during retirement in acknowledgment
21 of their contributions of service and sacrifice.

1 **Subtitle B—Other Health Care**
2 **Benefits**

3 **SEC. 711. USE OF DEPARTMENT OF DEFENSE FUNDS FOR**
4 **ABORTIONS IN CASES OF RAPE AND INCEST.**

5 Section 1093(a) of title 10, United States Code, is
6 amended by inserting before the period at the end the fol-
7 lowing: “or in a case in which the pregnancy is the result
8 of an act of rape or incest”.

9 **SEC. 712. AVAILABILITY OF CERTAIN FERTILITY PRESER-**
10 **VATION TREATMENTS FOR MEMBERS OF THE**
11 **ARMED FORCES ON ACTIVE DUTY.**

12 (a) IN GENERAL.—Subsection (a) of section 1074d
13 of title 10, United States Code, is amended by adding at
14 the end the following new paragraph:

15 “(3)(A) Members of the armed forces entitled to med-
16 ical care under section 1074(a) of this title who have been
17 diagnosed with a condition for which the recommended
18 course of treatment is recognized by a licensed physician
19 and surgeon or other appropriate medical practitioner as
20 a cause of iatrogenic infertility shall also be entitled to
21 fertility preservation treatment as a part of such medical
22 care.

23 “(B) If the fertility preservation treatment to which
24 a member is entitled under this paragraph is not available
25 through a facility of the uniformed services accessible to

1 the member, such treatment shall be provided to the mem-
2 ber through another appropriate mechanism under this
3 chapter, including through the TRICARE program.”.

4 (b) DEFINITIONS RELATING TO FERTILITY PRESER-
5 VATION TREATMENT.—Such section is further amended—

6 (1) in subsection (b), by striking the subsection
7 heading and inserting “DEFINITION RELATING TO
8 PRIMARY AND PREVENTIVE HEALTH CARE SERV-
9 ICES FOR WOMEN”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(c) DEFINITIONS RELATING TO FERTILITY PRES-
13 ERVATION TREATMENT.—In this section:

14 “(1) The term ‘fertility preservation treatment’
15 includes—

16 “(A) procedures consistent with established
17 medical practices in the prevention or treatment
18 of iatrogenic infertility by licensed physicians
19 and surgeons or other appropriate medical
20 practitioners, including diagnosis, diagnostic
21 tests, medication, or surgery; and

22 “(B) any other procedure identified by the
23 Secretary of Defense that is intended to pro-
24 mote the future fertility of an individual who
25 has been diagnosed with a condition for which

1 the recommended course of treatment is recog-
 2 nized by a licensed physician and surgeon or
 3 other appropriate medical practitioner as a
 4 cause of iatrogenic infertility.

5 “(2) The term ‘iatrogenic infertility’ means the
 6 current or future diminished ability, or the inability
 7 of an individual to conceive or contribute to concep-
 8 tion as a consequence of medical treatment.”.

9 **SEC. 713. MODIFICATION OF REQUIREMENTS ON MENTAL**
 10 **HEALTH ASSESSMENTS FOR MEMBERS OF**
 11 **THE ARMED FORCES DEPLOYED IN CONNEC-**
 12 **TION WITH A CONTINGENCY OPERATION.**

13 (a) **TIMING OF MENTAL HEALTH ASSESSMENTS.**—
 14 Paragraph (1)(C)(i) of section 1074m(a) of title 10,
 15 United States Code, is amended by striking “one year”
 16 and inserting “18 months”.

17 (b) **EXCLUSION OF CERTAIN MEMBERS.**—Paragraph
 18 (2) of such section is amended—

19 (1) by striking “subparagraph (B) and (C) of”;
 20 and

21 (2) by striking “determines that—” and all
 22 that follows and inserting “determines—

23 “(A) in the case of an assessment otherwise re-
 24 quired under subparagraph (A) of that paragraph,
 25 that the member will not be subjected or exposed to

1 operational risk factors during deployment in the
2 contingency operation concerned;

3 “(B) in the case of an assessment otherwise re-
4 quired under subparagraph (B) or (C) of that para-
5 graph, that the member was not subjected or ex-
6 posed to operational risk factors during deployment
7 in the contingency operation concerned; or

8 “(C) in the case of any assessment otherwise
9 required under that paragraph, that providing such
10 assessment to the member during the otherwise ap-
11 plicable time period under such paragraph would re-
12 move the member from forward deployment or would
13 put members or operational objectives at risk.”.

14 **Subtitle C—Health Care** 15 **Administration**

16 **SEC. 721. CLARIFICATION OF APPLICABILITY OF CERTAIN** 17 **AUTHORITY AND REQUIREMENTS TO SUB-** 18 **CONTRACTORS EMPLOYED TO PROVIDE** 19 **HEALTH CARE SERVICES TO THE DEPART-** 20 **MENT OF DEFENSE.**

21 (a) APPLICABILITY OF FEDERAL TORT CLAIMS ACT
22 TO SUBCONTRACTORS.—Section 1089(a) of title 10,
23 United States Code, is amended in the last sentence—

24 (1) by striking “if the physician, dentist, nurse,
25 pharmacist, or paramedical” and inserting “to such

1 a physician, dentist, nurse, pharmacist, or para-
2 medical”;

3 (2) by striking “involved is”; and

4 (3) by inserting before the period at the end the
5 following: “or a subcontract at any tier under such
6 a contract that is authorized in accordance with the
7 requirements of such section 1091”.

8 (b) APPLICABILITY OF PERSONAL SERVICES CON-
9 TRACTING AUTHORITY TO SUBCONTRACTORS.—Section
10 1091(c) of such title is amended by adding at the end the
11 following new paragraph:

12 “(3) The procedures established under paragraph (1)
13 may provide for a contracting officer to authorize a con-
14 tractor to enter into a subcontract for personal services
15 on behalf of the agency upon a determination that the sub-
16 contract is—

17 “(A) consistent with the requirements of this
18 section and the procedures established under para-
19 graph (1); and

20 “(B) in the best interests of the agency.”.

1 **SEC. 722. RESEARCH PROGRAM TO ENHANCE DEPARTMENT**
2 **OF DEFENSE EFFORTS ON MENTAL HEALTH**
3 **IN THE NATIONAL GUARD AND RESERVES**
4 **THROUGH COMMUNITY PARTNERSHIPS.**

5 (a) RESEARCH PROGRAM AUTHORIZED.—The Sec-
6 retary of Defense may carry out a research program to
7 assess the feasibility and advisability of enhancing the ef-
8 forts of the Department of Defense in research, treatment,
9 education, and outreach on mental health and substance
10 use disorders and Traumatic Brain Injury (TBI) in mem-
11 bers of the National Guard and Reserves, their family
12 members, and their caregivers.

13 (b) AGREEMENTS WITH COMMUNITY PARTNERS.—
14 In carrying out the research program authorized by sub-
15 section (a), the Secretary may enter into partnership
16 agreements with community partners described in sub-
17 section (c) using a competitive and merit-based award
18 process.

19 (c) COMMUNITY PARTNERS DESCRIBED.—A commu-
20 nity partner described in this subsection is a private non-
21 profit organization or institution (or multiple organiza-
22 tions and institutions) that—

23 (1) engages in the research activities described
24 in subsection (d); and

1 (2) meets such qualifications for treatment as a
2 community partner as the Secretary shall establish
3 for purposes of the research program.

4 (d) ACTIVITIES.—Partnerships entered into under
5 the research program shall be used to engage in research
6 on the causes, development, and innovative treatment of
7 mental health and substance use disorders and Traumatic
8 Brain Injury in members of the National Guard and Re-
9 serves, their family members, and their caregivers.

10 (e) REPORT.—Not later than five years after the
11 commencement of the research program, the Secretary
12 shall submit to the Committees on Armed Services of the
13 Senate and the House of Representatives a report on the
14 research program, including a description of the research
15 program, the community partners participating in the re-
16 search program, the activities carried out, the number of
17 members of the National Guard and Reserves, family
18 members, and caregivers supported by community part-
19 ners, and a description and assessment of the effectiveness
20 and achievements of the research program.

1 **Subtitle D—Reports and Other**
2 **Matters**

3 **SEC. 731. REPORTS ON PERFORMANCE DATA ON WARRIORS**
4 **IN TRANSITION PROGRAMS.**

5 (a) **REPORTS.**—Not later than 180 days after the
6 date of the enactment of this Act, and every 180 days
7 thereafter, each Secretary of a military department shall
8 submit to Congress a report on data on the performance
9 of the military department in addressing the care, man-
10 agement and transition needs of members of the Armed
11 Forces under the jurisdiction of such Secretary who par-
12 ticipate in a Warriors in Transition program under the
13 jurisdiction of such Secretary with respect to the following:

14 (1) Physical health.

15 (2) Mental and behavioral health.

16 (3) Educational and vocational aptitude and ca-
17 pabilities.

18 (4) Such other matters as such Secretary con-
19 siders appropriate.

20 (b) **COMMON METHODOLOGY.**—The Secretaries shall
21 report not fewer than five outcome measures for each of
22 the areas set forth in subsection (a) using a common
23 methodology developed by the Secretaries and approved by
24 the Secretary of Defense for purposes of this section.

1 (c) LONGITUDINAL DATA.—The occasions for col-
2 lecting data on a member participating in a Warriors in
3 Transition program for purposes of reports under sub-
4 section (a) shall be as follows:

5 (1) When the member commences participation
6 in the program.

7 (2) At least once each year the member partici-
8 pates in the program.

9 (3) When the member ceases participation in
10 the program (whether for return to military duty or
11 to civilian life).

12 (4) With the consent of the member, one year
13 after the member ceases participation in the pro-
14 gram as described in paragraph (3).

15 (d) ELEMENTS.—Each report under subsection (a)
16 shall include an assessment by the Secretary of the mili-
17 tary department concerned of the following with respect
18 to the Warriors in Transition programs covered by such
19 report:

20 (1) The progress of members participating in
21 the Warriors in Transition programs in the areas
22 specified in subsection (a).

23 (2) The efficacy of the Warriors in Transition
24 programs in facilitating the transition of members to
25 military duty or civilian life, as applicable.

1 (3) The differences in outcomes in the Warriors
2 in Transition programs, by location, type, Armed
3 Force, component, and types of wounds, injuries, or
4 conditions of program participants.

5 (4) The percentage of members participating in
6 the Warriors in Transition programs who receive
7 care under such programs from assigned providers,
8 including medical care case managers, non-medical
9 service providers (including non-medical case man-
10 agers, legal support personnel, and, as applicable,
11 Physical Evaluation Board Liaison Officers), mental
12 health care providers, and medical evaluation (MEB)
13 physicians whose caseload exceeds the caseload ratio
14 that has been designated as adequate by the Sec-
15 retary of Defense.

16 (5) The percentage of members participating in
17 the Warriors in Transition programs for whom the
18 intervals between various phases in the transition
19 process exceeds the average length of such intervals,
20 including intervals relating to appointment times for
21 specialists and for treatment for Post-Traumatic
22 Stress Disorder (PTSD).

23 (6) Such other measurements of outcomes or
24 progress of members through the Warriors in Tran-

1 sition programs as such Secretary considers appro-
2 prium.

3 (e) PERSONALLY IDENTIFIABLE INFORMATION.—
4 Data collected under this section shall be treated in com-
5 pliance with the provisions of section 552a of title 5,
6 United States Code (commonly referred to as the “Privacy
7 Act”).

8 (f) SUNSET.—No report is required under this sec-
9 tion after September 30, 2017.

10 (g) WARRIORS IN TRANSITION PROGRAM DE-
11 FINED.—In this section, the term “Warriors in Transition
12 program” means any major support program of the
13 Armed Forces for members of the Armed Forces with se-
14 vere wounds, illnesses, or injuries that is intended to pro-
15 vide such members with non-medical case management
16 service and care coordination services, and includes the
17 programs as follows:

18 (1) Warrior Transition Units and the Wounded
19 Warrior Program of the Army.

20 (2) The Safe Harbor program of the Navy.

21 (3) The Wounded Warrior Regiment of the Ma-
22 rine Corps.

23 (4) The Recovery Care Program and the
24 Wounded Warrior programs of the Air Force.

1 (5) The Care Coalition of the United States
2 Special Operations Command.

3 **SEC. 732. REPORT ON DEPARTMENT OF DEFENSE SUPPORT**
4 **OF MEMBERS OF THE ARMED FORCES WHO**
5 **EXPERIENCE TRAUMATIC INJURY AS A RE-**
6 **SULT OF VACCINATIONS REQUIRED BY THE**
7 **DEPARTMENT.**

8 (a) REPORT.—Not later than 180 days after the date
9 of the enactment of this Act, the Secretary of Defense
10 shall, in consultation with the Secretaries of the military
11 departments, submit to the Committees on Armed Serv-
12 ices of the Senate and the House of Representatives a re-
13 port setting forth the results of a comprehensive review
14 (conducted for purposes of the report) of the adequacy and
15 effectiveness of the policies, procedures, and systems of
16 the Department of Defense in providing support to mem-
17 bers of the Armed Forces who experience traumatic injury
18 as a result of a vaccination required by the Department.

19 (b) ELEMENTS.—The report required by subsection
20 (a) shall include the following:

21 (1) The number and nature of traumatic inju-
22 ries incurred by members of the Armed Forces as a
23 result of a vaccination required by the Department
24 of Defense each year since January 1, 2001, set

1 forth by aggregate in each year and by military de-
2 partment in each year.

3 (2) Such recommendations as the Secretary of
4 Defense considers appropriate for improvements to
5 the policies, procedures, and systems (including
6 tracking systems) of the Department to identify
7 members of the Armed Forces who experience trau-
8 matic injury as a result of a vaccination required by
9 the Department.

10 (3) Such recommendations as the Secretary of
11 Defense considers appropriate for improvements to
12 the policies, procedures, and systems of the Depart-
13 ment to support members of the Armed Forces who
14 experience traumatic injury as a result of a vaccina-
15 tion required by the Department.

16 **SEC. 733. PLAN TO ELIMINATE GAPS AND REDUNDANCIES**
17 **IN PROGRAMS OF THE DEPARTMENT OF DE-**
18 **FENSE ON PSYCHOLOGICAL HEALTH AND**
19 **TRAUMATIC BRAIN INJURY AMONG MEM-**
20 **BERS OF THE ARMED FORCES.**

21 (a) PLAN REQUIRED.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense shall submit to the Committees on
25 Armed Services of the Senate and the House of Rep-

1 representatives a plan to streamline the programs of
2 the Department of Defense that address psycho-
3 logical health and traumatic brain injury among
4 members of the Armed Forces.

5 (2) ELEMENTS.—The report required by para-
6 graph (1) shall include the following:

7 (A) A complete list of the programs de-
8 scribed in paragraph (1), including a detailed
9 description of the intended function of each
10 such program.

11 (B) An identification of any gaps in serv-
12 ices and treatments in the programs listed
13 under subparagraph (A)

14 (C) An identification of any redundancies
15 in the programs listed under subparagraph (A).

16 (D) A plan for mitigating the gaps identi-
17 fied under subparagraph (B) and for elimi-
18 nating the redundancies identified under sub-
19 paragraph (C).

20 (E) An identification of the individual in
21 the Department who will be responsible for
22 leading implementation of the plan required by
23 paragraph (1).

24 (F) A schedule for the implementation of
25 the plan.

1 (b) STATUS REPORT.—Not later than one year after
2 the date of the enactment of this Act, the Secretary shall
3 submit to the Committees on Armed Services of the Sen-
4 ate and the House of Representatives a report on the sta-
5 tus of the implementation of the plan required by sub-
6 section (a).

7 **SEC. 734. REPORT ON IMPLEMENTATION OF RECOMMENDA-**
8 **TIONS OF THE COMPTROLLER GENERAL OF**
9 **THE UNITED STATES ON PREVENTION OF**
10 **HEARING LOSS AMONG MEMBERS OF THE**
11 **ARMED FORCES.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Secretary of Defense shall submit
14 to the Committees on Armed Services of the Senate and
15 the House of Representatives a report on the implementa-
16 tion of the recommendations of the Comptroller General
17 of the United States in the January 2011 report of the
18 Comptroller General entitled “Hearing Loss Prevention:
19 Improvements to DOD Hearing Conservation Programs
20 Could Lead to Better Outcomes” that address prevention
21 of hearing loss, abatement of hearing loss, data collection
22 regarding hearing loss, and the need for a new interagency
23 data sharing system so that sufficient information is avail-
24 able to address and track hearing injuries and loss.

1 **SEC. 735. SENSE OF SENATE ON MENTAL HEALTH COUN-**
2 **SELORS FOR MEMBERS OF THE ARMED**
3 **FORCES, VETERANS, AND THEIR FAMILIES.**

4 It is the sense of the Senate that—

5 (1) the Secretary of Defense and the Secretary
6 of Veterans Affairs should develop a plan to ensure
7 a sustainable flow of qualified counselors to meet the
8 long-term needs of members of the Armed Forces,
9 veterans, and their families for counselors; and

10 (2) the plan should include the participation of
11 accredited schools and universities, health care pro-
12 viders, professional counselors, family service or sup-
13 port centers, chaplains, and other appropriate re-
14 sources of the Department of Defense and the De-
15 partment of Veterans Affairs.

16 **SEC. 736. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR**
17 **MEMBERS OF THE ARMED FORCES AND**
18 **THEIR DEPENDENTS.**

19 (a) PROGRAM REQUIRED.—The Secretary of Defense
20 and the Attorney General shall jointly carry out a program
21 (commonly referred to as a “prescription drug take-back
22 program”) under which members of the Armed Forces and
23 dependents of members of the Armed Forces may deliver
24 controlled substances to such facilities as may be jointly
25 determined by the Secretary of Defense and the Attorney
26 General to be disposed of in accordance with section

1 302(g) of the Controlled Substances Act (21 U.S.C.
2 822(g)).

3 (b) PROGRAM ELEMENTS.—The program required by
4 subsection (a) shall provide for the following:

5 (1) The delivery of controlled substances under
6 the program to such members of the Armed Forces,
7 medical professionals, and other employees of the
8 Department of Defense, and to such other accept-
9 ance mechanisms, as the Secretary and the Attorney
10 General jointly specify for purposes of the program.

11 (2) Appropriate guidelines and procedures to
12 prevent the diversion, misuse, theft, or loss of con-
13 trolled substances delivered under the program.

14 **Subtitle E—Mental Health Care** 15 **Matters**

16 **SEC. 751. ENHANCEMENT OF OVERSIGHT AND MANAGE-**
17 **MENT OF DEPARTMENT OF DEFENSE SUI-**
18 **CIDE PREVENTION AND RESILIENCE PRO-**
19 **GRAMS.**

20 (a) IN GENERAL.—The Secretary of Defense shall,
21 acting through the Under Secretary of Defense for Per-
22 sonnel and Readiness, establish within the Office of the
23 Secretary of Defense a position with responsibility for
24 oversight and management of all suicide prevention and
25 resilience programs and all preventative behavioral health

1 programs of the Department of Defense (including those
2 of the military departments and the Armed Forces).

3 (b) SCOPE OF RESPONSIBILITIES.—The individual
4 serving in the position established pursuant to subsection
5 (a) shall have the responsibilities as follows:

6 (1) To establish a uniform definition of resil-
7 iency for use in the suicide prevention and resilience
8 programs and preventative behavioral health pro-
9 grams of the Department of Defense (including
10 those of the military departments and the Armed
11 Forces).

12 (2) In consultation with the National Center for
13 Post Traumatic Stress Disorder of the Department
14 of Veterans Affairs and other appropriate public and
15 private agencies and entities, to require the use of
16 clinical best practices in mental health care, suicide
17 prevention programs, and resilience programs of the
18 Department of Defense, including the diagnosis and
19 treatment of behavioral health disorders.

20 (3) To oversee and manage the comprehensive
21 program on the prevention of suicide among mem-
22 bers of the Armed Forces required by section 752.

1 **SEC. 752. COMPREHENSIVE PROGRAM ON PREVENTION OF**
2 **SUICIDE AMONG MEMBERS OF THE ARMED**
3 **FORCES.**

4 (a) **COMPREHENSIVE PROGRAM REQUIRED.**—The
5 Secretary of Defense shall, acting through the Under Sec-
6 retary of Defense for Personnel and Readiness, develop
7 and implement within the Department of Defense a com-
8 prehensive program on the prevention of suicide among
9 members of the Armed Forces. In developing the program,
10 the Secretary shall consider recommendations from the
11 operational elements of the Armed Forces regarding the
12 feasibility of the implementation and execution of par-
13 ticular elements of the program.

14 (b) **ELEMENTS.**—The comprehensive program re-
15 quired by subsection (a) shall include elements to achieve
16 the following:

17 (1) To raise 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) To provide members of the Armed Forces
22 generally, members of the Armed Forces in super-
23 visory positions (including officers in command bil-
24 lets and non-commissioned officers), and medical
25 personnel of the Armed Forces and the Department
26 of Defense with effective means of identifying mem-

1 bers of the Armed Forces who are at risk for suicide
2 (including enhanced means for early identification
3 and treatment of such members).

4 (3) To provide members of the Armed Forces
5 who are at risk of suicide with continuous access to
6 suicide prevention services, including suicide crisis
7 services.

8 (4) To evaluate and assess the effectiveness of
9 the suicide prevention and resilience programs and
10 preventative behavioral health programs of the De-
11 partment of Defense (including those of the military
12 departments and the Armed Forces), including the
13 development of metrics for that purpose.

14 (5) To evaluate and assess the current diag-
15 nostic tools and treatment methods in the programs
16 referred to in paragraph (4) in order to ensure clin-
17 ical best practices are used in such programs.

18 (6) To ensure that the programs referred to in
19 paragraph (4) incorporate evidenced-based practices
20 when available.

21 (7) To provide for the training of mental health
22 care providers on evidence-based therapies in con-
23 nection with suicide prevention.

24 (8) To establish training standards for behav-
25 ioral health care providers in order to ensure that

1 such providers receive training on clinical best prac-
2 tices and evidence-based treatments as information
3 on such practices and treatments becomes available,
4 and to ensure such standards are met.

5 (9) To provide for the integration of mental
6 health screenings and suicide risk and prevention for
7 members of the Armed Forces into the delivery of
8 primary care for such members.

9 (10) To ensure appropriate responses to at-
10 tempted or completed suicides among members of
11 the Armed Forces, including guidance and training
12 to assist commanders in addressing incidents of at-
13 tempted or completed suicide within their units.

14 (11) To ensure the protection of the privacy of
15 members of the Armed Forces seeking or receiving
16 treatment relating to suicide.

17 (12) Such other matters as the Secretary of
18 Defense considers appropriate in connection with the
19 prevention of suicide among members of the Armed
20 Forces.

21 (c) CONSULTATION.—In developing and imple-
22 menting the comprehensive program required by sub-
23 section (a), the Under Secretary shall consult with appro-
24 priate officials and elements of the Department of De-
25 fense, appropriate centers of excellence within the Depart-

1 ment of Defense, and other public and private entities with
2 expertise in mental health and suicide prevention.

3 (d) IMPLEMENTATION BY THE ARMED FORCES.—In
4 implementing the comprehensive program required by sub-
5 section (a) with respect to an Armed Force, the Secretary
6 of the military department concerned may, in consultation
7 with the Under Secretary and with the approval of the
8 Secretary of Defense, modify particular elements of the
9 program in order to adapt the program appropriately to
10 the unique culture and elements of that Armed Force.

11 (e) QUALITY ASSURANCE.—In developing and imple-
12 menting the comprehensive program required by sub-
13 section (a), the Under Secretary shall develop and imple-
14 ment appropriate mechanisms to provide for the oversight
15 and management of the program, including quality meas-
16 ures to assess the efficacy of the program in preventing
17 suicide among members of the Armed Forces.

18 **SEC. 753. QUALITY REVIEW OF MEDICAL EVALUATION**
19 **BOARDS, PHYSICAL EVALUATION BOARDS,**
20 **AND PHYSICAL EVALUATION BOARD LIAISON**
21 **OFFICERS.**

22 (a) IN GENERAL.—The Secretary of Defense shall
23 standardize, assess, and monitor the quality assurance
24 programs of the military departments to evaluate the fol-

1 lowing in the performance of their duties (including duties
2 under chapter 61 of title 10, United States Code):

3 (1) Medical Evaluation Boards (MEBs).

4 (2) Physical Evaluation Boards (PEBs).

5 (3) Physical Evaluation Board Liaison Officers
6 (PEBLOs).

7 (b) OBJECTIVES.—The objectives of the quality as-
8 surance program shall be as follows:

9 (1) To ensure accuracy and consistency in the
10 determinations and decisions of Medical Evaluation
11 Boards and Physical Evaluation Boards.

12 (2) To otherwise monitor and sustain proper
13 performance of the duties of Medical Evaluation
14 Boards and Physical Evaluation Boards, and of
15 Physical Evaluation Board Liaison Officers.

16 (3) Such other objectives as the Secretary shall
17 specify for purposes of the quality assurance pro-
18 gram.

19 (c) REPORTS.—

20 (1) REPORT ON IMPLEMENTATION.—Not later
21 than 180 days after the date of the enactment of
22 this Act, the Secretary shall submit to the appro-
23 priate committees of Congress a report setting forth
24 the plan of the Secretary for the implementation of
25 the requirements of this section.

1 (2) ANNUAL REPORTS.—Not later than one
2 year after the date of the submittal of the report re-
3 quired by paragraph (1), and annually thereafter for
4 the next four years, the Secretary shall submit to
5 the appropriate committees of Congress a report set-
6 ting forth an assessment of the implementation of
7 the requirements of this section during the one-year
8 period ending on the date of the report under this
9 paragraph. Each report shall include, in particular,
10 an assessment of the extent to which the quality as-
11 surance program under the requirements of this sec-
12 tion meets the objectives specified in subsection (b).

13 (3) APPROPRIATE COMMITTEES OF CONGRESS
14 DEFINED.—In this subsection, the term “appro-
15 priate committees of Congress” means—

16 (A) the Committee on Armed Services and
17 the Committee on Veterans’ Affairs of the Sen-
18 ate; and

19 (B) the Committee on Armed Services and
20 the Committee on Veterans’ Affairs of the
21 House of Representatives.

1 **SEC. 754. ASSESSMENT OF ADEQUACY OF MENTAL HEALTH**
2 **CARE BENEFITS UNDER THE TRICARE PRO-**
3 **GRAM.**

4 (a) INDEPENDENT ASSESSMENT REQUIRED.—Not
5 later than 180 days after the date of the enactment of
6 this Act, the Secretary of Defense shall, in consultation
7 with the Secretary of Health and Human Services, enter
8 into a contract with an appropriate independent entity to
9 assess whether the mental health care benefits available
10 for members of the Armed Forces and other covered bene-
11 ficiaries under the TRICARE program are adequate to
12 meet the needs of such members and beneficiaries for
13 mental health care.

14 (b) REPORT.—The contract required by subsection
15 (a) shall require the entity conducting the assessment re-
16 quired by the contract to submit to the Secretary of De-
17 fense, and to the congressional defense committees, a re-
18 port setting forth the results of the assessment by not
19 later than 180 days after the date of entry into the con-
20 tract. If the entity determines pursuant to the assessment
21 that the mental health care benefits available for members
22 of the Armed Forces and other covered beneficiaries under
23 the TRICARE program are not adequate to meet the
24 needs of such members and beneficiaries for mental health
25 care, the report shall include such recommendations for

1 legislative or administrative action as the entity considers
2 appropriate to remediate any identified inadequacy.

3 (c) DEFINITIONS.—In this section:

4 (1) The term “covered beneficiaries” has the
5 meaning given that term in section 1072(5) of title
6 10, United States Code.

7 (2) The term “TRICARE program” has the
8 meaning given that term in section 1072(7) of title
9 10, United States Code.

10 **SEC. 755. SHARING BETWEEN DEPARTMENT OF DEFENSE**
11 **AND DEPARTMENT OF VETERANS AFFAIRS**
12 **OF RECORDS AND INFORMATION RETAINED**
13 **UNDER THE MEDICAL TRACKING SYSTEM**
14 **FOR MEMBERS OF THE ARMED FORCES DE-**
15 **PLOYED OVERSEAS.**

16 (a) IN GENERAL.—The Secretary of Defense and the
17 Secretary of Veterans Affairs shall jointly enter into a
18 memorandum of understanding providing for the sharing
19 by the Department of Defense with the Department of
20 Veterans Affairs of the results of examinations and other
21 records on members of the Armed Forces that are retained
22 and maintained with respect to the medical tracking sys-
23 tem for members deployed overseas under section 1074f(c)
24 of title 10, United States Code.

1 (b) CESSATION UPON IMPLEMENTATION OF ELEC-
2 TRONIC HEALTH RECORD.—The sharing required pursu-
3 ant to subsection (a) shall cease on the date on which the
4 Secretary of Defense and the Secretary of Veterans Af-
5 fairs jointly certify to Congress that the Secretaries have
6 fully implemented an integrated electronic health record
7 for members of the Armed Forces that is fully interoper-
8 able between the Department of Defense and the Depart-
9 ment of Veterans Affairs.

10 **SEC. 756. PARTICIPATION OF MEMBERS OF THE ARMED**
11 **FORCES IN PEER SUPPORT COUNSELING**
12 **PROGRAMS OF THE DEPARTMENT OF VET-**
13 **ERANS AFFAIRS.**

14 (a) PARTICIPATION.—

15 (1) IN GENERAL.—The Secretary of Defense
16 and the Secretary of Veterans Affairs shall jointly
17 enter into a memorandum of understanding pro-
18 viding for members of the Armed Forces described
19 in subsection (b) to volunteer or be considered for
20 employment as peer counselors under the following:

21 (A) The peer support counseling program
22 carried out by the Secretary of Veterans Affairs
23 under subsection (j) of section 1720F of title
24 38, United States Code, as part of the com-
25 prehensive program for suicide prevention

1 among veterans under subsection (a) of such
2 section.

3 (B) The peer support counseling program
4 carried out by the Secretary of Veterans Affairs
5 under section 304(a)(1) of the Caregivers and
6 Veterans Omnibus Health Services Act of 2010
7 (Public Law 111–163; 124 Stat. 1150; 38
8 U.S.C. 1712A note).

9 (2) TRAINING.—Any member participating in a
10 peer support counseling program under paragraph
11 (1) shall receive the training for peer counselors
12 under section 1720F(j)(2) of title 38, United States
13 Code, or section 304(c) of the Caregivers and Vet-
14 erans Omnibus Health Services Act of 2010, as ap-
15 plicable, before performing peer support counseling
16 duties under such program.

17 (b) COVERED MEMBERS.—Members of the Armed
18 Forces described in this subsection are the following:

19 (1) Members of the reserve components of the
20 Armed Forces who are demobilizing after deploy-
21 ment in a theater of combat operations, including, in
22 particular, members who participated in combat
23 against the enemy while so deployed.

24 (2) Members of the regular components of the
25 Armed Forces separating from active duty who have

1 been deployed in a theater of combat operations in
2 which such members participated in combat against
3 the enemy.

4 **SEC. 757. RESEARCH AND MEDICAL PRACTICE ON MENTAL**
5 **HEALTH CONDITIONS.**

6 (a) DEPARTMENT OF DEFENSE ORGANIZATION ON
7 RESEARCH AND PRACTICE.—The Secretary of Defense
8 shall establish within the Department of Defense an orga-
9 nization to carry out the responsibilities specified in sub-
10 section (b).

11 (b) RESPONSIBILITIES.—The organization estab-
12 lished under subsection (a) shall—

13 (1) carry out programs and activities designed
14 to provide for the translation of research on the di-
15 agnosis and treatment of mental health conditions
16 into policy on medical practices;

17 (2) make recommendations to the Assistant
18 Secretary of Defense for Health Affairs on the
19 translation of such research into the policies of the
20 Department of Defense on medical practices with re-
21 spect to members of the Armed Forces; and

22 (3) discharge such other responsibilities relating
23 to research and medical practices on mental health
24 conditions, and the policies of the Department on
25 such practices with respect to members of the

1 Armed Forces, as the Secretary or the Assistant
2 Secretary shall specify for purposes of this section.

3 (c) REPORTS.—

4 (1) INITIAL REPORT.—Not later than 120 days
5 after the date of the enactment of this Act, the Sec-
6 retary shall submit to Congress a report on the or-
7 ganization required by subsection (a). The report
8 shall include a description of the organization and a
9 plan for implementing the requirements of this sec-
10 tion.

11 (2) ANNUAL REPORTS.—The Secretary shall
12 submit to Congress each year a report on the activi-
13 ties of the organization established under subsection
14 (a) during the preceding year. Each report shall in-
15 clude the following:

16 (A) A summary description of the activities
17 of the organization during the preceding year.

18 (B) A description of the recommendations
19 made by the organization to the Assistant Sec-
20 retary under subsection (b)(2) during the year,
21 and a description of the actions undertaken (or
22 to be undertaken) by the Assistant Secretary in
23 response to such recommendations.

24 (C) Such other matters relating to the ac-
25 tivities of the organization, including rec-

1 ommendations for additional legislative or ad-
2 ministrative action, as the Secretary, in con-
3 sultation with the Assistant Secretary, con-
4 siders appropriate.

5 **SEC. 758. DISPOSAL OF CONTROLLED SUBSTANCES.**

6 (a) MEMBERS OF THE ARMED FORCES.—The Ad-
7 ministrator of the Drug Enforcement Administration shall
8 enter into a memorandum of understanding with the Sec-
9 retary of Defense establishing procedures under which a
10 member of the Armed Forces may deliver a controlled sub-
11 stance to a member of the Armed Forces or an employee
12 of the Department of Defense to be disposed of in accord-
13 ance with section 302(g) of the Controlled Substances Act
14 (21 U.S.C. 822(g)).

15 (b) VETERANS.—

16 (1) IN GENERAL.—The Administrator shall
17 enter into a memorandum of understanding with the
18 Secretary of Veterans Affairs establishing proce-
19 dures under which a veteran may deliver a controlled
20 substance to an employee of the Department of Vet-
21 erans Affairs to be disposed of in accordance with
22 section 302(g) of the Controlled Substances Act.

23 (2) VETERAN DEFINED.—In this subsection,
24 the term “veteran” has the meaning given that term
25 in section 101 of title 38, United States Code.

1 **SEC. 759. TRANSPARENCY OF MENTAL HEALTH CARE SERV-**
2 **ICES.**

3 (a) **MEASUREMENT OF MENTAL HEALTH CARE**
4 **SERVICES.—**

5 (1) **IN GENERAL.—**Not later than December 31,
6 2013, the Secretary of Veterans Affairs shall develop
7 and implement a comprehensive set of measures to
8 assess mental health care services furnished by the
9 Department of Veterans Affairs.

10 (2) **ELEMENTS.—**The measures developed and
11 implemented under paragraph (1) shall provide an
12 accurate and comprehensive assessment of the fol-
13 lowing:

14 (A) The timeliness of the furnishing of
15 mental health care by the Department.

16 (B) The satisfaction of patients who re-
17 ceive mental health care services furnished by
18 the Department.

19 (C) The capacity of the Department to fur-
20 nish mental health care.

21 (D) The availability and furnishing of evi-
22 dence-based therapies by the Department.

23 (b) **GUIDELINES FOR STAFFING MENTAL HEALTH**
24 **CARE SERVICES.—**Not later than December 31, 2013, the
25 Secretary shall develop and implement guidelines for the
26 staffing of general and specialty mental health care serv-

1 ices, including at community-based outpatient clinics.
2 Such guidelines shall include productivity standards for
3 providers of mental health care.

4 (c) STUDY COMMITTEE.—

5 (1) IN GENERAL.—The Secretary shall seek to
6 enter into a contract with the National Academy of
7 Sciences to create a study committee—

8 (A) to consult with the Secretary on the
9 Secretary's development and implementation of
10 the measures and guidelines required by sub-
11 sections (a) and (b); and

12 (B) to conduct an assessment and provide
13 an analysis and recommendations on the state
14 of Department mental health services.

15 (2) FUNCTIONS.—In entering into the contract
16 described in paragraph (1), the Secretary shall, with
17 respect to paragraph (1)(B), include in such con-
18 tract a provision for the study committee—

19 (A) to conduct a comprehensive assessment
20 of barriers to access to mental health care by
21 veterans who served in the Armed Forces in
22 Operation Enduring Freedom, Operation Iraqi
23 Freedom, or Operation New Dawn;

24 (B) to assess the quality of the mental
25 health care being provided to such veterans (in-

1 including the extent to which veterans are af-
2 fforded choices with respect to modes of treat-
3 ment) through site visits to facilities of the Vet-
4 erans Health Administration (including at least
5 one site visit in each Veterans Integrated Serv-
6 ice Network), evaluating studies of patient out-
7 comes, and other appropriate means;

8 (C) to assess whether, and the extent to
9 which, veterans who served in the Armed
10 Forces in Operation Enduring Freedom, Oper-
11 ation Iraqi Freedom, or Operation New Dawn
12 are being offered a full range of necessary men-
13 tal health services at Department health care
14 facilities, including early intervention services
15 for hazardous drinking, relationship problems,
16 and other behaviors that create a risk for the
17 development of a chronic mental health condi-
18 tion;

19 (D) to conduct surveys or have access to
20 Department-administered surveys of—

21 (i) providers of Department mental
22 health services;

23 (ii) veterans who served in the Armed
24 Forces in Operation Enduring Freedom,
25 Operation Iraqi Freedom, or Operation

1 New Dawn who are receiving mental
2 health care furnished by the Department;
3 and

4 (iii) eligible veterans who served in the
5 Armed Forces in Operation Enduring
6 Freedom, Operation Iraqi Freedom, or Op-
7 eration New Dawn who are not using De-
8 partment health care services to assess
9 those barriers described in subparagraph
10 (A); and

11 (E) to provide to the Secretary, on the
12 basis of its assessments as delineated in sub-
13 paragraphs (A) through (C), specific, detailed
14 recommendations—

15 (i) for overcoming barriers, and im-
16 proving access, to timely, effective mental
17 health care at Department health care fa-
18 cilities (or, where Department facilities
19 cannot provide such care, through contract
20 arrangements under existing law); and

21 (ii) to improve the effectiveness and
22 efficiency of mental health services fur-
23 nished by the Secretary.

24 (3) PARTICIPATION BY FORMER OFFICIALS AND
25 EMPLOYEES OF VETERANS HEALTH ADMINISTRA-

1 TION.—The Secretary shall ensure that any contract
2 entered into under paragraph (1) provides for inclu-
3 sion on any subcommittee which participates in con-
4 ducting the assessments and formulating the rec-
5 ommendations provided for in paragraph (2) at least
6 one former official of the Veterans Health Adminis-
7 tration and at least two former employees of the
8 Veterans Health Administration who were providers
9 of mental health care.

10 (4) PERIODIC REPORTS TO SECRETARY.—In en-
11 tering into the contract described in paragraph (1),
12 the Secretary shall, with respect to paragraph
13 (1)(A), include in such contract a provision for the
14 submittal to the Secretary of periodic reports and
15 provision of other consultation to the Secretary by
16 the study committee to assist the Secretary in car-
17 rying out subsections (a) and (b).

18 (5) REPORTS TO CONGRESS.—Not later than
19 30 days after receiving a report under paragraph
20 (4), the Secretary shall submit to the Committee on
21 Veterans' Affairs of the Senate and the Committee
22 on Veterans' Affairs of the House of Representatives
23 a report on the plans of the Secretary to implement
24 such recommendations submitted to the Secretary by
25 the study committee as the Secretary considers ap-

1 appropriate. Such report shall include a description of
2 each recommendation submitted to the Secretary
3 that the Secretary does not plan to carry out and an
4 explanation of why the Secretary does not plan to
5 carry out such recommendation.

6 (d) PUBLICATION.—

7 (1) IN GENERAL.—The Secretary shall make
8 available to the public on an Internet website of the
9 Department the following:

10 (A) The measures and guidelines developed
11 and implemented under this section.

12 (B) An assessment of the performance of
13 the Department using such measures and
14 guidelines.

15 (2) QUARTERLY UPDATES.—The Secretary
16 shall update the measures, guidelines, and assess-
17 ment made available to the public under paragraph
18 (1) not less frequently than quarterly.

19 (e) SEMIANNUAL REPORTS.—

20 (1) IN GENERAL.—Not later than June 30,
21 2013, and not less frequently than twice each year
22 thereafter, the Secretary shall submit to the Com-
23 mittee on Veterans' Affairs of the Senate and the
24 Committee on Veterans' Affairs of the House of
25 Representatives a report on the Secretary's progress

1 in developing and implementing the measures and
2 guidelines required by this section.

3 (2) ELEMENTS.—Each report submitted under
4 paragraph (1) shall include the following:

5 (A) A description of the development and
6 implementation of the measures required by
7 subsection (a) and the guidelines required by
8 subsection (b).

9 (B) A description of the progress made by
10 the Secretary in developing and implementing
11 such measures and guidelines.

12 (C) An assessment of the mental health
13 care services furnished by the Department of
14 Veterans Affairs, using the measures developed
15 and implemented under subsection (a).

16 (D) An assessment of the effectiveness of
17 the guidelines developed and implemented under
18 subsection (b).

19 (E) Such recommendations for legislative
20 or administrative action as the Secretary may
21 have to improve the effectiveness and efficiency
22 of the mental health care services furnished
23 under laws administered by the Secretary.

24 (f) IMPLEMENTATION REPORT.—

1 (1) IN GENERAL.—Not later than 30 days be-
2 fore the date on which the Secretary begins imple-
3 menting the measures and guidelines required by
4 this section, the Secretary shall submit to the com-
5 mittees described in subsection (e)(1) a report on
6 the Secretary’s planned implementation of such
7 measures and guidelines.

8 (2) ELEMENTS.—The report required by para-
9 graph (1) shall include the following:

10 (A) A detailed description of the measures
11 and guidelines that the Secretary plans to im-
12 plement under this section.

13 (B) A description of the rationale for each
14 measure and guideline the Secretary plans to
15 implement under this section.

16 (C) A discussion of each measure and
17 guideline that the Secretary considered under
18 this section but chose not to implement.

19 (D) The number of current vacancies in
20 mental health care provider positions in the De-
21 partment.

22 (E) An assessment of how many additional
23 positions are needed to meet current or ex-
24 pected demand for mental health services fur-
25 nished by the Department.

1 **SEC. 760. 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 the following: “Upon the request of
13 any individual referred to in subparagraph
14 (C), the Secretary shall furnish counseling,
15 including by furnishing counseling through
16 a Vet 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. 761. AUTHORITY FOR SECRETARY OF VETERANS AF-**
2 **FAIRS TO FURNISH MENTAL HEALTH CARE**
3 **THROUGH FACILITIES OTHER THAN VET**
4 **CENTERS TO IMMEDIATE FAMILY MEMBERS**
5 **OF MEMBERS OF THE ARMED FORCES DE-**
6 **PLOYED IN CONNECTION WITH A CONTIN-**
7 **GENCY OPERATION.**

8 (a) **IN GENERAL.**—Subject to the availability of ap-
9 propriations and subsection (b), the Secretary of Veterans
10 Affairs, in addition to furnishing mental health care to
11 family members of members of the Armed Forces through
12 Vet Centers under section 1712A of title 38, United
13 States Code, may furnish mental health care to immediate
14 family members of members of the Armed Forces while
15 such members are deployed in connection with a contin-
16 gency operation (as defined in section 101 of title 10,
17 United States Code) through Department of Veterans Af-
18 fairs medical facilities, telemental health modalities, and
19 such community, nonprofit, private, and other third par-
20 ties as the Secretary considers appropriate.

21 (b) **LIMITATION.**—The Secretary may furnish mental
22 health care under subsection (a) only to the extent that
23 resources and facilities are available and only to the extent
24 that the furnishing of such care does not interfere with
25 the provision of care to veterans.

1 (c) NO ELIGIBILITY FOR TRAVEL REIMBURSE-
2 MENT.—A family member to whom the Secretary fur-
3 nishes mental health care under subsection (a) shall not
4 be eligible for payments or allowances under section 111
5 of title 38, United States Code, for such mental health
6 care.

7 (d) SUNSET.—The authority to furnish medical
8 health care under subsection (a) shall expire on the date
9 that is three years after the date of the enactment of this
10 Act.

11 (e) VET CENTER DEFINED.—In this section, the
12 term “Vet Center” has the meaning given the term in sec-
13 tion 1712A(g) of title 38, United States Code, as amended
14 by section 760(3) of this Act.

15 **SEC. 762. ORGANIZATION OF THE READJUSTMENT COUN-**
16 **SELING SERVICE IN DEPARTMENT OF VET-**
17 **ERANS AFFAIRS.**

18 (a) IN GENERAL.—Subchapter I of chapter 73 of title
19 38, United States Code, is amended by adding at the end
20 the following new section:

21 **“§ 7309. Readjustment Counseling Service**

22 “(a) IN GENERAL.—There is in the Veterans Health
23 Administration a Readjustment Counseling Service. The
24 Readjustment Counseling Service shall provide readjust-

1 ment counseling and associated services to individuals in
2 accordance with section 1712A of this title.

3 “(b) CHIEF OFFICER.—(1) The head of the Read-
4 justment Counseling Service shall be the Chief Officer of
5 the Readjustment Counseling Service (in this section the
6 ‘Chief Officer’), who shall report directly to the Under
7 Secretary for Health.

8 “(2) The Chief Officer shall be appointed by the
9 Under Secretary for Health from among individuals
10 who—

11 “(A)(i) are psychologists who hold a diploma as
12 a doctorate in clinical or counseling psychology from
13 an authority approved by the American Psycho-
14 logical Association and who have successfully under-
15 gone an internship approved by that association;

16 “(ii) are holders of a master in social work de-
17 gree; or

18 “(iii) hold such other advanced degrees related
19 to mental health as the Secretary considers appro-
20 priate;

21 “(B) have at least three years of experience
22 providing direct counseling services or outreach serv-
23 ices in the Readjustment Counseling Service;

1 “(C) have at least three years of experience ad-
2 ministrating direct counseling services or outreach
3 services in the Readjustment Counseling Service;

4 “(D) meet the quality standards and require-
5 ments of the Department; and

6 “(E) are veterans who served in combat as
7 members of the Armed Forces.

8 “(c) STRUCTURE.—(1) The Readjustment Coun-
9 seling Service is a distinct organizational element within
10 Veterans Health Administration.

11 “(2) The Readjustment Counseling Service shall pro-
12 vide counseling and services as described in subsection (a).

13 “(3) The Chief Officer shall have direct authority
14 over all Readjustment Counseling Service staff and assets,
15 including Vet Centers.

16 “(d) SOURCE OF FUNDS.—(1) Amounts for the ac-
17 tivities of the Readjustment Counseling Service, including
18 the operations of its Vet Centers, shall be derived from
19 amounts appropriated for the Veterans Health Adminis-
20 tration for medical care.

21 “(2) Amounts for activities of the Readjustment
22 Counseling Service, including the operations of its Vet
23 Centers, shall not be allocated through the Veterans Equi-
24 table Resource Allocation system.

1 “(3) In each budget request submitted for the De-
2 partment of Veterans Affairs by the President to Congress
3 under section 1105 of title 31, the budget request for the
4 Readjustment Counseling Service shall be listed sepa-
5 rately.

6 “(e) ANNUAL REPORT.—(1) Not later than March 15
7 of each year, the Secretary shall submit to the Committee
8 on Veterans’ Affairs of the Senate and the Committee on
9 Veterans’ Affairs of the House of Representatives a report
10 on the activities of the Readjustment Counseling Service
11 during the preceding calendar year.

12 “(2) Each report submitted under paragraph (1)
13 shall include, with respect to the period covered by the
14 report, the following:

15 “(A) A summary of the activities of the Read-
16 justment Counseling Service, including Vet Centers.

17 “(B) A description of the workload and addi-
18 tional treatment capacity of the Vet Centers, includ-
19 ing, for each Vet Center, the ratio of the number of
20 full-time equivalent employees at such Vet Center
21 and the number of individuals who received services
22 or assistance at such Vet Center.

23 “(C) A detailed analysis of demand for and
24 unmet need for readjustment counseling services and
25 the Secretary’s plan for meeting such unmet need.

1 “(f) VET CENTER DEFINED.—In this section, the
2 term ‘Vet Center’ has the meaning given the term in sec-
3 tion 1712A(g) of this title.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 73 of such title is amended
6 by inserting after the item relating to section 7308 the
7 following new item:

“7309. Readjustment Counseling Service.”.

8 (c) CONFORMING AMENDMENTS.—Section 7305 of
9 such title is amended—

10 (1) by redesignating paragraph (7) as para-
11 graph (8); and

12 (2) by inserting after paragraph (6) the fol-
13 lowing new paragraph (7):

14 “(7) A Readjustment Counseling Service.”.

15 **SEC. 763. RECRUITING MENTAL HEALTH PROVIDERS FOR**
16 **FURNISHING OF MENTAL HEALTH SERVICES**
17 **ON BEHALF OF THE DEPARTMENT OF VET-**
18 **ERANS AFFAIRS WITHOUT COMPENSATION**
19 **FROM THE DEPARTMENT.**

20 (a) IN GENERAL.—The Secretary of Veterans Affairs
21 shall carry out a national program of outreach to societies,
22 community organizations, nonprofit organizations, or gov-
23 ernment entities in order to recruit mental health pro-
24 viders, who meet the quality standards and requirements
25 of the Department of Veterans Affairs, to provide mental

1 health services for the Department on a part-time, with-
2 out-compensation basis, under section 7405 of title 38,
3 United States Code.

4 (b) PARTNERING WITH AND DEVELOPING COMMU-
5 NITY ENTITIES AND NONPROFIT ORGANIZATIONS.—In
6 carrying out the program required by subsection (a), the
7 Secretary may partner with a community entity or non-
8 profit organization or assist in the development of a com-
9 munity entity or nonprofit organization, including by en-
10 tering into an agreement under section 8153 of title 38,
11 United States Code, that provides strategic coordination
12 of the societies, organizations, and government entities de-
13 scribed in subsection (a) in order to maximize the avail-
14 ability and efficient delivery of mental health services to
15 veterans by such societies, organizations, and government
16 entities.

17 (c) MILITARY CULTURE TRAINING.—In carrying out
18 the program required by subsection (a), the Secretary
19 shall provide training to mental health providers to ensure
20 that clinicians who provide mental health services as de-
21 scribed in such subsection have sufficient understanding
22 of military- and service-specific culture, combat experi-
23 ence, and other factors that are unique to the experience
24 of veterans who served in Operation Enduring Freedom,
25 Operating Iraqi Freedom, or Operation New Dawn.

1 **SEC. 764. PEER SUPPORT.**

2 (a) **PEER SUPPORT COUNSELING PROGRAM.**—

3 (1) **PROGRAM REQUIRED.**—Paragraph (1) of
4 section 1720F(j) of title 38, United States Code, is
5 amended in the matter before subparagraph (A) by
6 striking “may” and inserting “shall”.

7 (2) **TRAINING.**—Paragraph (2) of such section
8 is amended by inserting after “peer counselors” the
9 following: “, including training carried out under the
10 national program of training required by section
11 304(c) of the Caregivers and Veterans Omnibus
12 Health Services Act of 2010 (38 U.S.C. 1712A note;
13 Public Law 111–163)”.

14 (3) **AVAILABILITY OF PROGRAM AT DEPART-**
15 **MENT MEDICAL CENTERS.**—Such section is amended
16 by adding at the end the following new paragraph:
17 “(3) In addition to other locations the Secretary con-
18 siders appropriate, the Secretary shall carry out the peer
19 support program under this subsection at each Depart-
20 ment medical center.”.

21 (4) **DEADLINE FOR COMMENCEMENT OF PRO-**
22 **GRAM.**—The Secretary of Veterans Affairs shall en-
23 sure that the peer support counseling program re-
24 quired by section 1720F(j) of title 38, United States
25 Code, as amended by this subsection, commences at
26 each Department of Veterans Affairs medical center

1 not later than 270 days after the date of the enact-
2 ment of this Act.

3 (b) PEER OUTREACH AND PEER SUPPORT SERVICES
4 AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM
5 ON READJUSTMENT AND MENTAL HEALTH CARE SERV-
6 ICES FOR VETERANS WHO SERVED IN OPERATION EN-
7 DURING FREEDOM AND OPERATION IRAQI FREEDOM.—

8 (1) IN GENERAL.—Section 304 of the Care-
9 givers and Veterans Omnibus Health Services Act of
10 2010 (38 U.S.C. 1712A note; Public Law 111–163)
11 is amended—

12 (A) by redesignating subsection (e) as sub-
13 section (f); and

14 (B) by inserting after subsection (d) the
15 following new subsection (e):

16 “(e) PROVISION OF PEER OUTREACH AND PEER
17 SUPPORT SERVICES AT DEPARTMENT MEDICAL CEN-
18 TERS.—The Secretary shall carry out the services required
19 by subparagraphs (A) and (B) of subsection (a)(1) at each
20 Department medical center.”.

21 (2) DEADLINE.—The Secretary of Veterans Af-
22 fairs shall commence carrying out the services re-
23 quired by subparagraphs (A) and (B) of subsection
24 (a)(1) of such section at each Department of Vet-
25 erans Affairs medical center, as required by sub-

1 section (e) of such section (as added by paragraph
2 (1)), not later than 270 days after the date of the
3 enactment of this Act.

4 **TITLE VIII—ACQUISITION POL-**
5 **ICY, ACQUISITION MANAGE-**
6 **MENT, AND RELATED MAT-**
7 **TERS**

8 **Subtitle A—Provisions Relating to**
9 **Major Defense Acquisition Pro-**
10 **grams**

11 **SEC. 801. LIMITATION ON USE OF COST-TYPE CONTRACTS.**

12 (a) PROHIBITION WITH RESPECT TO PRODUCTION
13 OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Not later
14 than 120 days after the date of the enactment of this Act,
15 the Secretary of Defense shall modify the acquisition regu-
16 lations of the Department of Defense to prohibit the De-
17 partment from entering into cost-type contracts for the
18 production of major defense acquisition programs
19 (MDAPs).

20 (b) EXCEPTION.—

21 (1) IN GENERAL.—The prohibition under sub-
22 section (a) shall not apply in the case of a particular
23 cost-type contract if the Under Secretary of Defense
24 for Acquisition, Technology, and Logistics, after

1 consultation with the Director of Cost Assessment
2 and Program Evaluation—

3 (A) certifies, in writing, with reasons, that
4 a cost-type contract is needed to provide a re-
5 quired capability in a timely and cost-effective
6 manner; and

7 (B) provides the certification to the con-
8 gressional defense committees not later than 30
9 business days before issuing a solicitation for
10 the contract.

11 (2) SCOPE OF EXCEPTION.—In any case when
12 the Under Secretary grants an exception under
13 paragraph (1), the Under Secretary shall take af-
14 firmative steps to make sure that the use of cost-
15 type pricing is limited to only those line items or
16 portions of the contract where such pricing is needed
17 to achieve the purposes of the exception. A written
18 certification under paragraph (1) shall be accom-
19 panied by an explanation of the steps taken under
20 this paragraph.

21 (c) DEFINITIONS.—In this section:

22 (1) MAJOR DEFENSE ACQUISITION PROGRAM.—
23 The term “major defense acquisition program” has
24 the meaning given the term in section 2430(a) of
25 title 10, United States Code.

1 (2) PRODUCTION OF A MAJOR DEFENSE ACQUI-
2 SITION PROGRAM.—The term “production of a major
3 defense acquisition program” means the production,
4 either on a low-rate initial production or full-rate
5 production basis, and deployment of a major system
6 that is intended to achieve an operational capability
7 that satisfies mission needs, or any activity other-
8 wise defined as Milestone C under Department of
9 Defense Instruction 5000.02 or related authorities.

10 (3) CONTRACT FOR THE PRODUCTION OF A
11 MAJOR DEFENSE ACQUISITION PROGRAM.—The term
12 “contract for the production of a major defense ac-
13 quisition program”—

14 (A) means a prime contract for the pro-
15 duction of a major defense acquisition program;
16 and

17 (B) does not include individual line items
18 for segregable efforts or contracts for the incre-
19 mental improvement of systems that are al-
20 ready in production (other than contracts for
21 major upgrades that are themselves major de-
22 fense acquisition programs).

23 (d) APPLICABILITY.—The requirements of this sec-
24 tion shall apply to contracts for the production of major

1 defense acquisition programs entered into on or after Oc-
2 tober 1, 2014.

3 **SEC. 802. ACQUISITION STRATEGIES FOR MAJOR SUB-**
4 **SYSTEMS AND SUBASSEMBLIES ON MAJOR**
5 **DEFENSE ACQUISITION PROGRAMS.**

6 (a) IN GENERAL.—The Secretary of Defense shall
7 ensure that the acquisition strategy for each major defense
8 acquisition program—

9 (1) provides, where appropriate, for breaking
10 out a major subsystem or subassembly, conducting a
11 separate competition or negotiating a separate price
12 for the subsystem or subassembly, and providing the
13 subsystem or subassembly to the prime contractor as
14 government-furnished equipment; and

15 (2) in any case where it is not practical or ap-
16 propriate to break out a major subsystem or sub-
17 assembly and provide it to the prime contractor as
18 government-furnished equipment, includes measures
19 to prevent excessive pass-through charges by the
20 prime contractor.

21 (b) DEFINITIONS.—In this section:

22 (1) The term “excessive pass-through charges”
23 means pass-through charges that are not reasonable
24 in relation to the cost of direct labor provided by
25 employees of the contractor, any other costs directly

1 attributable to the management of the subcontract
2 by employees of the contractor, and the level of risk
3 and responsibility, if any, assumed by the prime con-
4 tractor for the performance of the subcontract.

5 (2) The term “major defense acquisition pro-
6 gram” has the meaning given the term in section
7 2430(a) of title 10, United States Code.

8 (3) The term “pass-through charges” means
9 prime contractor charges for overhead (including
10 general and administrative costs) or profit on a sub-
11 system or subassembly that is produced by an entity
12 or entities other than the prime contractor.

13 (c) CONFORMING AMENDMENTS.—Section 202(c) of
14 the Weapon Systems Acquisition Reform Act of 2009
15 (Public Law 111–23; 123 Stat. 1720; 10 U.S.C. 2430
16 note) is amended—

17 (1) in the matter preceding paragraph (1), by
18 striking “fair and objective ‘make-buy’ decisions by
19 prime contractors” and inserting “competition or the
20 option of competition at the subcontract level”;

21 (2) by redesignating paragraphs (1), (2), and
22 (3) as paragraphs (2), (3), and (4), respectively; and

23 (3) by inserting before paragraph (2), as redesi-
24 gnated by paragraph (2) of this subsection, the fol-
25 lowing new paragraph (1):

1 “(1) where appropriate, breaking out a major
 2 subsystem, conducting a separate competition for
 3 the subsystem, and providing the subsystem to the
 4 prime contractor as government-furnished equip-
 5 ment;”.

6 **SEC. 803. MANAGEMENT STRUCTURE FOR DEVELOP-**
 7 **MENTAL TEST AND EVALUATION.**

8 (a) DUTIES OF DASD FOR DEVELOPMENTAL TEST
 9 AND EVALUATION.—Subsection (a)(5) of section 139b of
 10 title 10, United States Code is amended—

11 (1) in subparagraph (A)(i), by striking “in the
 12 Department of Defense” and inserting “of the mili-
 13 tary departments and other elements of the Depart-
 14 ment of Defense”; and

15 (2) in subparagraph (C), by striking “pro-
 16 grams” and inserting “programs (including the ac-
 17 tivities of chief developmental testers and lead devel-
 18 opmental test evaluation organizations designated in
 19 accordance with subsection (c))”.

20 (b) DUTIES OF CHIEF DEVELOPMENTAL TESTER
 21 AND LEAD DEVELOPMENTAL TEST AND EVALUATION OR-
 22 GANIZATION.—Subsection (c) of such section is amend-
 23 ed—

24 (1) in paragraph (2), by striking “shall be re-
 25 sponsible for” and inserting “, consistent with poli-

1 cies and guidance issued pursuant to subsection
2 (a)(5)(A), shall be responsible for”;

3 (2) in paragraph (3), by striking “shall be re-
4 sponsible for” and inserting “, consistent with poli-
5 cies and guidance issued pursuant to subsection
6 (a)(5)(A), shall be responsible for”; and

7 (3) by adding at the end the following new
8 paragraph:

9 “(4) TRANSMITTAL OF RECORDS AND DATA.—
10 The chief developmental tester and the lead develop-
11 mental test and evaluation organization for a major
12 defense acquisition program shall promptly transmit
13 to the Deputy Assistant Secretary for Developmental
14 Test and Evaluation any records or data relating to
15 the program that are requested by the Deputy As-
16 sistant Secretary, as provided in subsection (a)(6).”.

17 **SEC. 804. ASSESSMENTS OF POTENTIAL TERMINATION LI-**
18 **ABILITY OF CONTRACTS FOR THE DEVELOP-**
19 **MENT OR PRODUCTION OF MAJOR DEFENSE**
20 **ACQUISITION PROGRAMS.**

21 (a) REPORT ON ASSESSMENT REQUIRED.—Not later
22 than 30 days before entering into a covered contract, the
23 Under Secretary of Defense for Acquisition, Technology,
24 and Logistics shall submit to the congressional defense
25 committees a report on the potential termination liability

1 of the Department of Defense under the contract, includ-
2 ing—

3 (1) an estimate of the maximum potential ter-
4 mination liability certification for the contract; and

5 (2) an assessment how such termination liabil-
6 ity is likely to increase or decrease over the period
7 of performance of the contract.

8 (b) COVERED CONTRACTS.—For purposes of this sec-
9 tion, a covered contract is a contract for the development
10 or production of a major defense acquisition program for
11 which the Under Secretary of Defense for Acquisition,
12 Technology, and Logistics is the Milestone Decision Au-
13 thority if the contract has a potential termination liability
14 of the Department of Defense that could reasonably be
15 expected to exceed \$100,000,000.

16 (c) MAJOR DEFENSE ACQUISITION PROGRAM DE-
17 FINED.—In this section, the term “major defense acqui-
18 sition program” has the meaning given that term in section
19 2430 of title 10, United States Code.

20 **SEC. 805. TECHNICAL CHANGE REGARDING PROGRAMS EX-**
21 **PERIENCING CRITICAL COST GROWTH DUE**
22 **TO CHANGE IN QUANTITY PURCHASED.**

23 Section 2433a(c)(3)(A) of title 10, United States
24 Code, is amended by striking “subparagraphs (B) and
25 (C)” and inserting “subparagraphs (B), (C), and (E)”.

1 **SEC. 806. 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 B—Acquisition Policy and**
9 **Management**

10 **SEC. 821. ONE-YEAR EXTENSION OF TEMPORARY LIMITA-**
11 **TION ON AGGREGATE ANNUAL AMOUNT**
12 **AVAILABLE FOR CONTRACT SERVICES.**

13 Section 808 of the National Defense Authorization
14 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
15 1489) is amended—

16 (1) by striking “fiscal year 2012 or 2103” each
17 place it appears and inserting “fiscal year 2012,
18 2013, or 2014”; and

19 (2) by striking “fiscal years 2012 and 2013”
20 each place it appears and inserting “fiscal years
21 2012, 2103, and 2014”.

1 **SEC. 822. PROHIBITION OF EXCESSIVE PASS-THROUGH**
2 **CONTRACTS AND CHARGES IN THE ACQUISITION OF SERVICES.**
3 **TION OF SERVICES.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of the enactment of this Act, the Federal Acquisition
6 Regulation shall be revised to—

7 (1) prohibit the award of a covered contract or
8 task order unless the contractor agrees that at least
9 50 percent of the direct labor cost of services to be
10 performed under the contract or task order will be
11 expended for employees of the contractor or of a
12 subcontractor that is specifically identified and au-
13 thorized to perform such work in the contract or
14 task order;

15 (2) provide that the contracting officer for a
16 covered contract or task order may authorize reli-
17 ance upon a subcontractor or subcontractors to meet
18 the requirement in paragraph (1) only upon a writ-
19 ten determination that such reliance is in the best
20 interest of the executive agency concerned, after tak-
21 ing into account the added cost for overhead (includ-
22 ing general and administrative costs) and profit that
23 may be incurred as a result of the pass-through;

24 (3) require the contracting officer for a covered
25 contract or task order for which more than 70 per-
26 cent of the direct labor cost of services to be per-

1 formed will be expended for persons other than em-
2 ployees of the contractor to ensure that amounts
3 paid to the contractor for overhead (including gen-
4 eral and administrative costs) and profit are reason-
5 able in relation to the cost of direct labor provided
6 by employees of the contractor and any other costs
7 directly attributable to the management of the sub-
8 contract by employees of the contractor;

9 (4) include such exceptions to the requirements
10 in paragraphs (2) and (3) as the Federal Acquisition
11 Regulatory Council considers appropriate in the in-
12 terests of the United States, which exceptions shall
13 be permissible only in exceptional circumstances and
14 for instances demonstrated by the Council to be
15 cost-effective; and

16 (5) include such exceptions to the requirements
17 in paragraphs (2) and (3) as the Secretary of De-
18 fense considers appropriate in the interests of the
19 national defense.

20 (b) COVERED CONTRACT OR TASK ORDER DE-
21 FINED.—In this section, the term “covered contract or
22 task order” means a contract or task order for the per-
23 formance of services (other than construction) with a value
24 in excess of the simplified acquisition threshold that is en-
25 tered into for or on behalf of an executive agency, except

1 that such term does not include any contract or task order
2 that provides a firm, fixed price for each task to be per-
3 formed and is—

4 (1) awarded on the basis of adequate price com-
5 petition; or

6 (2) for the acquisition of commercial services as
7 defined in paragraphs (5) and (6) of section 103 of
8 title 41, United States Code.

9 (c) EFFECTIVE DATE.—The requirements of this sec-
10 tion shall apply to—

11 (1) covered contracts that are awarded on or
12 after the date that is 90 days after the date of the
13 enactment of this Act; and

14 (2) covered task orders that are awarded on or
15 after the date that is 90 days after the date of the
16 enactment of this Act under contracts that are
17 awarded before, on, or after such date.

18 (d) OTHER DEFINITIONS.—In this section:

19 (1) The term “executive agency” has the mean-
20 ing given that term in section 133 of title 41, United
21 States Code.

22 (2) The term “Federal Acquisition Regulatory
23 Council” means the Federal Acquisition Regulatory
24 Council under section 1302(a) of title 41, United
25 States Code.

1 (e) CONFORMING REPEAL.—Section 852 of the John
2 Warner National Defense Authorization Act for Fiscal
3 Year 2007 (120 Stat. 2340) is repealed.

4 **SEC. 823. AVAILABILITY OF AMOUNTS IN DEFENSE ACQUI-**
5 **SITION WORKFORCE DEVELOPMENT FUND**
6 **FOR TEMPORARY MEMBERS OF WORKFORCE.**

7 (a) IN GENERAL.—Section 1705 of title 10, United
8 States Code, is amended—

9 (1) in subsection (e)—

10 (A) in paragraph (1), by adding at the end
11 the following new sentence: “In the case of tem-
12 porary members of the acquisition workforce
13 designated pursuant to subsection (h)(2), such
14 funds shall be available only for the limited pur-
15 pose of providing training in the performance of
16 acquisition-related functions and duties.”; and

17 (B) in paragraph (5), by inserting before
18 the period at the end the following: “, and who
19 has continued in the employment of the Depart-
20 ment since such time without a break in such
21 employment of more than a year”;

22 (2) by striking subsection (g);

23 (3) by redesignating subsection (h) as sub-
24 section (g); and

1 (4) by adding at the end the following new sub-
2 section (h):

3 “(h) ACQUISITION WORKFORCE DEFINED.—In this
4 section, the term ‘acquisition workforce’ means the fol-
5 lowing:

6 “(1) Personnel in positions designated under
7 section 1721 of this title as acquisition positions for
8 purposes of this chapter.

9 “(2) Other military personnel or civilian em-
10 ployees of the Department of Defense who—

11 “(A) contribute significantly to the acquisi-
12 tion process by virtue of their assigned duties;
13 and

14 “(B) are designated as temporary members
15 of the acquisition workforce by the Under Sec-
16 retary of Defense for Acquisition, Technology,
17 and Logistics, or by the senior acquisition execu-
18 tive of a military department, for the limited
19 purpose of receiving training for the perform-
20 ance of acquisition-related functions and du-
21 ties.”.

22 (b) EXTENSION OF EXPEDITED HIRING AUTHOR-
23 ITY.—Subsection (g) of such section, as redesignated by
24 subsection (a)(3) of this section, is further amended in

1 paragraph (2) by striking “September 30, 2015” and in-
2 serting “September 30, 2017”.

3 (c) PLAN REQUIRED.—Not later than 180 days after
4 the date of the enactment of this Act, the Under Secretary
5 of Defense for Acquisition, Technology, and Logistics shall
6 develop a plan for the implementation of the authority pro-
7 vided by the amendments made by subsection (a) with re-
8 gard to temporary members of the defense acquisition
9 workforce. The plan shall include policy, criteria, and
10 processes for designating temporary members and appro-
11 priate safeguards to prevent the abuse of such authority.

12 **SEC. 824. DEPARTMENT OF DEFENSE POLICY ON CON-**
13 **TRACTOR PROFITS.**

14 (a) REVIEW OF GUIDELINES ON PROFITS.—The Sec-
15 retary of Defense shall review the profit guidelines in the
16 Department of Defense Supplement to the Federal Acqui-
17 sition Regulation in order to identify any modifications to
18 such guidelines that are necessary to ensure an appro-
19 priate link between contractor profit and contractor per-
20 formance.

21 (b) MATTERS TO BE CONSIDERED.—In conducting
22 the review required by subsection (a), the Secretary shall
23 consider, at a minimum, the following:

1 (1) Appropriate levels of profit needed to sus-
2 tain competition in the defense industry, taking into
3 account contractor investment and cash flow.

4 (2) Appropriate adjustments to address con-
5 tract and performance risk assumed by the con-
6 tractor, taking into account the extent to which such
7 risk is passed on to subcontractors.

8 (3) Appropriate incentives for superior perform-
9 ance in delivering quality products and services in a
10 timely and cost-effective manner, taking into account
11 such factors as prime contractor cost reduction, con-
12 trol of overhead costs, subcontractor cost reduction,
13 subcontractor management, and effective competi-
14 tion (including the utilization of small business) at
15 the subcontract level.

16 (c) MODIFICATION OF GUIDELINES.—Not later than
17 180 days after the date of the enactment of this Act, the
18 Secretary shall modify the profit guidelines described in
19 subsection (a) so as to achieve the link described that sub-
20 section.

21 (d) REPORT.—Upon the completion of the modifica-
22 tion of the profit guidelines required by subsection (c), the
23 Secretary shall submit to the congressional defense com-
24 mittees a report on the actions of the Secretary under this
25 section. The report shall set forth the following:

1 (1) The results of the review conducted under
2 subsection (a).

3 (2) A description of the modification carried out
4 under subsection (c).

5 **SEC. 825. MODIFICATION OF AUTHORITIES ON INTERNAL**
6 **CONTROLS FOR PROCUREMENTS ON BEHALF**
7 **OF THE DEPARTMENT OF DEFENSE BY CER-**
8 **TAIN NON-DEFENSE AGENCIES.**

9 (a) DISCRETIONARY AUTHORITY.—Subsection (a) of
10 section 801 of the National Defense Authorization Act for
11 Fiscal Year 2008 (10 U.S.C. 2304 note) is amended—

12 (1) in paragraph (1), by striking “shall, not
13 later than the date specified in paragraph (2),” and
14 inserting “may”;

15 (2) by striking paragraph (2);

16 (3) by redesignating paragraphs (3) through
17 (6) as paragraphs (2) through (5), respectively;

18 (4) in paragraph (3), as redesignated by para-
19 graph (3) of this section—

20 (A) by striking “required under this sub-
21 section” and inserting “to be performed under
22 this subsection”; and

23 (B) by striking “shall” and inserting
24 “may”; and

1 (5) in paragraph (4), as so redesignated, by
2 striking “shall” and inserting “may”.

3 (b) CONFORMING AMENDMENTS.—Subsection
4 (b)(1)(B) of such section is amended—

5 (1) in clause (i), by striking “required by sub-
6 section (a)(4)” and inserting “to be entered into
7 under subsection (a)(3)”; and

8 (2) in clause (ii)—

9 (A) by striking “required by subsection
10 (a)” and inserting “provided for under sub-
11 section (a)”; and

12 (B) by striking “subsection (a)(5)” and in-
13 serting “subsection (a)(4)”.

14 **SEC. 826. EXTENSION OF PILOT PROGRAM ON MANAGE-**
15 **MENT OF SUPPLY-CHAIN RISK.**

16 Section 806(g) of the Ike Skelton National Defense
17 Authorization Act for Fiscal Year 2011 (Public Law 111–
18 383; 124 Stat. 4262; 10 U.S.C. 2304 note) is amended
19 by striking “the date that is three years after the date
20 of the enactment of this Act” and inserting “January 1,
21 2016”.

1 **SEC. 827. SENSE OF SENATE ON THE CONTINUING**
2 **PROGRESS OF THE DEPARTMENT OF DE-**
3 **FENSE IN IMPLEMENTING ITS ITEM UNIQUE**
4 **IDENTIFICATION INITIATIVE.**

5 (a) FINDINGS.—The Senate makes the following
6 findings:

7 (1) In 2003, the Department of Defense initi-
8 ated the Item Unique Identification (IUID) Initia-
9 tive, which requires the marking and tracking of as-
10 sets deployed throughout the Armed Forces or in the
11 possession of Department contractors.

12 (2) The Initiative has the potential for realizing
13 significant cost savings and improving the manage-
14 ment of defense equipment and supplies throughout
15 their lifecycle.

16 (3) The Initiative can help the Department
17 combat the growing problem of counterfeits in the
18 military supply chain.

19 (b) SENSE OF SENATE.—It is the sense of the Sen-
20 ate—

21 (1) to support efforts by the Department of De-
22 fense to implement the Item Unique Identification
23 Initiative;

24 (2) to support measures to verify contractor
25 compliance with section 252.211–7003 (entitled
26 “Item Identification and Valuation”) of the Defense

1 Supplement to the Federal Acquisition Regulation,
2 on Unique Identification, which states that a unique
3 identification equivalent recognized by the Depart-
4 ment is required for certain acquisitions;

5 (3) to encourage the Armed Forces to adopt
6 and implement Item Unique Identification actions
7 and milestones; and

8 (4) to support investment of sufficient resources
9 and continued training and leadership to enable the
10 Department to capture meaningful data and opti-
11 mize the benefits of the Item Unique Identification
12 Initiative.

13 **Subtitle C—Amendments Relating**
14 **to General Contracting Authori-**
15 **ties, Procedures, and Limita-**
16 **tions**

17 **SEC. 841. APPLICABILITY OF TRUTH IN NEGOTIATIONS ACT**
18 **TO MAJOR SYSTEMS AND RELATED SUB-**
19 **SYSTEMS, COMPONENTS, AND SUPPORT**
20 **SERVICES.**

21 (a) **AUTHORITY TO REQUIRE SUBMISSION OF COST**
22 **OR PRICING DATA.**—Subsection (c) of section 2306a of
23 title 10, United States Code, is amended—

1 (1) in the subsection caption, by striking
2 “BELOW-THRESHOLD” and inserting “CERTAIN”;
3 and

4 (2) in paragraph (2), by inserting before the pe-
5 riod at the end the following: “, except in the case
6 of either of the following:

7 “(A) A major system or a subsystem or
8 component thereof that is not a commercially
9 available off-the-shelf item (as defined in sec-
10 tion 104 of title 41) and was not developed ex-
11 clusively at private expense as demonstrated in
12 accordance with the requirements of section
13 2321(f)(2) of this title.

14 “(B) Services that are procured for sup-
15 port of a system, subsystem, or component de-
16 scribed in subparagraph (A).”.

17 (b) **AUTHORITY TO REQUIRE SUBMISSION OF OTHER**
18 **INFORMATION.**—Subsection (d)(1) of such section is
19 amended by striking “at a minimum” and all that follows
20 and inserting “at a minimum—

21 “(A) appropriate information on the prices
22 at which the same item or similar items have
23 previously been sold that is adequate for evalu-
24 ating the reasonableness of the price for the
25 procurement; and

1 on or after that date under contracts entered into before,
2 on, or after that date.

3 (c) REPORT ON ALLOWABLE COSTS OF EMPLOYEE
4 COMPENSATION.—Not later than 120 days after the date
5 of the enactment of this Act, the Inspector General of the
6 Department of Defense shall submit to Congress a report
7 on the effect of the modification of allowable costs of con-
8 tractor compensation of employees made by subsection (a).
9 The report shall include the following:

10 (1) The total number of contractor employees
11 whose allowable costs of compensation in fiscal year
12 2012 exceeded the amount of allowable costs under
13 the modification made by subsection (a).

14 (2) The total number of contractor employees
15 whose allowable costs of compensation in each of fis-
16 cal years 2010, 2011, and 2012 would have exceeded
17 the amount of allowable costs under section
18 2324(e)(1)(P) of title 10, United States Code, as
19 amended by section 803(a) of the National Defense
20 Authorization Act for Fiscal Year 2012 (Public Law
21 112–81; 125 Stat. 1485).

22 (3) The total number of contractor employees
23 whose allowable costs of compensation in each of fis-
24 cal years 2010, 2011, and 2012 exceeded the

1 amount payable to the President under section 102
2 of title 3, United States Code.

3 (4) The total number of contractor employees
4 in fiscal year 2012 that could have been character-
5 ized as falling within a narrowly targeted exception
6 established by the Secretary of Defense under sec-
7 tion 2324(e)(1)(P) of title 10, United States Code,
8 as a result of the amendment made by section
9 803(a)(2) of the National Defense Authorization Act
10 for Fiscal Year 2012.

11 (5) An assessment whether the compensation
12 amounts provided in fiscal year 2012 to employees
13 who were characterized by their employers as falling
14 within a narrowly targeted exception described in
15 paragraph (4) were provided compensation amounts
16 in that fiscal year in manner consistent with private
17 sector practice.

18 (6) The duties and services performed in fiscal
19 year 2012 by employees who were characterized by
20 their employers as falling within a narrowly targeted
21 exception described in paragraph (4).

22 (7) An assessment whether there are Federal
23 civilian employees who perform duties and services
24 comparable to the duties and services described pur-
25 suant to paragraph (6).

1 **SEC. 843. DEPARTMENT OF DEFENSE ACCESS TO AND USE**
2 **OF CONTRACTOR INTERNAL AUDIT REPORTS.**

3 (a) CLARIFICATION OF AUDIT ACCESS AUTHOR-
4 ITY.—Section 2313(a)(2) of title 10, United States Code,
5 is amended—

6 (1) in subparagraph (C), by striking “or” at
7 the end;

8 (2) in subparagraph (D), by striking the period
9 at the end and inserting “; or”; and

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

12 “(E) the efficacy of contractor or subcontractor
13 internal controls and the reliability of contractor or
14 subcontractor business systems.”.

15 (b) GUIDANCE ON ACCESS.—

16 (1) GUIDANCE REQUIRED.—Not later than 90
17 days after the date of the enactment of this Act, the
18 Director of the Defense Contract Audit Agency shall
19 issue revised guidance on Defense Contract Audit
20 Agency auditor access to defense contractor internal
21 audit reports and supporting materials.

22 (2) PURPOSE.—The purpose of the guidance
23 issued pursuant to paragraph (1) shall be to ensure
24 that the Defense Contract Audit Agency has suffi-
25 cient access to contractor internal audit reports and
26 supporting materials in order to—

1 (A) evaluate and test the efficacy of con-
2 tractor internal controls and the reliability of
3 associated contractor business systems; and

4 (B) assess the amount of risk and level of
5 testing required in connection with specific au-
6 dits to be conducted by the Agency.

7 (3) MATTERS TO BE ADDRESSED.—The guid-
8 ance issued pursuant to paragraph (1) shall address,
9 at a minimum, the following:

10 (A) The extent to which Defense Contract
11 Audit Agency auditors should request access to
12 defense contractor internal audit reports and
13 supporting materials.

14 (B) The circumstances in which follow-up
15 actions, including subpoenas, may be required
16 to ensure Agency access to audit reports and
17 supporting materials.

18 (C) The designation of Agency audit offi-
19 cials responsible for coordinating issues per-
20 taining to Agency requests for audit reports
21 and supporting materials.

22 (D) The purposes for which Agency audi-
23 tors may use audit reports and supporting ma-
24 terials.

1 (E) Any protections that may be required
2 to ensure that audit reports and supporting ma-
3 terials are not misused.

4 (F) Requirements for tracking Agency re-
5 quests for audit reports and supporting mate-
6 rials.

7 (c) FAILURE TO PROVIDE ACCESS.—Not later than
8 180 days after the date of the enactment of this Act, the
9 Secretary of Defense shall revise the program required by
10 section 893 of the Ike Skelton National Defense Author-
11 ization Act for Fiscal Year 2011 (Public Law 111–383;
12 124 Stat. 4311; 10 U.S.C. 2302 note) in order to—

13 (1) ensure that any assessment of the adequacy
14 of contractor business systems takes into account
15 the efficacy of contractor internal controls, including
16 contractor internal audit reports and supporting ma-
17 terials, that are relevant to such assessment; and

18 (2) provide that the refusal of a contractor to
19 permit access to contractor internal audit reports
20 and supporting materials that are relevant to such
21 an assessment is a basis for disapproving the con-
22 tractor business system or systems to which such
23 materials are relevant and taking the remedial ac-
24 tions authorized under section 893.

1 **SEC. 844. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**
2 **TIONS FOR CONTRACTOR EMPLOYEES.**

3 (a) IN GENERAL.—Subsection (a) of section 2409 of
4 title 10, United States Code, is amended—

5 (1) by inserting “(1)” before “An employee”;

6 (2) in paragraph (1), as so designated—

7 (A) by inserting “or subcontractor” after
8 “employee of a contractor”;

9 (B) by striking “a Member of Congress”
10 and all that follows through “the Department
11 of Justice” and inserting “a person or body de-
12 scribed in paragraph (2)”;

13 (C) by inserting “an abuse of authority re-
14 lating to a Department of Defense contract or
15 grant,” after “Department of Defense funds,”;
16 and

17 (D) by inserting “, rule, or regulation”
18 after “a violation of law”; and

19 (3) by adding at the end the following new
20 paragraphs:

21 “(2) The persons and bodies described in this para-
22 graph are the persons and bodies as follows:

23 “(A) A Member of Congress or a representative
24 of a committee of Congress.

25 “(B) An Inspector General.

26 “(C) The Government Accountability Office.

1 “(D) A Department of Defense employee re-
2 sponsible for contract oversight or management.

3 “(E) An authorized official of the Department
4 of Justice or other law enforcement agency.

5 “(F) A court or grand jury.

6 “(G) A management official or other employee
7 of the contractor or subcontractor who has the re-
8 sponsibility to investigate, discover, or address mis-
9 conduct.

10 “(3) For the purposes of paragraph (1)—

11 “(A) an employee who initiates or provides evi-
12 dence of contractor or subcontractor misconduct in
13 any judicial or administrative proceeding relating to
14 waste, fraud, or abuse on a Department of Defense
15 contract shall be deemed to have made a disclosure
16 covered by such paragraph; and

17 “(B) a reprisal described in paragraph (1) is
18 prohibited even if it is undertaken at the request of
19 a Department of Defense official, unless the request
20 takes the form of a non-discretionary directive and
21 is within the authority of the Department of Defense
22 official making the request.”.

23 (b) INVESTIGATION OF COMPLAINTS.—Subsection
24 (b) of such section is amended—

1 (1) in paragraph (1), by inserting “fails to al-
2 lege a violation of the prohibition in subsection (a),
3 or has previously been addressed in another Federal
4 or State judicial or administrative proceeding initi-
5 ated by the complainant,” after “is frivolous,”;

6 (2) in paragraph (2)—

7 (A) in subparagraph (A), by inserting “,
8 fails to allege a violation of the prohibition in
9 subsection (a), or has previously been addressed
10 in another Federal or State judicial or adminis-
11 trative proceeding initiated by the complainant”
12 after “is frivolous”; and

13 (B) in subparagraph (B), by inserting “,
14 up to 180 days,” after “such additional period
15 of time”; and

16 (3) by adding at the end the following new
17 paragraphs:

18 “(3) The Inspector General may not respond to any
19 inquiry or disclose any information from or about any per-
20 son alleging the reprisal, except to the extent that such
21 response or disclosure is—

22 “(A) made with the consent of the person alleg-
23 ing the reprisal;

1 “(B) made in accordance with the provisions of
2 section 552a of title 5 or as required by any other
3 applicable Federal law; or

4 “(C) necessary to conduct an investigation of
5 the alleged reprisal.

6 “(4) A complaint may not be brought under this sub-
7 section more than three years after the date on which the
8 alleged reprisal took place.”.

9 (c) REMEDY AND ENFORCEMENT AUTHORITY.—Sub-
10 section (c) of such section is amended—

11 (1) in paragraph (1)(B), by striking “the com-
12 pensation (including back pay)” and inserting “com-
13 pensatory damages (including back pay)”;

14 (2) in paragraph (2), by adding at the end fol-
15 lowing new sentence: “An action under this para-
16 graph may not be brought more than two years after
17 the date on which remedies are deemed to have been
18 exhausted.”;

19 (3) in paragraph (4), by striking “and compen-
20 satory and exemplary damages.” and inserting “,
21 compensatory and exemplary damages, and attorney
22 fees and costs. The person upon whose behalf an
23 order was issued may also file such an action or join
24 in an action filed by the head of the agency.”;

1 (4) in paragraph (5), by adding at the end the
2 following new sentence: “Filing such an appeal shall
3 not act to stay the enforcement of the order of the
4 head of an agency, unless a stay is specifically en-
5 tered by the court.”; and

6 (5) by adding at the end the following new
7 paragraphs:

8 “(6) The legal burdens of proof specified in section
9 1221(e) of title 5 shall be controlling for the purposes of
10 any investigation conducted by an Inspector General, deci-
11 sion by the head of an agency, or judicial or administrative
12 proceeding to determine whether discrimination prohibited
13 under this section has occurred.

14 “(7) The rights and remedies provided for in this sec-
15 tion may not be waived by any agreement, policy, form,
16 or condition of employment, including by any predispute
17 arbitration agreement, other than an arbitration provision
18 in a collective bargaining agreement.”.

19 (d) NOTIFICATION OF EMPLOYEES.—Such section is
20 further amended—

21 (1) by redesignating subsections (d) and (e) as
22 subsections (e) and (f), respectively; and

23 (2) by inserting after subsection (e) the fol-
24 lowing new subsection (d):

1 “(d) NOTIFICATION OF EMPLOYEES.—The Secretary
2 of Defense shall ensure that contractors and subcontractors of the Department of Defense inform their employees
3 in writing of the rights and remedies provided under this
4 section, in the predominant native language of the work-
5 force.”.

7 (e) ABUSE OF AUTHORITY DEFINED.—Subsection (f)
8 of such section, as redesignated by subsection (d)(1) of
9 this section, is further amended by adding at the end the
10 following new paragraph:

11 “(6) The term ‘abuse of authority’ means an
12 arbitrary and capricious exercise of authority that is
13 inconsistent with the mission of the Department of
14 Defense or the successful performance of a Depart-
15 ment of Defense contract or grant.”.

16 (f) ALLOWABILITY OF LEGAL FEES.—Section
17 2324(k) of such title is amended—

18 (1) in paragraph (1), by striking “commenced
19 by the United States or a State” and inserting
20 “commenced by the United States, by a State, or by
21 a contractor employee submitting a complaint under
22 section 2409 of this title”; and

23 (2) in paragraph (2)(C), by striking “the im-
24 position of a monetary penalty” and inserting “the im-

1 position of a monetary penalty or an order to take
2 corrective action under section 2409 of this title”.

3 (g) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendments made by
5 this section shall take effect on the date that is 180
6 days after the date of the enactment of this Act, and
7 shall apply to—

8 (A) all contracts awarded on or after such
9 date;

10 (B) all task orders entered on or after such
11 date pursuant to contracts awarded before, on,
12 or after such date; and

13 (C) all contracts awarded before such date
14 that are modified to include a contract clause
15 providing for the applicability of such amend-
16 ments.

17 (2) REVISION OF DOD SUPPLEMENT TO THE
18 FAR.—Not later than 180 days after the date of the
19 enactment of this Act, the Department of Defense
20 Supplement to the Federal Acquisition Regulation
21 shall be revised to implement the requirements aris-
22 ing under the amendments made by this section.

23 (3) INCLUSION OF CONTRACT CLAUSE IN CON-
24 TRACTS AWARDED BEFORE EFFECTIVE DATE.—At
25 the time of any major modification to a contract

1 that was awarded before the date that is 180 days
2 after the date of the enactment of this Act, the head
3 of the contracting agency shall make best efforts to
4 include in the contract a contract clause providing
5 for the applicability of the amendments made by this
6 section to the contract.

7 **SEC. 844A. WHISTLEBLOWER PROTECTIONS FOR NON-DE-**
8 **FENSE CONTRACTORS.**

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 **“SEC. 4712. CONTRACTOR AND GRANTEE EMPLOYEES: PRO-**
14 **TECTION FROM REPRISAL FOR DISCLOSURE**
15 **OF 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 execu-
24 tive 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, including by any
12 predispute arbitration agreement, other than an ar-
13 bitration provision in a collective bargaining agree-
14 ment.

15 “(d) NOTIFICATION OF EMPLOYEES.—The head of
16 each executive agency shall ensure that contractors, sub-
17 contractors, and grantees of the agency inform their em-
18 ployees in writing of the rights and remedies provided
19 under this section, in the predominant native language of
20 the workforce.

21 “(e) CONSTRUCTION.—Nothing in this section may
22 be construed to authorize the discharge of, demotion of,
23 or discrimination against an employee for a disclosure
24 other than a disclosure protected by subsection (a) or to

1 modify or derogate from a right or remedy otherwise avail-
 2 able to the employee.

3 “(f) DEFINITIONS.—In this section:

4 “(1) The term ‘abuse of authority’ means an
 5 arbitrary and capricious exercise of authority that is
 6 inconsistent with the mission of the executive agency
 7 concerned or the successful performance of a con-
 8 tract or grant of such agency.

9 “(2) The term ‘Inspector General’ means an In-
 10 spector General appointed under the Inspector Gen-
 11 eral Act of 1978 and any Inspector General that re-
 12 ceives funding from, or has oversight over contracts
 13 or grants awarded for or on behalf of, the executive
 14 agency concerned.”.

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

“4712. Contractor and grantee employees: protection from reprisal for disclosure
 of certain information.”.

18 (b) ALLOWABILITY OF LEGAL FEES.—Section 4310
 19 of title 41, United States Code, is amended—

20 (1) in subsection (b), by striking “commenced
 21 by the Federal Government or a State” and insert-
 22 ing “commenced by the Federal Government, by a
 23 State, or by a contractor or grantee employee sub-

1 mitting a complaint under section 4712 of this
2 title”; and

3 (2) in subsection (c)(3), by striking “the im-
4 sition of a monetary penalty” and inserting “the im-
5 position of a monetary penalty or an order to take
6 corrective action under section 4712 of this title”.

7 (c) EFFECTIVE DATE.—

8 (1) IN GENERAL.—The amendments made by
9 this section shall take effect on the date that is 180
10 days after the date of the enactment of this Act, and
11 shall apply to—

12 (A) all contracts and grants awarded on or
13 after such date;

14 (B) all task orders entered on or after such
15 date pursuant to contracts awarded before, on,
16 or after such date; and

17 (C) all contracts awarded before such date
18 that are modified to include a contract clause
19 providing for the applicability of such amend-
20 ments.

21 (2) REVISION OF FEDERAL ACQUISITION REGU-
22 LATION.—Not later than 180 days after the date of
23 the enactment of this Act, the Federal Acquisition
24 Regulation shall be revised to implement the require-

1 ments arising under the amendments made by this
2 section.

3 (3) INCLUSION OF CONTRACT CLAUSE IN CON-
4 TRACTS AWARDED BEFORE EFFECTIVE DATE.—At
5 the time of any major modification to a contract
6 that was awarded before the date that is 180 days
7 after the date of the enactment of this Act, the head
8 of the contracting agency shall make best efforts to
9 include in the contract a contract clause providing
10 for the applicability of the amendments made by this
11 section to the contract.

12 **SEC. 845. EXTENSION OF CONTRACTOR CONFLICT OF IN-**
13 **TEREST LIMITATIONS.**

14 (a) ASSESSMENT OF EXTENSION OF LIMITATIONS TO
15 CERTAIN ADDITIONAL FUNCTIONS AND CONTRACTS.—
16 Not later than 180 days after the date of the enactment
17 of this Act, the Secretary of Defense shall review the guid-
18 ance on personal conflicts of interest for contractor em-
19 ployees issued pursuant to section 841(a) of the Duncan
20 Hunter National Defense Authorization Act for Fiscal
21 Year 2009 (Public Law 110–417; 122 Stat. 4537) in
22 order to determine whether it would be in the best interest
23 of the Department of Defense and the taxpayers to extend
24 such guidance to personal conflicts of interest by con-
25 tractor personnel performing any of the following:

1 (1) Functions other than acquisition functions
2 that are closely associated with inherently govern-
3 mental functions (as that term is defined in section
4 2383(b)(3) of title 10, United States Code).

5 (2) Personal services contracts (as that term is
6 defined in section 2330a(g)(5) of title 10, United
7 States Code).

8 (3) Contracts for staff augmentation services
9 (as that term is defined in section 808(d)(3) of the
10 National Defense Authorization Act for Fiscal Year
11 2012 (Public Law 112–81; 125 Stat. 1490)).

12 (b) EXTENSION OF LIMITATIONS.—If the Secretary
13 determines pursuant to the review under subsection (a)
14 that the guidance on personal conflicts of interest should
15 be extended, the Secretary shall revise the Defense Sup-
16 plement to the Federal Acquisition Regulation to the ex-
17 tent necessary to achieve such extension.

18 (c) REPORT.—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary shall submit
20 to the Committee on Armed Services of the Senate and
21 the Committee on Armed Services of the House of Rep-
22 resentatives a report setting forth the following:

23 (1) A summary of the review conducted under
24 subsection (a).

1 (2) A summary description of any revisions of
2 regulations carried out under subsection (b).

3 **SEC. 846. REPEAL OF SUNSET FOR CERTAIN PROTESTS OF**
4 **TASK AND DELIVERY ORDER CONTRACTS.**

5 Section 2304c(e) of title 10, United States Code, is
6 amended by striking paragraph (3).

7 **SEC. 847. REPORTS ON USE OF INDEMNIFICATION AGREE-**
8 **MENTS.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 end of each of fiscal years 2013 through 2016, the Sec-
11 retary of Defense shall submit to the appropriate commit-
12 tees of Congress a report on any actions described in sub-
13 section (b) which occurred during the preceding fiscal
14 years.

15 (b) ACTIONS DESCRIBED.—

16 (1) IN GENERAL.—An action described in this
17 subsection is the Secretary of Defense—

18 (A) entering into a contract that includes
19 an indemnification provision relating to bodily
20 injury caused by negligence or relating to
21 wrongful death; or

22 (B) modifying an existing contract to in-
23 clude a provision described in subparagraph (A)
24 in a contract.

1 (2) EXCLUDED CONTRACTS.—Paragraph (1)
2 shall not apply to any contract awarded in accord-
3 ance with—

4 (A) section 2354 of title 10, United States
5 Code; or

6 (B) the Comprehensive Environmental Re-
7 sponse, Compensation, and Liability Act of
8 1980 (42 U.S.C. 9601 et seq.).

9 (c) MATTERS INCLUDED.—For each action covered
10 in a report under subsection (a), the report shall include—

11 (1) the name of the contractor;

12 (2) a description of the indemnification provi-
13 sion included in the contract; and

14 (3) a justification for the contract including the
15 indemnification provision.

16 (d) FORM.—Each report under subsection (a) shall
17 be submitted in unclassified form, but may include a clas-
18 sified annex.

19 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
20 FINED.—In this section, the term “appropriate commit-
21 tees of Congress” means—

22 (1) the Committee on Armed Services, the
23 Committee on the Budget, and the Committee on
24 Appropriations of the Senate; and

1 (2) the Committee on Armed Services, the
2 Committee on the Budget, and the Committee on
3 Appropriations of the House of Representatives.

4 **SEC. 848. CONTRACTING WITH SMALL BUSINESS CON-**
5 **CERNS OWNED AND CONTROLLED BY**
6 **WOMEN.**

7 (a) **PROCUREMENT PROGRAM FOR WOMEN-OWNED**
8 **SMALL BUSINESS CONCERNS.**—Section 8(m)(2) of the
9 Small Business Act (15 U.S.C. 637(m)(2)) is amended—

10 (1) in subparagraph (A), by striking “who are
11 economically disadvantaged”;

12 (2) in subparagraph (C), by striking “para-
13 graph (3)” and inserting “paragraph (4)”;

14 (3) by striking subparagraph (D); and

15 (4) by redesignating subparagraphs (E) and
16 (F) as subparagraphs (D) and (E), respectively.

17 (b) **STUDY AND REPORT ON REPRESENTATION OF**
18 **WOMEN.**—Section 29 of the Small Business Act (15
19 U.S.C. 656) is amended by adding at the end the fol-
20 lowing:

21 “(o) **STUDY AND REPORT ON REPRESENTATION OF**
22 **WOMEN.**—

23 “(1) **STUDY.**—The Administrator shall periodi-
24 cally conduct a study to identify industries, as de-
25 fined under the North American Industry Classifica-

1 tion System, underrepresented by small business
2 concerns owned and controlled by women.

3 “(2) REPORT.—Not later than 5 years after the
4 date of enactment of this subsection, and every 5
5 years thereafter, the Administrator shall submit to
6 the Committee on Small Business and Entrepre-
7 neurship of the Senate and the Committee on Small
8 Business of the House of Representatives a report
9 on the results of each study under paragraph (1)
10 conducted during the 5-year period ending on the
11 date of the report.”.

12 **Subtitle D—Provisions Relating to** 13 **Wartime Contracting**

14 **SEC. 860. SHORT TITLE.**

15 This subtitle may be cited as the “Wartime Con-
16 tracting Reform Act of 2012”.

17 **SEC. 861. RESPONSIBILITY WITHIN DEPARTMENT OF DE-** 18 **FENSE FOR CONTRACT SUPPORT FOR OVER-** 19 **SEAS CONTINGENCY OPERATIONS.**

20 (a) RESPONSIBILITY.—

21 (1) IN GENERAL.—Not later than one year
22 after the date of the enactment of this Act, the Sec-
23 retary of Defense shall prescribe in regulations the
24 chain of authority and responsibility within the De-
25 partment of Defense for policy, planning, and execu-

1 tion of contract support for overseas contingency op-
2 erations.

3 (2) ELEMENTS.—The regulations under para-
4 graph (1) shall, at a minimum—

5 (A) specify the officials, offices, and com-
6 ponents of the Department within the chain of
7 authority and responsibility described in para-
8 graph (1);

9 (B) identify for each official, office, and
10 component specified under subparagraph (A)—

11 (i) requirements for policy, planning,
12 and execution of contract support for over-
13 seas contingency operations, including, at a
14 minimum, requirements in connection
15 with—

16 (I) coordination of functions, au-
17 thorities, and responsibilities related
18 to operational contract support for
19 overseas contingency operations;

20 (II) assessments of total force
21 data in support of Department force
22 planning scenarios, including the ap-
23 propriateness of and necessity for the
24 use of contractors for identified func-
25 tions;

1 (III) determinations of capability
2 requirements for non-acquisition com-
3 munity operational contract support,
4 and identification of resources re-
5 quired for planning, training, and exe-
6 cution to meet such requirements;

7 (IV) determinations of policy re-
8 garding the use of contractors by
9 function, and identification of the
10 training exercises that will be required
11 for contract support (including an as-
12 sessment whether or not such exer-
13 cises will include contractors); and

14 (V) establishment of an inven-
15 tory, and identification of areas of
16 high risk and trade offs, for use of
17 contract support in overseas contin-
18 gency operations and for areas in
19 which members of the Armed Forces
20 will be used in such operations instead
21 of contract support; and

22 (ii) roles, authorities, responsibilities,
23 and lines of supervision for the achieve-
24 ment of the requirements identified under
25 clause (i), including the position within the

1 chain of authority and responsibility de-
2 scribed in paragraph (1) with responsibility
3 for reporting directly to the Secretary re-
4 garding policy, planning, and execution of
5 contract support for overseas contingency
6 operations; and

7 (C) ensure that the chain of authority and
8 responsibility described in paragraph (1) is ap-
9 propriately aligned with, and appropriately inte-
10 grated into, the structure of the Department
11 for the conduct of overseas contingency oper-
12 ations, including the military departments, the
13 Joint Staff, and the commanders of the unified
14 combatant commands.

15 (b) SECRETARY OF DEFENSE REPORT.—Not later
16 than one year after the date of the enactment of this Act,
17 the Secretary shall submit to the congressional defense
18 committees a report on the regulations prescribed under
19 subsection (a). The report shall set forth the following:

20 (1) The regulations.

21 (2) A comprehensive description of the require-
22 ments identified under clause (i) of subsection
23 (a)(2)(B), and a comprehensive description of the
24 manner in which the roles, authorities, responsibil-
25 ities, and lines of supervision under clause (ii) of

1 that subsection will further the achievement of such
2 requirements.

3 (3) A comprehensive description of the manner
4 in which the regulations will meet the requirements
5 in subsection (a)(2)(C).

6 (c) COMPTROLLER GENERAL REPORT.—

7 (1) IN GENERAL.—Not later than 18 months
8 after the date of the enactment of this Act, the
9 Comptroller General of the United States shall sub-
10 mit to the appropriate committees of Congress a re-
11 port on the progress of the Department of Defense
12 in implementing the regulations prescribed under
13 subsection (a). The report may include such addi-
14 tional comments and information on the regulations
15 and the implementation of the regulations as the
16 Comptroller General considers appropriate.

17 (2) APPROPRIATE COMMITTEES OF CONGRESS
18 DEFINED.—In this subsection, the term “appro-
19 priate committees of Congress” means—

20 (A) the Committee on Armed Services, the
21 Committee on Homeland Security and Govern-
22 mental Affairs, and the Committee on Appro-
23 priations of the Senate; and

24 (B) the Committee on Armed Services, the
25 Committee on Oversight and Government Re-

1 form, and the Committee on Appropriations of
2 the House of Representatives.

3 **SEC. 862. ANNUAL REPORTS ON CONTRACT SUPPORT FOR**
4 **OVERSEAS CONTINGENCY OPERATIONS IN-**
5 **VOLVING COMBAT OPERATIONS.**

6 (a) REPORTS REQUIRED.—

7 (1) DEPARTMENT OF DEFENSE.—Not later
8 than one year after the commencement or designa-
9 tion of a contingency operation outside the United
10 States that includes combat operations, and annually
11 thereafter until the termination of the operation, the
12 Secretary of Defense shall, except as provided in
13 subsection (b), submit to the appropriate committees
14 of Congress a report on contract support for the De-
15 partment of Defense for the operation.

16 (2) DEPARTMENT OF STATE AND USAID.—Not
17 later than one year after the commencement or des-
18 ignation of a contingency operation outside the
19 United States that includes combat operations, and
20 annually thereafter until the termination of the oper-
21 ation, the Secretary of State and the Administrator
22 of the United States Agency for International Devel-
23 opment shall, except as provided in subsection (b),
24 each submit to the appropriate committees of Con-
25 gress a report on contract support for the operation

1 for the Department of State or the United States
2 Agency for International Development, as the case
3 may be.

4 (b) EXCEPTION.—If the total annual amount of obli-
5 gations for contracts for support of a contingency oper-
6 ation otherwise described by subsection (a) do not exceed
7 \$250,000,000 in an annual reporting period otherwise cov-
8 ered by that subsection, no report shall be required on the
9 operation under that subsection for that annual reporting
10 period.

11 (c) ELEMENTS.—

12 (1) IN GENERAL.—Each report of an agency
13 under subsection (a) regarding an operation shall set
14 forth the following:

15 (A) A description and assessment of the
16 policy, planning, management, and oversight of
17 the agency with respect to contract support for
18 the operation.

19 (B) With respect to contracts entered into
20 in connection with the operation:

21 (i) The total number of contracts en-
22 tered into as of the date of such report.

23 (ii) The total number of such con-
24 tracts that are active as of such date.

1 (iii) The total value of contracts en-
2 tered into as of such date.

3 (iv) The total value of such contracts
4 that are active as of such date.

5 (v) An identification of the extent to
6 which the contracts entered into as of such
7 date were entered into using competitive
8 procedures.

9 (vi) The total number of contractor
10 personnel working under contracts entered
11 into as of the end of each calendar quarter
12 during the one-year period ending on such
13 date.

14 (vii) The total number of contractor
15 personnel performing security functions
16 under contracts entered into as of the end
17 of each calendar quarter during the one-
18 year period ending on such date.

19 (viii) The total number of contractor
20 personnel killed or wounded under any
21 contracts entered into.

22 (C) The sources of information and data
23 used to prepare the portion of such report re-
24 quired by subparagraph (B).

1 (D) A description of any known limitations
2 of the information or data reported under sub-
3 paragraph (B), including known limitations in
4 methodology or data sources.

5 (E) Any plans for strengthening collection,
6 coordination, and sharing of information on
7 contracts entered into in connection with the
8 operation.

9 (2) ESTIMATES.—In determining the total
10 number of contractor personnel working under con-
11 tracts for purposes of paragraph (1)(B)(vi), the Sec-
12 retary or the Administrator may use estimates for
13 any category of contractor personnel for which such
14 Secretary or the Administrator, as the case may be,
15 determines it is not feasible to provide an actual
16 count. Each report under subsection (a) shall fully
17 disclose the extent to which such an estimate is used
18 in lieu of an actual count.

19 (d) PROHIBITION ON PREPARATION BY CONTRACTOR
20 PERSONNEL.—A report under subsection (a) may not be
21 prepared by contractor personnel.

22 (e) USE OF EXISTING REPORTS FOR CERTAIN CON-
23 TINGENCY OPERATIONS.—The requirement to submit re-
24 ports under subsection (a) on a contingency operation in
25 Iraq or Afghanistan may be met by the submittal of the

1 reports required by section 863 of the National Defense
2 Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302
3 note).

4 (f) 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 Foreign Relations, the Committee on
9 Homeland Security and Governmental Affairs, and
10 the Committee on Appropriations of the Senate; and

11 (2) the Committee on Armed Services, the
12 Committee on Foreign Affairs, the Committee on
13 Oversight and Government Reform, and the Com-
14 mittee on Appropriations of the House of Represent-
15 atives.

16 **SEC. 863. INCLUSION OF CONTRACT SUPPORT IN CERTAIN**
17 **REQUIREMENTS FOR DEPARTMENT OF DE-**
18 **FENSE PLANNING, JOINT PROFESSIONAL**
19 **MILITARY EDUCATION, AND MANAGEMENT**
20 **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) CONTINGENCY PLANNING AND PREPAREDNESS
4 FUNCTIONS OF CJCS.—Section 153(a)(3) of such title is
5 amended by adding at the end the following new subpara-
6 graph:

7 “(E) 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) JOINT PROFESSIONAL MILITARY EDUCATION.—

18 (1) CONTINGENCY OPERATIONS AS MATTER
19 WITHIN COURSE OF JPME.—Section 2151(a) of such
20 title is amended by adding at the end the following
21 new paragraph:

22 “(6) Contingency operations.”.

23 (2) CURRICULUM FOR THREE-PHASE AP-
24 PROACH.—Section 2154 of such title is amended by
25 adding at the end the following new subsection:

1 “(c) CURRICULUM RELATING TO CONTINGENCY OP-
2 ERATIONS.—(1) The curriculum for each phase of joint
3 professional military education implemented under this
4 section shall include content appropriate for such phase
5 on the following:

6 “(A) Requirements definition.

7 “(B) Contingency program management.

8 “(C) Contingency contracting.

9 “(D) The strategic impact of contracting on
10 military missions.

11 “(2) In this subsection, the terms ‘requirements defi-
12 nition’, ‘contingency program management’, and ‘contin-
13 gency contracting’ have the meaning given those terms in
14 section 2333(f) of this title.”.

15 (d) MANAGEMENT STRUCTURE.—Section 2330(e)(2)
16 of such title is amended by striking “other than services”
17 and all that follows and inserting “including services in
18 support of contingency operations. The term does not in-
19 clude services relating to research and development or
20 military construction.”.

1 **SEC. 864. RISK ASSESSMENT AND MITIGATION FOR CON-**
2 **TRACTOR PERFORMANCE OF CRITICAL**
3 **FUNCTIONS IN SUPPORT OF OVERSEAS CON-**
4 **TINGENCY OPERATIONS.**

5 (a) **COMPREHENSIVE RISK ASSESSMENT AND MITI-**
6 **GATION PLAN REQUIRED.—**

7 (1) **IN GENERAL.—**Subject to paragraphs (2)
8 and (3), not later than six months after the com-
9 mencement or designation of an overseas contin-
10 gency operation that includes or is expected to in-
11 clude combat operations, the head of each covered
12 agency shall perform a comprehensive risk assess-
13 ment and develop a risk mitigation plan for oper-
14 ational and political risks associated with contractor
15 performance of critical functions in support of the
16 operation for such covered agency.

17 (2) **EXCEPTIONS.—**Except as provided in para-
18 graph (3), a risk assessment and risk mitigation
19 plan shall not be required under paragraph (1) for
20 an overseas contingency operation if both—

21 (A) the operation is not expected to con-
22 tinue for more than one year; and

23 (B) the total annual amount of obligations
24 by the United States Government for contracts
25 for support of or in connection with the oper-

1 ation is not expected to exceed, \$250,000,000
2 in any fiscal year.

3 (3) TERMINATION OF EXCEPTIONS.—Notwith-
4 standing paragraph (2), the head of a covered agen-
5 cy shall perform a risk assessment and develop a
6 risk mitigation plan under paragraph (1) for an
7 overseas contingency operation with regard to which
8 a risk assessment and risk mitigation plan has not
9 previously been performed under paragraph (1) not
10 later than 60 days after the first date on which ei-
11 ther of the following occurs:

12 (A) The operation has continued for more
13 than one year.

14 (B) The total amount of obligations by the
15 United States Government for contracts for
16 support of or in connection with the operation
17 has exceeded \$250,000,000 in a fiscal year.

18 (b) COMPREHENSIVE RISK ASSESSMENTS.—A com-
19 prehensive risk assessment for an overseas contingency op-
20 eration under subsection (a) shall consider, at a minimum,
21 risks relating to the following:

22 (1) The goals and objectives of the operation
23 (such as risks from behavior that injures innocent
24 members of the local population or outrages their
25 sensibilities).

1 (2) The continuity of the operation (such as
2 risks from contractors walking off the job or being
3 unable to perform when there is no timely back-up
4 available).

5 (3) The safety of military and civilian personnel
6 of the United States if the presence or performance
7 of contractor personnel creates unsafe conditions or
8 invites attack.

9 (4) The managerial control of the Government
10 over the operation (such as risks from over-reliance
11 on contractors to monitor other contractors with in-
12 adequate means for Government personnel to mon-
13 itor their work).

14 (5) The critical organic or core capabilities of
15 the Government, including critical knowledge or in-
16 stitutional memory of key operations areas and sub-
17 ject-matter expertise.

18 (6) The ability of the Government to control
19 costs, avoid organizational or personal conflicts of
20 interest, and minimize waste, fraud, and abuse.

21 (c) RISK MITIGATION PLANS.—A risk mitigation
22 plan for an overseas contingency operation under sub-
23 section (a) shall include, at a minimum, the following:

1 (1) For each high risk area identified in the
2 comprehensive risk assessment for the operation per-
3 formed under subsection (a)—

4 (A) specific actions to mitigate or reduce
5 such risk, including, but not limited to, the de-
6 velopment of alternative capabilities to reduce
7 reliance on contractor performance of critical
8 functions;

9 (B) measurable milestones for the imple-
10 mentation of planned risk mitigation or risk re-
11 duction measures; and

12 (C) a process for monitoring, measuring,
13 and documenting progress in mitigating or re-
14 ducing risk.

15 (2) A continuing process for identifying and ad-
16 dressing new and changed risks arising in the course
17 of the operation, including the periodic reassessment
18 of risks and the development of appropriate risk
19 mitigation or reduction plans for any new or
20 changed high risk area identified.

21 (d) REPORTS TO CONGRESS.—

22 (1) IN GENERAL.—Not later than 30 days after
23 the completion of a comprehensive risk assessment
24 and risk mitigation plan under subsection (a), the
25 head of the covered agency concerned shall submit

1 to the appropriate committees of Congress a report
2 setting forth a summary description of the assess-
3 ment and plan, including a description of the risks
4 identified through the assessment and the actions to
5 be taken to address such risks.

6 (2) FORM.—Each report shall be submitted in
7 unclassified form, but may include a classified
8 annex.

9 (e) CRITICAL FUNCTIONS.—For purposes of this sec-
10 tion, critical functions include, at a minimum, the fol-
11 lowing:

12 (1) Private security functions, as that term is
13 defined in section 864(a)(5) of the National Defense
14 Authorization Act for Fiscal Year 2008 (10 U.S.C.
15 2302 note).

16 (2) Training and advising government per-
17 sonnel, including military and security personnel, of
18 a host nation.

19 (3) Conducting intelligence or information oper-
20 ations.

21 (4) Any other functions that are closely associ-
22 ated with inherently governmental functions, includ-
23 ing the functions set forth in section 7.503(d) of the
24 Federal Acquisition Regulation.

25 (f) 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 “covered agency” means the fol-
14 lowing:

15 (A) The Department of Defense.

16 (B) The Department of State.

17 (C) The United States Agency for Inter-
18 national Development.

19 (3) The term “overseas contingency operation”
20 means a military operation outside the United
21 States and its territories and possessions that is a
22 contingency operation (as that term is defined in
23 section 101(a)(13) of title 10, United States Code).

1 **SEC. 865. 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 indenting the left margins of
23 such subsections, as so redesignated, two ems
24 from the left margin;

25 (D) in subsection (b), as redesignated by
26 subparagraph (C) of this paragraph, by redesi-

1 nating subparagraphs (A) through (H) as para-
2 graphs (1) through (8), respectively, and in-
3 denting the left margin of such paragraphs, as
4 so redesignated, four ems from the left margin;

5 (E) in subsection (e), as redesignated by
6 subparagraph (C) of this paragraph—

7 (i) by redesignating subparagraphs
8 (A) through (C) as paragraphs (1) through
9 (3), respectively, and indenting the left
10 margin of such paragraphs, as so redesign-
11 ated, four ems from the left margin; and

12 (ii) by striking “paragraph (2)” each
13 place it appears and inserting “subsection
14 (b)”;

15 (F) in subsection (f), as redesignated by
16 subparagraph (C) of this paragraph, by striking
17 “this paragraph” and inserting “this sub-
18 section”; and

19 (G) in subsection (g), as so redesignated,
20 by striking “paragraph (2)(F)” and inserting
21 “subsection (b)(6)”.

22 (2) **HEADING AMENDMENT.**—The heading of
23 such section is amended by striking “**AND COMP-**
24 **TROLLER GENERAL REVIEW**”.

1 **SEC. 866. EXTENSION OF TEMPORARY AUTHORITY TO AC-**
2 **QUIRE PRODUCTS AND SERVICES IN COUN-**
3 **TRIES ALONG A MAJOR ROUTE OF SUPPLY**
4 **TO AFGHANISTAN.**

5 (a) **EXTENSION.**—Subsection (f) of section 801 of the
6 National Defense Authorization Act for Fiscal Year 2010
7 (Public Law 111–84; 123 Stat. 2399) is amended by strik-
8 ing “on or after the date occurring three years after the
9 date of the enactment of this Act” and inserting “after
10 December 31, 2014”.

11 (b) **REPEAL OF EXPIRED REPORTING REQUIRE-**
12 **MENT.**—Subsection (g) of such section is repealed.

13 (c) **CLERICAL AMENDMENT.**—The heading of such
14 section is amended by striking “**; REPORT**”.

15 **SEC. 867. COMPLIANCE WITH BERRY AMENDMENT RE-**
16 **QUIRED FOR UNIFORM COMPONENTS SUP-**
17 **PLIED TO AFGHANISTAN MILITARY OR AF-**
18 **GHANISTAN NATIONAL POLICE.**

19 (a) **REQUIREMENT.**—In the case of any textile com-
20 ponents supplied by the Department of Defense to the Af-
21 ghanistan National Army or the Afghanistan National Po-
22 lice for purposes of production of uniforms, section 2533a
23 of title 10, United States Code, shall apply, and no excep-
24 tions or exemptions under that section shall apply.

25 (b) **EFFECTIVE DATE.**—This section shall apply to
26 solicitations issued and contracts awarded for the procure-

1 ment of textile components described in subsection (a)
2 after the date of the enactment of this Act.

3 **SEC. 868. SENSE OF SENATE ON THE CONTRIBUTIONS OF**
4 **LATVIA AND OTHER NORTH ATLANTIC TREA-**
5 **TY ORGANIZATION MEMBER NATIONS TO THE**
6 **SUCCESS OF THE NORTHERN DISTRIBUTION**
7 **NETWORK.**

8 (a) FINDINGS.—The Senate makes the following
9 findings:

10 (1) The remote and austere environments in
11 which United States troops are required to operate
12 as part of the International Security Assistance
13 Force (ISAF) mission in Afghanistan have increased
14 the need for reliable lines of supply in southwest
15 Asia.

16 (2) The country of Afghanistan presents unique
17 logistics challenges, which have precipitated the de-
18 velopment of several redundant lines of supply.

19 (3) United States Transportation Command
20 and the Defense Logistics Agency (DLA), in con-
21 sultation with United States Embassy officials and
22 other parties, have successfully established memo-
23 randa of understanding and other agreements with
24 nations in and around southwest Asia to ensure the
25 reliability of lines of supply to Afghanistan.

1 (4) The lines of supply through Pakistan have
2 been repeatedly threatened by instability in that
3 country. Airlifting goods to Afghanistan, while safer,
4 is expensive.

5 (5) The Northern Distribution Network (NDN)
6 was established in late 2008 to ensure that a safe
7 and cost-effective line of supply is available for
8 United States troops in Afghanistan.

9 (6) The two prongs of supply provided by the
10 Northern Distribution Network ship nonlethal goods
11 from the Baltic ports in the north and the
12 Caucasuses in the west to southwest Asia and Af-
13 ghanistan.

14 (7) The Northern Distribution Network has
15 been successful and now handles more than 50 per-
16 cent of cargo shipped to Afghanistan.

17 (8) North Atlantic Treaty Organization
18 (NATO) member nations along the Northern Dis-
19 tribution Network routes have contributed signifi-
20 cantly to the success of the Northern Distribution
21 Network.

22 (9) The United States has strong economic ties
23 to Northern Distribution Network nations that are
24 members of the North Atlantic Treaty Organization,
25 and these nations may be able to provide quality

1 goods and services for near and long-term use by the
2 Department of Defense.

3 (10) Since 2009 the port of Riga, on the Baltic
4 Sea, has been a critical overland entry point for
5 goods being shipped using the Northern Distribution
6 Network. Latvia is a member of the North Atlantic
7 Treaty Organization and has been an ally of the
8 United States in the region for many years.

9 (11) In September 2010, the Defense Logistics
10 Agency, the General Services Administration, and
11 other parties hosted a local procurement conference
12 in Riga, Latvia.

13 (12) One hundred nine Latvian vendors at-
14 tended the September 2010 conference in Riga, and
15 contracts with Latvian vendors have been entered
16 into as a result.

17 (13) In May 2012, Latvia hosted an inter-
18 national workshop in Riga to examine ways of trans-
19 forming the Northern Distribution Network from a
20 route for the delivery of United States and other Al-
21 lies' non-lethal goods to Afghanistan into a commer-
22 cial route that would support the economic growth
23 of Afghanistan and the southwest Asia region.

24 (b) SENSE OF SENATE.—It is the sense of the Senate
25 that—

1 (1) Latvia and other North Atlantic Treaty Or-
2 ganization member nations along the Northern Dis-
3 tribution Network routes are key economic and secu-
4 rity partners of the United States and are to be
5 commended for their contribution to ensuring United
6 States and International Security Assistance Force
7 troops have reliable lines of supply to achieve the
8 mission in Afghanistan;

9 (2) when quality products at competitive prices
10 are available, significant effort should be made to
11 procure goods locally from Latvia and other North
12 Atlantic Treaty Organization member nations along
13 the Northern Distribution Network routes; and

14 (3) Latvia and other North Atlantic Treaty Or-
15 ganization member nations along the Northern Dis-
16 tribution Network routes remain allies of the United
17 States in the region, and a mutually beneficial rela-
18 tionship should continue to be cultivated between the
19 United States and Latvia and such other nations in
20 the future.

21 **SEC. 869. RESPONSIBILITIES OF INSPECTORS GENERAL**
22 **FOR OVERSEAS CONTINGENCY OPERATIONS.**

23 (a) IN GENERAL.—The Inspector General Act of
24 1978 (5 U.S.C. App.) is amended—

1 (1) by redesignating section 8L as section 8M;

2 and

3 (2) by inserting after section 8K the following

4 new section 8L:

5 **“SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS**
6 **CONTINGENCY OPERATIONS.**

7 “(a) IN GENERAL.—Upon the commencement or des-
8 ignation of a military operation as an overseas contingency
9 operation that exceeds 90 days, the Inspectors General
10 specified in subsection (b) shall have the responsibilities
11 specified in this section.

12 “(b) INSPECTORS GENERAL.—The Inspectors Gen-
13 eral specified in this subsection are the Inspectors General
14 as follows:

15 “(1) The Inspector General of the Department
16 of Defense.

17 “(2) The Inspector General of the Department
18 of State.

19 “(3) The Inspector General of the United
20 States Agency for International Development.

21 “(c) STANDING COMMITTEE ON OVERSEAS CONTIN-
22 GENCY OPERATIONS.—(1) The Council of Inspectors Gen-
23 eral on Integrity and Efficiency (CIGIE) shall establish
24 a standing committee on overseas contingency operations.

25 The standing committee shall consist of the following:

1 “(A) A chair, who shall be the Lead Inspector
2 General for an overseas contingency operation under
3 subsection (d) if such an operation is underway, and
4 shall be an Inspector General specified in subsection
5 (b) selected by the Inspectors General specified in
6 that subsection from among themselves if such an
7 operation is not underway.

8 “(B) The other Inspectors General specified in
9 subsection (b).

10 “(C) For the duration of any contingency oper-
11 ation that exceeds 90 days, any other inspectors
12 general determined by the chair, in coordination
13 with the other Inspectors General specified in sub-
14 section (b), to have actual or potential areas of re-
15 sponsibility with respect to the contingency oper-
16 ation.

17 “(2) The standing committee shall have such on-
18 going responsibilities, including planning, coordination,
19 and development of practices, to improve oversight of over-
20 seas contingency operations as the chair considers appro-
21 priate.

22 “(3)(A) For the duration of any contingency oper-
23 ation that exceeds 90 days, the standing committee shall
24 develop and update on an annual basis a joint-strategic
25 plan for ongoing and planned oversight of the contingency

1 operation by the Inspectors General specified in subsection
2 (b) and designated pursuant to paragraph (1)(C), includ-
3 ing the following:

4 “(i) Audit and available inspection plans.

5 “(ii) An overall assessment of such oversight,
6 including projects or areas (whether departmental or
7 government-wide) of concern or in need of further
8 review.

9 “(iii) Such other matters as the Lead Inspector
10 General for the contingency operation considers ap-
11 propriate.

12 “(B) Each plan under this paragraph, and any up-
13 date of such plan, shall be made available on an Internet
14 website available to the public. Each plan, and any update
15 of such plan, made so available shall be made available
16 in unclassified form.

17 “(d) LEAD INSPECTOR GENERAL FOR OVERSEAS
18 CONTINGENCY OPERATIONS.—(1) There shall be a lead
19 inspector general for each overseas contingency operation
20 that exceeds 90 days (in this section referred to as the
21 ‘Lead Inspector General’ for the contingency operation
22 concerned).

23 “(2) The Lead Inspector General for a contingency
24 operation shall be the Inspector General of the Depart-
25 ment of Defense, who shall assume such role not later

1 than 90 days after the commencement or designation of
2 the military operation concerned as a contingency oper-
3 ation.

4 “(e) RESPONSIBILITIES OF LEAD INSPECTOR GEN-
5 ERAL.—(1) The Lead Inspector General for an overseas
6 contingency operation shall have the following responsibil-
7 ities:

8 “(A) To conduct oversight, in full coordination
9 with the other Inspectors General specified in sub-
10 section (b), over all aspects of the contingency oper-
11 ation and to ensure, either through joint or indi-
12 vidual audits, inspections, and investigations, inde-
13 pendent and effective oversight of all programs and
14 operations of all departments and agencies in the
15 contingency operation.

16 “(B) To appoint, from among the offices of the
17 other Inspectors General specified in subsection (b),
18 an Inspector General to act as Associate Inspector
19 General for the overseas contingency operation who
20 shall act in a coordinating role to assist the Lead In-
21 spector General in the discharge of responsibilities
22 under this subsection.

23 “(C)(i) If none of the Inspectors General speci-
24 fied in subsection (b) has principal jurisdiction over
25 a matter with respect to the contingency operation,

1 to exercise responsibility for discharging oversight
2 responsibilities in accordance with this Act with re-
3 spect to such matter.

4 “(ii) If more than one of the Inspectors General
5 specified in subsection (b) has jurisdiction over a
6 matter with respect to the contingency operation, to
7 determine principal jurisdiction for discharging over-
8 sight responsibilities in accordance with this Act
9 with respect to such matter.

10 “(D) To carry out such other responsibilities
11 relating to the coordination and efficient and effec-
12 tive discharge by the Inspectors General specified in
13 subsection (b) of duties relating to the contingency
14 operation as the Lead Inspector General shall speci-
15 fy.

16 “(2) The Lead Inspector General for an overseas con-
17 tingency operation shall discharge the responsibilities for
18 the contingency operation under this subsection in a man-
19 ner consistent with the authorities and requirements of
20 this Act generally and the authorities and requirements
21 applicable to the Inspectors General specified in subsection
22 (b) under this Act.

23 “(f) REPORTS.—(1) The Lead Inspector General for
24 an overseas contingency operation shall, in coordination
25 with the other Inspectors General specified in subsection

1 (b), submit to the appropriate committees of Congress on
2 a semi-annual basis, and make available on an Internet
3 website available to the public, a report summarizing, for
4 the semi-annual period, the activities of the Lead Inspec-
5 tor General and the other Inspectors General specified in
6 subsection (b) with respect to the contingency operation,
7 including—

8 “(A) the status and results of audits, inspec-
9 tions, and closed investigations, and of the number
10 of referrals to the Department of Justice;

11 “(B) updates and changes to overall plans for
12 the review of the contingency operation by inspectors
13 general, including plans for inspections and audits;
14 and

15 “(C) the activities under programs and oper-
16 ations funded with amounts appropriated or other-
17 wise made available for the overseas contingency op-
18 eration, including the information specified in para-
19 graph (2).

20 “(2) The information specified in this paragraph with
21 respect to an overseas contingency operation is as follows:

22 “(A) Obligations and expenditures of appro-
23 priated funds.

24 “(B) A project-by-project and program-by-pro-
25 gram accounting of the costs incurred to date for

1 the contingency operation, together with the esti-
2 mate of the Department of Defense, the Department
3 of State, and the United States Agency for Inter-
4 national Development, as applicable, of the costs to
5 complete each project and program above the sim-
6 plified acquisition threshold.

7 “(C) Revenues attributable to or consisting of
8 funds provided by foreign nations or international
9 organizations to programs and projects for the con-
10 tingency operation that are funded by any depart-
11 ment or agency of the United States Government,
12 and any obligations or expenditures of such reve-
13 nues.

14 “(D) Revenues attributable to or consisting of
15 foreign assets seized or frozen that contribute to
16 programs and projects for the contingency operation
17 that are funded by any department or agency of the
18 United States Government, and any obligations or
19 expenditures of such revenues.

20 “(E) Operating expenses of agencies or entities
21 receiving amounts appropriated or otherwise made
22 available for the contingency operation.

23 “(F) In the case of any contract, grant, agree-
24 ment, or other funding mechanism described in

1 paragraph (3) with respect to the contingency oper-
2 ation—

3 “(i) the amount of the contract, grant,
4 agreement, or other funding mechanism;

5 “(ii) a brief discussion of the scope of the
6 contract, grant, agreement, or other funding
7 mechanism;

8 “(iii) a discussion of how the department
9 or agency of the United States Government in-
10 volved in the contract, grant, agreement, or
11 other funding mechanism identified, and solici-
12 ted offers from, potential individuals or entities
13 to perform the contract, grant, agreement, or
14 other funding mechanism, together with a list
15 of the potential individuals or entities that were
16 issued solicitations for the offers; and

17 “(iv) the justification and approval docu-
18 ments on which was based the determination to
19 use procedures other than procedures that pro-
20 vide for full and open competition.

21 “(3) A contract, grant, agreement, or other funding
22 mechanism described in this paragraph is any major con-
23 tract, grant, agreement, or other funding mechanism that
24 is entered into by any department or agency of the United
25 States Government that involves the use of amounts ap-

1 appropriated or otherwise made available for reconstruction
2 and other related activities in the contingency operation
3 concerned with any public or private sector entity, includ-
4 ing any of the following purposes:

5 “(A) To build or rebuild physical infrastructure.

6 “(B) To establish or reestablish a political or
7 societal function or institution.

8 “(C) To provide products or services.

9 “(4) Each report under this subsection shall be sub-
10 mitted in unclassified form, but may include a classified
11 annex.

12 “(g) TEMPORARY EMPLOYMENT AUTHORITY.—(1)
13 Each Inspector General specified in subsection (b) may
14 employ, on a temporary basis using the authorities in sec-
15 tion 3161 of title 5, United States Code (but without re-
16 gard to subsections (a) and (b)(2) of such section), such
17 auditors, inspectors, investigators, and other personnel as
18 such Inspector General considers appropriate for purposes
19 of assisting such Inspector General in discharging respon-
20 sibilities under subsection (e) with respect to an overseas
21 contingency operation.

22 “(2) The employment under this subsection of an an-
23 nuitant described in section 9902(g) of title 5, United
24 States Code, shall be governed by the provisions of such

1 section as if the position to which employed was a position
2 in the Department of Defense.

3 “(3) The employment under this subsection of an an-
4 nuitant receiving an annuity under the Foreign Service
5 Retirement and Disability System under chapter 8 of the
6 Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) shall
7 be treated as employment in an elective position in the
8 Government on a temporary basis under section 824(b)
9 of the Foreign Service Act of 1980 (22 U.S.C. 4064(b))
10 for which continued receipt of annuities may be elected
11 as provided in such section.

12 “(4) The authority to employ personnel under this
13 subsection for a contingency operation shall cease as pro-
14 vided for in subsection (h).

15 “(h) SUNSET FOR PARTICULAR CONTINGENCY OPER-
16 ATIONS.—The requirements and authorities of this section
17 with respect to an overseas contingency operation shall
18 cease at the earlier of—

19 “(1) the end of the first fiscal year after the
20 commencement or designation of the contingency op-
21 eration in which the total amount appropriated for
22 the contingency operation is less than \$250,000,000
23 (in constant fiscal year 2012 dollars); or

1 “(2) the date that is 18 months after the date
2 of the issuance by the Secretary of Defense of an
3 order terminating the contingency operation.

4 “(i) CONSTRUCTION OF AUTHORITY.—Nothing in
5 this Act shall be construed to limit the ability of the In-
6 spectors General specified in subsection (b) to enter into
7 agreements to conduct joint audits, inspections, or inves-
8 tigations in the exercise of their oversight responsibilities
9 in accordance with this Act with respect to overseas con-
10 tingency operations.

11 “(j) DEFINITIONS.—In this section:

12 “(1) The term ‘overseas contingency operation’
13 means a military operation outside the United
14 States and its territories and possessions that is a
15 contingency operation (as that term is defined in
16 section 101(a)(13) of title 10, United States Code).

17 “(2) The term ‘simplified acquisition threshold’
18 has the meaning provided that term in section
19 2302(7) of title 10, United States Code.”.

20 (b) CONFORMING AMENDMENT RELATING TO TEM-
21 PORARY EMPLOYMENT AUTHORITY.—Section 3161 of
22 title 5, United States Code, is amended by adding at the
23 end the following new subsection:

24 “(j) LEAD INSPECTORS GENERAL FOR OVERSEAS
25 CONTINGENCY OPERATIONS AS TEMPORARY ORGANIZA-

1 TION.—In addition to the meaning given that term in sub-
2 section (a), the term ‘temporary organization’ for purposes
3 of this subchapter shall, without regard to subsections (a)
4 and (b)(2) of this section, also include the Lead Inspector
5 General for an overseas contingency operation under sec-
6 tion 8L of the Inspector General Act of 1978 and the In-
7 spectors General and inspector general office personnel as-
8 sisting the Lead Inspector General in the discharge of re-
9 sponsibilities and authorities under subsection (e) of such
10 section 8L with respect to the contingency operation.”.

11 **SEC. 870. AGENCY REPORTS AND INSPECTOR GENERAL AU-**
12 **DITS OF CERTAIN INFORMATION ON OVER-**
13 **SEAS CONTINGENCY OPERATIONS.**

14 (a) AGENCY REPORTS.—Not later than 180 days
15 after the commencement or designation of a military oper-
16 ation as an overseas contingency operation and semi-annu-
17 ally thereafter during the duration of the contingency op-
18 eration, the Secretary of Defense, the Secretary of State,
19 and the Administrator of the United States Agency for
20 International Development shall each make available to
21 the Inspector General of the department or agency con-
22 cerned the information required by subsection (f)(2) of
23 section 8L of the Inspector General Act of 1978 (as
24 amended by section 869 of this Act) on the contingency
25 operation.

1 (b) INSPECTOR GENERAL AUDITS.—Not later than
2 90 days after receipt of a report under subsection (a), each
3 Inspector General referred to in that subsection shall—

4 (1) perform an audit on the quality of the infor-
5 mation submitted in such report, including an as-
6 sessment of the completeness and accuracy of the in-
7 formation and the extent to which the information
8 fully satisfies the requirements of such Inspector
9 General in preparing the semi-annual report de-
10 scribed in subsection (f)(1)(C) of section 8L of the
11 Inspector General Act of 1978 (as so amended); and

12 (2) submit to the appropriate committees of
13 Congress a report on the reliability, accuracy, and
14 completeness of the information, including any sig-
15 nificant problems in such information.

16 (c) DEFINITIONS.—In this section:

17 (1) The term “appropriate committees of Con-
18 gress” means—

19 (A) the Committee on Armed Services, the
20 Committee on Foreign Relations, the Com-
21 mittee on Homeland Security and Govern-
22 mental Affairs, and the Committee on Appro-
23 priations of the Senate; and

24 (B) the Committee on Armed Services, the
25 Committee on Foreign Affairs, the Committee

1 on Oversight and Government Reform, and the
2 Committee on Appropriations of the House of
3 Representatives.

4 (2) The term “overseas contingency operation”
5 means a military operation outside the United
6 States and its territories and possessions that is a
7 contingency operation (as that term is defined in
8 section 101(a)(13) of title 10, United States Code).

9 **SEC. 871. OVERSIGHT OF CONTRACTS AND CONTRACTING**
10 **ACTIVITIES FOR OVERSEAS CONTINGENCY**
11 **OPERATIONS IN RESPONSIBILITIES OF CHIEF**
12 **ACQUISITION OFFICERS OF FEDERAL AGEN-**
13 **CIES.**

14 (a) IN GENERAL.—Subsection (b)(3) of section 1702
15 of title 41, United States Code, is amended—

16 (1) by redesignating subparagraphs (F) and
17 (G) as subparagraphs (G) and (H), respectively; and

18 (2) by inserting after subparagraph (E) the fol-
19 lowing new subparagraph (F):

20 “(F) advising the executive agency on the appli-
21 cability of relevant policy on the contracts of the
22 agency for overseas contingency operations and en-
23 suring the compliance of the contracts and con-
24 tracting activities of the agency with such policy;”.

1 (b) DEFINITION.—Such section is further amended
2 by adding at the following new subsection:

3 “(d) OVERSEAS CONTINGENCY OPERATIONS DE-
4 FINED.—In this section, the term ‘overseas contingency
5 operations’ means military operations outside the United
6 States and its territories and possessions that are a con-
7 tingency operation (as that term is defined in section
8 101(a)(13) of title 10).”.

9 **SEC. 872. REPORTS ON RESPONSIBILITY WITHIN DEPART-**
10 **MENT OF STATE AND THE UNITED STATES**
11 **AGENCY FOR INTERNATIONAL DEVELOP-**
12 **MENT FOR CONTRACT SUPPORT FOR OVER-**
13 **SEAS CONTINGENCY OPERATIONS.**

14 (a) DOS AND USAID REPORTS REQUIRED.—Not
15 later than six months after the date of the enactment of
16 this Act, the Secretary of State and the Administrator of
17 the United States Agency for International Development
18 shall, in consultation with the Chief Acquisition Officer
19 of the Department of State and the Chief Acquisition Offi-
20 cer of the United States Agency for International Develop-
21 ment, respectively, each submit to the appropriate commit-
22 tees of Congress an assessment of Department of State
23 and United States Agency for International Development
24 policies governing contract support in overseas contin-
25 gency operations.

1 (b) ELEMENTS.—Each report under subsection (a)
2 shall include the following:

3 (1) A description and assessment of the roles
4 and responsibilities of the officials, offices, and com-
5 ponents of the Department of State or the United
6 States Agency for International Development, as ap-
7 plicable, within the chain of authority and responsi-
8 bility for policy, planning, and execution of contract
9 support for overseas contingency operations.

10 (2) Procedures and processes of the Depart-
11 ment or Agency, as applicable, on the following in
12 connection with contract support for overseas contin-
13 gency operations:

14 (A) Collection, inventory, and reporting of
15 data.

16 (B) Acquisition planning.

17 (C) Solicitation and award of contracts.

18 (D) Requirements development and man-
19 agement.

20 (E) Contract tracking and oversight.

21 (F) Performance evaluations.

22 (G) Risk management.

23 (H) Interagency coordination and transi-
24 tion planning.

1 (3) Strategies and improvements necessary for
2 the Department or the Agency, as applicable, to ad-
3 dress reliance on contractors, workforce planning,
4 and the recruitment and training of acquisition
5 workforce personnel, including the anticipated num-
6 ber of personnel needed to perform acquisition man-
7 agement and oversight functions and plans for
8 achieving personnel staffing goals, in connection
9 with overseas contingency operations.

10 (c) COMPTROLLER GENERAL REPORT.—Not later
11 than one year after the date of the enactment of this Act,
12 the Comptroller General of the United States shall submit
13 to the appropriate committees of Congress a report on the
14 progress of the efforts of the Department of State and
15 the United States Agency for International Development
16 in implementing improvements and changes identified
17 under paragraphs (1) through (3) of subsection (b) in the
18 reports required by subsection (a), together with such ad-
19 ditional information as the Comptroller General considers
20 appropriate to further inform such committees on issues
21 relating to the reports required by subsection (a).

22 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
23 FINED.—In this section, the term “appropriate commit-
24 tees of Congress” means—

1 (1) the Committee on Foreign Relations, the
2 Committee on Armed Services, the Committee on
3 Homeland Security and Governmental Affairs, and
4 the Committee on Appropriations of the Senate; and

5 (2) the Committee on Foreign Affairs, the
6 Committee on Armed Services, the Committee on
7 Oversight and Government Reform, and the Com-
8 mittee on Appropriations of the House of Represent-
9 atives.

10 **SEC. 873. PROFESSIONAL EDUCATION FOR DEPARTMENT**
11 **OF STATE PERSONNEL ON ACQUISITION FOR**
12 **DEPARTMENT OF STATE SUPPORT AND PAR-**
13 **TICIPATION IN OVERSEAS CONTINGENCY OP-**
14 **ERATIONS.**

15 (a) **PROFESSIONAL EDUCATION REQUIRED.**—The
16 Secretary of State shall develop and administer for De-
17 partment of State personnel specified in subsection (b) a
18 course of professional education on acquisition by the De-
19 partment of State for Department of State support for,
20 and participation in, overseas contingency operations.

21 (b) **COVERED DEPARTMENT OF STATE PER-**
22 **SONNEL.**—The Department of State personnel specified in
23 this subsection are as follows:

24 (1) The Chief Acquisition Officer of the Depart-
25 ment of State.

1 (2) Personnel of the Department designated by
2 the Chief Acquisition Officer, including contracting
3 officers and other contracting personnel.

4 (3) Such other personnel of the Department as
5 the Secretary of State shall designate for purposes
6 of this section.

7 (c) ELEMENTS.—

8 (1) CURRICULUM CONTENT.—The course of
9 professional education under this section shall in-
10 clude appropriate content on the following:

11 (A) Contingency contracting.

12 (B) Contingency program management.

13 (C) The strategic impact of contracting
14 costs on the mission and activities of the De-
15 partment of State.

16 (D) Such other matters relating to acquisi-
17 tion by the Department for Department support
18 for, or participation in, overseas contingency
19 operations as the Secretary of State considers
20 appropriate.

21 (2) PHASED APPROACH.—The course of profes-
22 sional education may be broken into two or more
23 phases of professional education with curriculum or
24 modules of education suitable for the Department of
25 State personnel specified in subsection (b) at dif-

1 ferent phases of professional advancement within the
2 Department.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “contingency contracting” means
5 all stages of the process of acquiring property or
6 services by the Department of State for Department
7 of State support for, and participation in, overseas
8 contingency operations.

9 (2) The term “contingency program manage-
10 ment” means the process of planning, organizing,
11 staffing, controlling, and leading specific acquisition
12 programs and activities of the Department of State
13 for Department of State support for, and participa-
14 tion in, overseas contingency operations.

15 (3) The term “overseas contingency operation”
16 means a military operation outside the United
17 States and its territories and possessions that is a
18 contingency operation (as that term is defined in
19 section 101(a)(13) of title 10, United States Code).

20 **SEC. 874. DATABASE ON PRICE TRENDS OF ITEMS AND**
21 **SERVICES UNDER FEDERAL CONTRACTS.**

22 (a) DATABASE REQUIRED.—

23 (1) IN GENERAL.—Chapter 33 of title 41,
24 United States Code, is amended by adding at the
25 end the following new section:

1 **“§ 3312. Database on price trends of items and serv-**
2 **ices under Federal contracts**

3 “(a) DATABASE REQUIRED.—The Administrator
4 shall establish and maintain a database of information on
5 price trends for items and services under contracts with
6 the Federal Government. The information in the database
7 shall be designed to assist Federal acquisition officials in
8 the following:

9 “(1) Monitoring developments in price trends
10 for items and services under contracts with the Fed-
11 eral Government.

12 “(2) Conducting pricing or cost analyses for
13 items and services under offers for contracts with
14 the Federal Government, or otherwise conducting
15 determinations of the reasonableness of prices for
16 items and services under such offers, and addressing
17 unjustified escalation in prices being paid by the
18 Federal Government for items and services under
19 contracts with the Federal Government.

20 “(b) USE.—(1) The database under subsection (a)
21 shall be available to executive agencies in the evaluation
22 of offers for contracts with the Federal Government for
23 items and services.

24 “(2) The Secretary of Defense may satisfy the re-
25 quirements of this section by complying with the require-
26 ments of section 892 of the Ike Skelton National Defense

1 Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a
2 note).”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 33 of such title is
5 amended by adding at the end the following new
6 item:

“3312. Database on price trends of items and services under Federal con-
tracts.”.

7 (b) USE OF ELEMENTS OF DEPARTMENT OF DE-
8 FENSE PILOT PROJECT.—In establishing the database re-
9 quired by section 3312 of title 41, United States Code (as
10 added by subsection (a)), the Administrator of Federal
11 Procurement Policy shall use and incorporate appropriate
12 elements of the pilot project on pricing of the Department
13 of Defense being carried out by the Director of Defense
14 Pricing.

15 **SEC. 875. INFORMATION ON CORPORATE CONTRACTOR**
16 **PERFORMANCE AND INTEGRITY THROUGH**
17 **THE FEDERAL AWARDEE PERFORMANCE AND**
18 **INTEGRITY INFORMATION SYSTEM.**

19 (a) INCLUSION OF CORPORATIONS AMONG COVERED
20 PERSONS.—Subsection (b) of section 872 of the Duncan
21 Hunter National Defense Authorization Act for Fiscal
22 Year 2009 (Public Law 110–417; 122 Stat. 4555) is
23 amended by inserting “(including a corporation)” after
24 “Any person” both places it appears.

1 (b) INFORMATION ON CORPORATIONS.—Subsection
2 (d) of such section is amended by adding at the end the
3 following new paragraph:

4 “(3) INFORMATION ON CORPORATIONS.—The
5 information on a corporation in the database shall,
6 to the extent practicable, include information on any
7 parent, subsidiary, or successor entities to the cor-
8 poration in manner designed to give the acquisition
9 officials using the database a comprehensive under-
10 standing of the performance and integrity of the cor-
11 poration in carrying out Federal contracts and
12 grants.”.

13 **SEC. 876. INCLUSION OF DATA ON CONTRACTOR PERFORM-**
14 **ANCE IN PAST PERFORMANCE DATABASES**
15 **FOR EXECUTIVE AGENCY SOURCE SELEC-**
16 **TION DECISIONS.**

17 (a) STRATEGY REQUIRED.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the Fed-
20 eral Acquisition Regulatory Council shall develop a
21 strategy for ensuring that timely, accurate, and com-
22 plete information on contractor performance is in-
23 cluded in past performance databases used by execu-
24 tive agencies for making source selection decisions.

1 (2) CONSULTATION WITH USDATL.—In devel-
2 oping the strategy required by this subsection, the
3 Federal Acquisition Regulatory Council shall consult
4 with the Under Secretary of Defense for Acquisition,
5 Technology, and Logistics to ensure that the strat-
6 egy is, to the extent practicable, consistent with the
7 strategy developed by the Under Secretary pursuant
8 to section 806 of the National Defense Authorization
9 Act for Fiscal Year 2012 (Public Law 112–81; 125
10 Stat. 1487; 10 U.S.C. 2302 note).

11 (b) ELEMENTS.—The strategy required by subsection
12 (a) shall, at a minimum—

13 (1) establish standards for the timeliness and
14 completeness of past performance submissions for
15 purposes of databases described in subsection (a);

16 (2) assign responsibility and management ac-
17 countability for the completeness of past perform-
18 ance submissions for such purposes; and

19 (3) ensure that past performance submissions
20 for such purposes are consistent with award fee eval-
21 uations in cases where such evaluations have been
22 conducted.

23 (c) CONTRACTOR COMMENTS.—Not later than 180
24 days after the date of the enactment of this Act, the Fed-

1 eral Acquisition Regulation shall be revised to require the
2 following:

3 (1) That affected contractors are provided, in a
4 timely manner, information on contractor perform-
5 ance to be included in past performance databases
6 in accordance with subsection (a).

7 (2) That such contractors are afforded up to 14
8 calendar days, from the date of delivery of the infor-
9 mation provided in accordance with paragraph (1),
10 to submit comments, rebuttals, or additional infor-
11 mation pertaining to past performance for inclusion
12 in such databases.

13 (3) That agency evaluations of contractor past
14 performance, including any information submitted
15 under paragraph (2), are included in the relevant
16 past performance database not later than the date
17 that is 14 days after the date of delivery of the in-
18 formation provided in accordance with paragraph
19 (1).

20 (d) CONSTRUCTION.—Nothing in this section shall be
21 construed to prohibit a contractor from submitting com-
22 ments, rebuttals, or additional information pertaining to
23 past performance after the period described in subsection
24 (c)(2) has elapsed or to prohibit a contractor from chal-

1 lenging a past performance evaluation in accordance with
2 applicable laws, regulations, or procedures.

3 (e) COMPTROLLER GENERAL REPORT.—Not later
4 than 18 months after the date of the enactment of this
5 Act, the Comptroller General of the United States shall
6 submit to the appropriate committees of Congress a report
7 on the actions taken by the Federal Acquisition Regu-
8 latory Council pursuant to this section, including an as-
9 sessment of the following:

10 (1) The extent to which the strategy required
11 by subsection (a) is consistent with the strategy de-
12 veloped by the Under Secretary of Defense for Ac-
13 quisition, Technology, and Logistics as described in
14 subsection (a)(2).

15 (2) The extent to which the actions of the Fed-
16 eral Acquisition Regulatory Council pursuant to this
17 section have otherwise achieved the objectives of this
18 section.

19 (f) DEFINITIONS.—In this section:

20 (1) The term “appropriate committees of Con-
21 gress” means—

22 (A) the Committee on Armed Services, the
23 Committee on Foreign Relations, the Com-
24 mittee on Homeland Security and Govern-

1 mental Affairs, and the Committee on Appro-
2 priations of the Senate; and

3 (B) the Committee on Armed Services, the
4 Committee on Foreign Affairs, the Committee
5 on Oversight and Government Reform, and the
6 Committee on Appropriations of the House of
7 Representatives.

8 (2) The term “executive agency” has the mean-
9 ing given that term in section 133 of title 41, United
10 States Code, except that the term excludes the De-
11 partment of Defense and the military departments.

12 (3) The term “Federal Acquisition Regulatory
13 Council” means the Federal Acquisition Regulatory
14 Council under section 1302(a) of title 41, United
15 States Code.

16 **SEC. 877. PUBLIC AVAILABILITY OF DATABASE OF SENIOR**
17 **DEPARTMENT OF DEFENSE OFFICIALS SEEK-**
18 **ING EMPLOYMENT WITH DEFENSE CONTRAC-**
19 **TORS.**

20 Section 847(b) of the National Defense Authorization
21 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
22 1701 note) is amended by adding at the end the following
23 new paragraph:

24 “(3) PUBLIC AVAILABILITY OF INFORMATION.—
25 The Secretary of Defense shall make available online

1 to the public any information contained in the data-
2 base or repository required under paragraph (1) that
3 is not confidential, personal, or proprietary in na-
4 ture.”.

5 **Subtitle E—Other Matters**

6 **SEC. 881. REQUIREMENTS AND LIMITATIONS FOR SUSPEN-** 7 **SION AND DEBARMENT OFFICIALS OF THE** 8 **DEPARTMENT OF DEFENSE, THE DEPART-** 9 **MENT OF STATE, AND THE UNITED STATES** 10 **AGENCY FOR INTERNATIONAL DEVELOP-** 11 **MENT.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, the head of the covered
14 agency concerned shall ensure the following:

15 (1) There shall be not less than one suspension
16 and debarment official—

17 (A) in the case of the Department of De-
18 fense, for each of the Department of the Army,
19 the Department of the Navy, the Department of
20 the Air Force, and the Defense Logistics Agen-
21 cy;

22 (B) for the Department of State; and

23 (C) for the United States Agency for Inter-
24 national Development.

1 (2) A suspension and debarment official under
2 paragraph (1) may not report to or be subject to the
3 supervision of the acquisition office or the Inspector
4 General of—

5 (A) in the case of the Department of De-
6 fense, either the Department of Defense or the
7 military department or Defense Agency con-
8 cerned; and

9 (B) in the case of any other covered agen-
10 cy, the acquisition office or the Inspector Gen-
11 eral of such agency.

12 (3)(A) Except as provided in subparagraph (B),
13 the duties of a suspension and debarment official
14 under paragraph (1) may include only the following:

15 (i) The direction, management, and over-
16 sight of suspension and debarment activities.

17 (ii) The direction, management, and over-
18 sight of fraud remedies activities.

19 (iii) Membership and participation in the
20 Interagency Committee on Debarment and Sus-
21 pension in accordance with Executive Order No.
22 12549 and section 873 of the Duncan Hunter
23 National Defense Authorization Act for Fiscal
24 Year 2009 (as amended by this section).

1 (B) The limitation in subparagraph (A) shall
2 not be construed to prohibit a suspension and debarment
3 official under paragraph (1) from providing
4 authorized legal advice to the extent that the provi-
5 sion of such advice does not present a conflict of in-
6 terest with the exercise of the duties of the suspen-
7 sion and debarment official under subparagraph (A).

8 (4) 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 (5) Each suspension and debarment official
13 under paragraph (1) shall document the basis for
14 any decision taken pursuant to a referral in accord-
15 ance with the policies established under paragraph
16 (7), including, but not limited to, the following:

17 (A) Any decision to suspend or debar any
18 person or entity.

19 (B) Any decision not to suspend or debar
20 any person or entity.

21 (C) Any decision declining to pursue sus-
22 pension or debarment of any person or entity.

23 (D) Any administrative agreement entered
24 with any person or persons in lieu of suspension
25 or debarment of such person or entity.

1 (6) Any decision under subparagraphs (B)
2 through (D) of paragraph (5) shall not preclude a
3 subsequent decision by a suspension and debarment
4 official under paragraph (1) to suspend, debar, or
5 enter into any administrative agreement with any
6 person or entity based on additional information or
7 changed circumstances. All cases, whether based on
8 referral or internally developed, shall be documented
9 prior to closure by the suspension and debarment of-
10 ficial.

11 (7) Each suspension and debarment official
12 under paragraph (1) shall, in consultation with the
13 General Counsel of the covered agency concerned,
14 establish in writing policies for the consideration of
15 the following:

16 (A) Referrals of suspension and debarment
17 matters.

18 (B) Suspension and debarment matters
19 that are not referred.

20 (b) COVERED AGENCY DEFINED.—In subsection (a),
21 the term “covered agency” means the following:

22 (1) The Department of Defense.

23 (2) The Department of State.

24 (3) The United States Agency for International
25 Development.

1 (c) 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 a semi-
15 colon; and

16 (iii) by adding at the end the fol-
17 lowing new subparagraphs

18 “(D) a summary of suspensions,
19 debarments, and administrative agreements
20 during the previous year; and

21 “(E) a summary of referrals of suspension
22 and debarment matters received during the pre-
23 vious year, including an identification of the
24 agencies making such referrals and an assess-
25 ment of the timeliness of such referrals.”; and

1 (b) COVERED PERSONS.—A person described in this
2 subsection is any person as follows:

3 (1) A person who has been charged with a Fed-
4 eral criminal offense relating to the award or per-
5 formance of a contract of an executive agency.

6 (2) A person who has been alleged, in a civil or
7 criminal proceeding brought by the United States, to
8 have engaged in fraudulent actions in connection
9 with the award or performance of a contract of an
10 executive agency.

11 (3) A person that does not maintain an office
12 within the United States and has been determined
13 by the head of a contracting agency of an executive
14 agency to have failed to pay or refund amounts due
15 or owed to the Federal Government in connection
16 with the performance of a contract of the executive
17 agency.

18 (c) DEFINITIONS.—In this section:

19 (1) The term “executive agency” has the mean-
20 ing given that term in section 133 of title 41, United
21 States Code.

22 (2) The term “person” has the meaning given
23 that term in section 1 of title 1, United States Code.

1 **SEC. 882. UNIFORM CONTRACT WRITING SYSTEM REQUIRE-**
2 **MENTS.**

3 (a) UNIFORM STANDARDS AND CONTROLS RE-
4 QUIRED.—Not later than 180 days after the date of the
5 enactment of this Act, the officials specified in subsection
6 (b) shall—

7 (1) establish uniform data standards, internal
8 control requirements, independent verification and
9 validation requirements, and business process rules
10 for processing procurement requests, contracts, re-
11 ceipts, and invoices by the Department of Defense or
12 other executive agencies, as applicable;

13 (2) establish and maintain one or more ap-
14 proved electronic contract writing systems that con-
15 form with the standards, requirements, and rules es-
16 tablished pursuant to paragraph (1); and

17 (3) require the use of electronic contract writ-
18 ing systems approved in accordance with paragraph
19 (2) for all contracts entered into by the Department
20 of Defense or other executive agencies, as applicable.

21 (b) COVERED OFFICIALS.—The officials specified in
22 this subsection are the following:

23 (1) The Secretary of Defense, with respect to
24 the Department of Defense and the military depart-
25 ments.

1 (2) The Administrator of the Office of Federal
2 Procurement Policy, with respect to the executive
3 agencies other than the Department of Defense and
4 the military departments.

5 (c) ELECTRONIC WRITING SYSTEMS FOR DEPART-
6 MENT OF STATE AND USAID.—Notwithstanding sub-
7 section (b)(2), the Secretary of State and the Adminis-
8 trator of the United States Agency for International De-
9 velopment may meet the requirements of subsection (a)(2)
10 with respect to approved electronic contract writing sys-
11 tems for the Department of State and the United States
12 Agency for International Development, respectively, if the
13 Secretary and the Administrator, as the case may be, dem-
14 onstrate to the Administrator of the Office of Federal Pro-
15 curement Policy that prior investment of resources in ex-
16 isting contract writing systems will result in the most cost
17 effective and efficient means to satisfy such requirements.

18 (d) PHASE-IN OF IMPLEMENTATION OF REQUIRE-
19 MENT FOR APPROVED SYSTEMS.—The officials specified
20 in subsection (b) may phase in the implementation of the
21 requirement to use approved electronic contract writing
22 systems in accordance with subsection (a)(3) over a period
23 of up to five years beginning with the date of the enact-
24 ment of this Act.

1 (e) REPORTS.—Not later than 180 days after the
2 date of the enactment of this Act, the officials specified
3 in subsection (b) shall each submit to the appropriate com-
4 mittees of Congress a report on the implementation of the
5 requirements of this section. Each report shall, at a min-
6 imum—

7 (1) describe the standards, requirements, and
8 rules established pursuant to subsection (a)(1);

9 (2) identify the electronic contract writing sys-
10 tems approved pursuant to subsection (a)(2) and, if
11 multiple systems are approved, explain why the use
12 of such multiple systems is the most efficient and ef-
13 fective approach to meet the contract writing needs
14 of the Federal Government; and

15 (3) provide the schedule for phasing in the use
16 of approved electronic contract writing systems in
17 accordance with subsections (a)(3) and (d).

18 (f) DEFINITIONS.—In this section:

19 (1) The term “appropriate committees of Con-
20 gress” means—

21 (A) the Committee on Armed Services, the
22 Committee on Foreign Relations, the Com-
23 mittee on Homeland Security and Govern-
24 mental Affairs, and the Committee on Appro-
25 priations of the Senate; and

1 (B) the Committee on Armed Services, the
2 Committee on Foreign Affairs, the Committee
3 on Oversight and Government Reform, and the
4 Committee on Appropriations of the House of
5 Representatives.

6 (2) The term “executive agency” has the mean-
7 ing given that term in section 133 of title 41, United
8 States Code.

9 **SEC. 883. COMPTROLLER GENERAL OF THE UNITED**
10 **STATES REVIEW OF USE BY THE DEPART-**
11 **MENT OF DEFENSE, THE DEPARTMENT OF**
12 **STATE, AND THE UNITED STATES AGENCY**
13 **FOR INTERNATIONAL DEVELOPMENT OF UR-**
14 **GENENT AND COMPELLING EXCEPTION TO COM-**
15 **PETITION.**

16 (a) REVIEW REQUIRED.—The Comptroller General
17 of the United States shall review each of the following:

18 (1) The use by the Department of Defense of
19 the unusual and compelling urgency exception to full
20 and open competition provided in section 2304(e)(2)
21 of title 10, United States Code.

22 (2) The use by each of the Department of State
23 and the United States Agency for International De-
24 velopment of the unusual and compelling urgency ex-

1 ception to full and open competition provided in sec-
2 tion 3304(a)(2) of title 41, United States Code.

3 (b) MATTERS TO BE REVIEWED.—The review of the
4 use of an unusual and compelling urgency exception re-
5 quired by subsection (a) shall include a review of the fol-
6 lowing:

7 (1) The pattern of use of the exception by ac-
8 quisition organizations within the Department of
9 Defense, the Department of State, and the United
10 States Agency for International Development in
11 order to determine which organizations are com-
12 monly using the exception and the frequency of such
13 use.

14 (2) The range of items or services being ac-
15 quired through the use of the exception.

16 (3) The process for reviewing and approving
17 justifications involving the exception.

18 (4) Whether the justifications for use of the ex-
19 ception typically meet the relevant requirements of
20 the Federal Acquisition Regulation applicable to the
21 use of the exception.

22 (5) The extent to which the exception is used
23 to solicit bids or proposals from only one source and
24 the extent to which such sole-source procurements
25 are appropriately documented and justified.

1 (6) The compliance of the Department of De-
2 fense, the Department of State, and the United
3 States Agency for International Development with
4 the requirements of section 2304(d)(3) of title 10,
5 United States Code, or section 3304(c)(1)(B) of title
6 41, United States Code, as applicable, that limit the
7 duration of contracts awarded pursuant to the ex-
8 ception and require approval for any such contract
9 in excess of one year.

10 (c) REPORT.—Not later than one year after the date
11 of the enactment of this Act, the Comptroller General shall
12 submit to the appropriate committees of Congress a report
13 on the review required by subsection (a), including a dis-
14 cussion of each of the matters specified in subsection (b).
15 The report shall include any recommendations relating to
16 the matters reviewed that the Comptroller General con-
17 siders appropriate.

18 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
19 FINED.—In this section, the term “appropriate commit-
20 tees of Congress” means—

21 (1) the Committee on Armed Services, the
22 Committee on Foreign Relations, the Committee on
23 Homeland Security and Governmental Affairs, and
24 the Committee on Appropriations of the Senate; and

1 (2) the Committee on Armed Services, the
2 Committee on Foreign Affairs, the Committee on
3 Oversight and Government Reform, and the Com-
4 mittee on Appropriations of the House of Represent-
5 atives.

6 **SEC. 884. AUTHORITY TO PROVIDE FEE-FOR-SERVICE IN-**
7 **SPECTION AND TESTING BY DEFENSE CON-**
8 **TRACT MANAGEMENT AGENCY FOR CERTAIN**
9 **CRITICAL EQUIPMENT IN THE ABSENCE OF A**
10 **PROCUREMENT CONTRACT.**

11 (a) **AUTHORITY.**—Section 2539b of title 10, United
12 States Code, is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (3), by striking “and” at
15 the end;

16 (B) in paragraph (4), by striking the pe-
17 riod at the end and inserting “; and”; and

18 (C) by adding at the end the following new
19 paragraph:

20 “(5) make available to any person or entity, in
21 advance of the award of a procurement contract,
22 through contracts or other appropriate arrangements
23 and subject to subsection (c), the services of the De-
24 fense Contract Management Agency for testing and
25 inspection of items when such testing and inspection

1 is determined by such Secretary to be critical to a
2 specific program of the Department of Defense.”;

3 (2) by redesignating subsections (c) and (d) as
4 subsections (d) and (e), respectively; and

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

7 “(c) DCMA SERVICES.—Services of the Defense
8 Contract Management Agency may be made available
9 under subsection (a)(5) only if the contract or other ar-
10 rangement for those services—

11 “(1) holds the United States harmless if the
12 items covered by the contract or other arrangement
13 (whether or not tested and inspected under the con-
14 tract or other arrangement) are not subsequently or-
15 dered by or delivered to the United States under a
16 procurement contract entered into after the contract
17 or other arrangement is entered into; and

18 “(2) holds the United States harmless against
19 any claim arising out of the inspection and testing,
20 or the use in any commercial application, of the
21 equipment tested and inspected by the Defense Con-
22 tract Management Agency under the contract or
23 other arrangement.”.

24 (b) FEES.—Subsection (d) of such section, as redес-
25 ignated by subsection (a)(2) of this section, is amended—

1 **SEC. 886. MODIFICATION OF PERIOD OF WAIT FOLLOWING**
2 **NOTICE TO CONGRESS OF INTENT TO CON-**
3 **TRACT FOR LEASES OF CERTAIN VESSELS**
4 **AND VEHICLES.**

5 Section 2401(h)(2) of title 10, United States Code,
6 is amended by striking “of continuous session of Con-
7 gress”.

8 **SEC. 887. EXTENSION OF OTHER TRANSACTION AUTHOR-**
9 **ITY.**

10 Section 845(i) of the National Defense Authorization
11 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-
12 ed by striking “September 30, 2013” and inserting “Sep-
13 tember 30, 2018”.

14 **SEC. 888. SUBCONTRACTOR NOTIFICATIONS.**

15 Section 8(d) of the Small Business Act (15 U.S.C.
16 637(d)) is amended by adding at the end the following:

17 “(13) NOTIFICATION REQUIREMENT.—An offeror
18 with respect to a contract let by a Federal agency that
19 is to be awarded pursuant to the negotiated method of
20 procurement that intends to identify a small business con-
21 cern as a potential subcontractor in the offer relating to
22 the contract shall notify the small business concern that
23 the offeror intends to identify the small business concern
24 as a potential subcontractor in the offer.

25 “(14) REPORTING BY SUBCONTRACTORS.—The Ad-
26 ministrator shall establish a reporting mechanism that al-

1 lows a subcontractor to report fraudulent activity by a
2 contractor with respect to a subcontracting plan submitted
3 to a procurement authority under paragraph (4)(B).”.

4 **SEC. 889. REPORT BY THE SUSPENSION AND DEBARMENT**
5 **OFFICIALS OF THE MILITARY DEPARTMENTS**
6 **AND THE DEFENSE LOGISTICS AGENCY.**

7 (a) REPORT REQUIRED.—Not later than 60 days
8 after the date of the enactment of this Act, the suspension
9 and debarment official of each agency specified in sub-
10 section (b) shall submit to the congressional defense com-
11 mittees a report on the suspension and debarment activi-
12 ties of such official containing the information specified
13 in subsection (c).

14 (b) COVERED AGENCIES.—The agencies specified in
15 this subsection are the following:

- 16 (1) The Department of the Army.
- 17 (2) The Department of the Navy.
- 18 (3) The Department of the Air Force.
- 19 (4) The Defense Logistics Agency.

20 (c) COVERED INFORMATION.—The information speci-
21 fied in this subsection to be included in the report of a
22 suspension and debarment official under subsection (a) is
23 the following:

1 (1) The number of open suspension and debarment cases of such official as of the date of such report.

2
3
4 (2) The current average processing time for suspension and debarment cases.

5
6 (3) The target goal of such official for average processing time for suspension and debarment proposals.

7
8
9 (4) If the average time required for such official to process suspension and debarment proposals is more than twice the target goal specified under paragraph (3)—

10
11
12 (A) an explanation why the average time exceeds the target goal by more than twice the target goal; and

13
14 (B) a description of the actions to be taken by such official to ensure that the average processing time for suspension and debarment proposals meets the target goal.

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20 **SEC. 889A. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.**

21
22 (a) STUDY.—

23 (1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Feder-

1 ally Funded Research and Development Center to
2 conduct a study on the Army's acquisition of small
3 arms and ammunition to determine each of the fol-
4 lowing:

5 (A) A comparative evaluation of the cur-
6 rent military small arms in use by United
7 States general purpose and special operations
8 forces, allied foreign militaries, and those poten-
9 tial candidate small arms not necessarily in use
10 militarily but available commercially.

11 (B) An assessment of the Department of
12 Defense's current plans to modernize its small
13 arms capabilities.

14 (C) A comparative evaluation of the
15 Army's standard small arms ammunition with
16 other small arms ammunition alternatives.

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

20 (A) Current and future operating environ-
21 ments as specified or referred to in Department
22 of Defense strategic guidance and planning doc-
23 uments.

24 (B) Modifications and improvements re-
25 cently applied to United States general purpose

1 and special operations forces small arms as well
2 as their potential for continued modification
3 and improvement.

4 (C) Industrial base impacts.

5 (3) ACCESS TO INFORMATION.—The Secretary
6 of Defense and the Secretary of the Army shall en-
7 sure that the Federally Funded Research and Devel-
8 opment Center conducting the study required under
9 subsection (a) has access to all necessary data,
10 records, analysis, personnel, and other resources nec-
11 essary to complete the study.

12 (b) REPORT.—

13 (1) IN GENERAL.—Not later than September
14 30, 2013, the Secretary of Defense shall submit to
15 the congressional defense committees a report con-
16 taining the results of the study conducted under
17 subsection (a), together with the comments of the
18 Secretary of Defense on the findings contained in
19 the study.

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

23 (c) DEFINITIONS.—In this section:

24 (1) The term “small arms” means—

1 (A) firearms up to but not including .50
2 caliber; and

3 (B) shotguns.

4 (2) The term “small arms ammunition” means
5 ammunition or ordnance for—

6 (A) firearms up to but not including .50
7 caliber; and

8 (B) shotguns.

9 **SEC. 889B. ANNUAL REPORT ON DEFENSE CONTRACTING**
10 **FRAUD.**

11 (a) ANNUAL STUDY AND REPORT.—The Secretary of
12 Defense shall conduct an annual study on defense con-
13 tracting fraud and submit a report containing the findings
14 of such study to the congressional defense committees.

15 (b) REPORT CONTENTS.—The report required under
16 subsection (a) shall include with respect to the most recent
17 reporting period the following elements:

18 (1) An assessment of the total value of Depart-
19 ment of Defense contracts entered into to with con-
20 tractors that have been indicted for, settled charges
21 of, been fined by any Federal department or agency
22 for, or been convicted of fraud in connection with
23 any contract or other transaction entered into with
24 the Federal Government.

1 (2) Recommendations by the Inspector General
2 of the Department of Defense or other appropriate
3 Department of Defense official regarding how to pe-
4 nalize contractors repeatedly involved in fraud in
5 connection with contracts or other transactions en-
6 tered into with the Federal Government, including
7 an update on implementation by the Department of
8 any previous such recommendations.

9 **SEC. 889C. PLAN TO INCREASE NUMBER OF CONTRACTORS**
10 **ELIGIBLE FOR CONTRACTS UNDER AIR**
11 **FORCE NETCENTS-2 CONTRACT.**

12 (a) **PLAN REQUIRED.**—Not later than 180 days after
13 the date of the enactment of this Act, the Secretary of
14 Defense shall submit to the congressional defense commit-
15 tees a plan to increase the number of contractors eligible
16 to be awarded contracts under the Air Force’s Network-
17 Centric Solutions-2 (NETCENTS-2) indefinite-delivery,
18 indefinite-quantity (IDIQ) contract.

19 (b) **CONTENT.**—The plan required under subsection
20 (a) shall include the following elements:

21 (1) A recommendation and rationale for a max-
22 imum number of contractors to be eligible for con-
23 tract awards under NETCENTS-2 to foster com-
24 petition and reduce overall costs associated with

1 Small Business Reauthorization and Manufacturing As-
2 sistance Act of 2004 (15 U.S.C. 632 note).

3 (b) TREATMENT AS HUBZONE.—

4 (1) IN GENERAL.—Subject to paragraph (2), a
5 covered base closure area shall be treated as a
6 HUBZone for purposes of the Small Business Act
7 (15 U.S.C. 631 et seq.) during the 5-year period be-
8 ginning on the date of enactment of this Act.

9 (2) LIMITATION.—The total period of time that
10 a covered base closure area is treated as a
11 HUBZone for purposes of the Small Business Act
12 (15 U.S.C. 631 et seq.) pursuant to this section and
13 section 152(a)(2) of the Small Business Reauthor-
14 ization and Manufacturing Assistance Act of 2004
15 (15 U.S.C. 632 note) may not exceed 5 years.

16 **Subtitle F—Ending Trafficking in** 17 **Government Contracting**

18 **SEC. 891. SHORT TITLE.**

19 This subtitle may be cited as the “End Trafficking
20 in Government Contracting Act of 2012”.

21 **SEC. 892. DEFINITIONS.**

22 In this subtitle:

23 (1) COMMERCIAL SEX ACT.—The term “com-
24 mercial sex act” has the meaning given the term in

1 section 22.1702 of the Federal Acquisition Regula-
2 tion (or any similar successor regulation).

3 (2) EXECUTIVE AGENCY.—The term “executive
4 agency” has the meaning given the term in section
5 133 of title 41, United States Code.

6 (3) SUBCONTRACTOR.—The term “subcon-
7 tractor” means a recipient of a contract at any tier
8 under a grant, contract, or cooperative agreement.

9 (4) SUBGRANTEE.—The term “subgrantee”
10 means a recipient of a grant at any tier under a
11 grant or cooperative agreement.

12 (5) 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. 893. CONTRACTING REQUIREMENTS.**

17 (a) IN GENERAL.—Section 106(g) of the Trafficking
18 Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is
19 amended by striking “if the grantee or any subgrantee,”
20 and all that follows through the period at the end and
21 inserting the following: “or take any of the other remedial
22 actions authorized under section 895(c) of the End Traf-
23 ficking in Government Contracting Act of 2012, if the
24 grantee or any subgrantee, or the contractor or any sub-

1 contractor, engages in, or uses labor recruiters, brokers,
2 or other agents who engage in—

3 “(i) severe forms of trafficking in per-
4 sons;

5 “(ii) the procurement of a commercial
6 sex act during the period of time that the
7 grant, contract, or cooperative agreement
8 is in effect;

9 “(iii) the use of forced labor in the
10 performance of the grant, contract, or co-
11 operative agreement, or

12 “(iv) acts that directly support or ad-
13 vance trafficking in persons, including the
14 following acts:

15 “(I) Destroying, concealing, re-
16 moving, confiscating, or otherwise de-
17 nying an employee access to that em-
18 ployee’s identity or immigration docu-
19 ments.

20 “(II) Failing to pay return trans-
21 portation costs to an employee upon
22 the end of employment, unless—

23 “(aa) exempted from the
24 duty to repatriate by the Federal
25 department or agency providing

1 or entering into the grant, con-
2 tract, or cooperative agreement;
3 or

4 “(bb) the employee is a vic-
5 tim of human trafficking seeking
6 victim services or legal redress in
7 the country of employment or a
8 witness in a human trafficking
9 enforcement action.

10 “(III) Soliciting a person for the
11 purpose of employment, or offering
12 employment, by means of materially
13 false or fraudulent pretenses, rep-
14 resentations, or promises regarding
15 that employment.

16 “(IV) Charging recruited employ-
17 ees unreasonable placement or recruit-
18 ment fees, such as fees equal to or
19 greater than the employee’s monthly
20 salary, or recruitment fees that violate
21 the laws of the country from which an
22 employee is recruited.

23 “(V) Providing or arranging
24 housing that fails to meet the host

1 country housing and safety stand-
2 ards.”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall take effect 90 days after the date of
5 the enactment of this Act.

6 **SEC. 894. COMPLIANCE PLAN AND CERTIFICATION RE-**
7 **QUIREMENT.**

8 (a) REQUIREMENT.—The head of an executive agen-
9 cy may not provide or enter into a grant, contract, or coop-
10 erative agreement if the estimated value of the services
11 required to be performed under the grant, contract, or co-
12 operative agreement outside the United States exceeds
13 \$500,000, unless a duly designated representative of the
14 recipient of such grant, contract, or cooperative agreement
15 certifies to the contracting or grant officer prior to receiv-
16 ing an award and on an annual basis thereafter, after hav-
17 ing conducted due diligence, that—

18 (1) the recipient has implemented a plan to pre-
19 vent the activities described in section 106(g) of the
20 Trafficking Victims Protection Act of 2000 (22
21 U.S.C. 7104(g)), as amended by section 3, and is in
22 compliance with that plan;

23 (2) the recipient has implemented procedures to
24 prevent any activities described in such section
25 106(g) and to monitor, detect, and terminate any

1 subcontractor, subgrantee, or employee of the recipi-
2 ent engaging in any activities described in such sec-
3 tion; and

4 (3) to the best of the representative's knowl-
5 edge, neither the recipient, nor any subcontractor or
6 subgrantee of the recipient or any agent of the re-
7 cipient or of such a subcontractor or subgrantee, is
8 engaged in any of the activities described in such
9 section.

10 (b) LIMITATION.—Any plan or procedures imple-
11 mented pursuant to subsection (a) shall be appropriate to
12 the size and complexity of the grant, contract, or coopera-
13 tive agreement and to the nature and scope of its activi-
14 ties, including the number of non-United States citizens
15 expected to be employed.

16 (c) DISCLOSURE.—The recipient shall provide a copy
17 of the plan to the contracting or grant officer upon re-
18 quest, and as appropriate, shall post the useful and rel-
19 evant contents of the plan or related materials on its
20 website and at the workplace.

21 (d) GUIDANCE.—The President, in consultation with
22 the Secretary of State, the Attorney General, the Sec-
23 retary of Defense, the Secretary of Labor, the Secretary
24 of Homeland Security, the Administrator for the United
25 States Agency for International Development, and the

1 heads of such other executive agencies as the President
2 deems appropriate, shall establish minimum requirements
3 for contractor plans and procedures to be implemented
4 pursuant to this section.

5 (e) REGULATIONS.—Not later than 270 days after
6 the date of the enactment of this Act, the Federal Acquisi-
7 tion Regulation shall be amended to carry out the pur-
8 poses of this section.

9 (f) EFFECTIVE DATE.—The requirements under sub-
10 section (a) and (c) shall apply to grants, contracts, and
11 cooperative agreements entered into on or after the date
12 that is 90 days after the Federal Acquisition Regulation
13 is amended pursuant to subsection (e).

14 **SEC. 895. MONITORING AND INVESTIGATION OF TRAF-**
15 **FICKING IN PERSONS.**

16 (a) REFERRAL AND INVESTIGATION.—

17 (1) REFERRAL.—If the contracting or grant of-
18 ficer of an executive agency for a grant, contract, or
19 cooperative agreement receives credible information
20 that a recipient of the grant, contract, or cooperative
21 agreement; any subgrantee or subcontractor of the
22 recipient; or any agent of the recipient or of such a
23 subgrantee or subcontractor, has engaged in an ac-
24 tivity described in section 106(g) of the Trafficking
25 Victims Protection Act of 2000 (22 U.S.C. 7104(g)),

1 as amended by section 893, including a report from
2 a contracting officer representative, an auditor, an
3 alleged victim or victim's representative, or any
4 other credible source, the contracting or grant offi-
5 cer shall promptly refer the matter to the agency's
6 Office of Inspector General for investigation. The
7 contracting officer may also direct the contractor to
8 take specific steps to abate an alleged violation or
9 enforce the requirements of a compliance plan imple-
10 mented pursuant to section 894.

11 (2) INVESTIGATION.—Where appropriate, an
12 Inspector General who receives credible information
13 that a recipient of the grant, contract, or cooperative
14 agreement; any subgrantee or subcontractor of the
15 recipient; or any agent of the recipient or of such a
16 subgrantee or subcontractor, has engaged in an ac-
17 tivity described in section 106(g) of the Trafficking
18 Victims Protection Act of 2000 (22 U.S.C. 7104(g)),
19 as amended by section 893, pursuant to a referral
20 under paragraph (1) or otherwise, shall promptly
21 initiate an investigation of the matter. In the event
22 that an Inspector General does not initiate an inves-
23 tigation, the Inspector General shall provide an ex-
24 planation for the decision not to investigate.

1 (3) CRIMINAL INVESTIGATION.—If the matter
2 is referred to the Department of Justice for criminal
3 prosecution, the Inspector General may suspend any
4 investigation under this subsection pending the out-
5 come of the criminal prosecution. If the criminal in-
6 vestigation results in an indictment of the recipient
7 of a contract, grant, or cooperative agreement; any
8 subgrantee or subcontractor of the recipient; or any
9 agent of the recipient or of a subgrantee or subcon-
10 tractor, the Inspector General shall notify the head
11 of the executive agency that awarded the contract,
12 grant, or cooperative agreement of the indictment. If
13 the criminal investigation results in a decision not to
14 prosecute, the Inspector General shall resume any
15 investigation that was suspended pursuant to this
16 paragraph.

17 (b) REPORT AND DETERMINATION.—

18 (1) REPORT.—Upon completion of an investiga-
19 tion under subsection (a), the Inspector General
20 shall submit a report on the investigation, including
21 conclusions about whether the recipient of a grant,
22 contract, or cooperative agreement; any subcon-
23 tractor or subgrantee of the recipient; or any agent
24 of the recipient or of such a subcontractor or sub-
25 grantee, engaged in any of the activities described in

1 section 106(g) of the Trafficking Victims Protection
2 Act of 2000 (22 U.S.C. 7104(g)), as amended by
3 section 893, to the head of the executive agency that
4 awarded the contract, grant, or cooperative agree-
5 ment.

6 (2) DETERMINATION.—Upon receipt of an In-
7 spector General’s report pursuant to paragraph (1),
8 the head of the executive agency shall make a writ-
9 ten determination whether the recipient of a con-
10 tract, grant, or cooperative agreement; any sub-
11 grantee or subcontractor of the recipient; or any
12 agent of the recipient or of a subgrantee or subcon-
13 tractor, engaged in any of the activities described in
14 section 106(g) of the Trafficking Victims Protection
15 Act of 2000 (22 U.S.C. 7104(g)), as amended by
16 section 893.

17 (c) REMEDIAL ACTIONS.—

18 (1) IN GENERAL.—If the head of an executive
19 agency determines pursuant to subsection (b)(2)
20 that the recipient of a contract, grant, or cooperative
21 agreement; any subgrantee or subcontractor of the
22 recipient; or any agent of the recipient or of a sub-
23 grantee or subcontractor, engaged in any of the ac-
24 tivities described in section 106(g) of the Trafficking
25 Victims Protection Act of 2000 (22 U.S.C. 7104(g)),

1 as amended by section 893, or is notified of an in-
2 dictment for an offense under subsection (a)(3), the
3 head of agency shall consider taking one or more of
4 the following remedial actions:

5 (A) Requiring the recipient to remove an
6 employee from the performance of work under
7 the grant, contract, or cooperative agreement.

8 (B) Requiring the recipient to terminate a
9 subcontract or subgrant.

10 (C) Suspending payments under the grant,
11 contract, or cooperative agreement until such
12 time as the recipient of the grant, contract, or
13 cooperative agreement has taken appropriate
14 remedial action.

15 (D) Withholding award fees, consistent
16 with the award fee plan, for the performance
17 period in which the agency determined the con-
18 tractor or subcontractor engaged in any of the
19 activities described in such section 106(g).

20 (E) Declining to exercise available options
21 under the contract.

22 (F) Terminating the contract for default
23 or cause, in accordance with the termination
24 clause for the contract.

1 (G) Referring the matter to the agency
2 suspension and debarment official.

3 (2) SAVINGS CLAUSE.—Nothing in this sub-
4 section shall be construed as limiting the scope of
5 applicable remedies available to the Federal Govern-
6 ment.

7 (3) MITIGATING FACTOR.—Where applicable,
8 the head of an executive agency may consider wheth-
9 er the contractor or grantee had a plan in place
10 under section 894, and was in compliance with that
11 plan at the time of the violation, as a mitigating fac-
12 tor in determining which remedies, if any, should
13 apply.

14 (4) AGGRAVATING FACTOR.—Where applicable,
15 the head of an executive agency may consider the
16 failure of a contractor or grantee to abate an alleged
17 violation or enforce the requirements of a compliance
18 plan when directed by a contracting officer pursuant
19 to subsection (a)(1) as an aggravating factor in de-
20 termining which remedies, if any, should apply.

21 (d) INCLUSION OF REPORT CONCLUSIONS IN
22 FAPIIS.—

23 (1) IN GENERAL.—The head of an executive
24 agency shall ensure that any written determination
25 under subsection (b) is included in the Federal

1 Awardee Performance and Integrity Information
2 System (FAPIIS).

3 (2) AMENDMENT TO TITLE 41, UNITED STATES
4 CODE.—Section 2313(c)(1)(E) of title 41, United
5 States Code, is amended to read as follows:

6 “(E) In an administrative proceeding—

7 “(i) a final determination of con-
8 tractor fault by the Secretary of Defense
9 pursuant to section 823(d) of the National
10 Defense Authorization Act for Fiscal Year
11 2010 (10 U.S.C. 2302 note; Public Law
12 111–84); or

13 “(ii) a final determination, pursuant
14 to section 895(b)(2) of the End Traf-
15 ficking in Government Contracting Act of
16 2012, that the contractor, a subcontractor,
17 or an agent of the contractor or subcon-
18 tractor engaged in any of the activities de-
19 scribed in section 106(g) of the Trafficking
20 Victims Protection Act of 2000 (22 U.S.C.
21 7104(g)).”.

22 **SEC. 896. NOTIFICATION TO INSPECTORS GENERAL AND**
23 **COOPERATION WITH GOVERNMENT.**

24 (a) IN GENERAL.—The head of an executive agency
25 making or awarding a grant, contract, or cooperative

1 agreement shall require that the recipient of the grant,
2 contract, or cooperative agreement—

3 (1) immediately inform the Inspector General of
4 the executive agency of any information it receives
5 from any source that alleges credible information
6 that the recipient; any subcontractor or subgrantee
7 of the recipient; or any agent of the recipient or of
8 such a subcontractor or subgrantee, has engaged in
9 conduct described in section 106(g) of the Traf-
10 ficking in Victims Protection Act of 2000 (22 U.S.C.
11 7104(g)), as amended by section 3 of this Act; and

12 (2) fully cooperate with any Federal agencies
13 responsible for audits, investigations, or corrective
14 actions relating to trafficking in persons.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall take effect 90 days after the date of
17 the enactment of this Act.

18 **SEC. 897. EXPANSION OF FRAUD IN FOREIGN LABOR CON-**
19 **TRACTING TO INCLUDE ATTEMPTED FRAUD**
20 **AND WORK OUTSIDE THE UNITED STATES.**

21 (a) IN GENERAL.—Section 1351 of title 18, United
22 States Code, is amended—

23 (1) by striking “Whoever knowingly and with
24 the intent to defraud recruits, solicits or hires a per-
25 son outside the United States” and inserting “(a)

1 WORK INSIDE THE UNITED STATES.—Whoever
2 knowingly and with the intent to defraud recruits,
3 solicits, or hires a person outside the United States,
4 or attempts to do so,”; and

5 (2) by adding at the end the following new sub-
6 section:

7 “(b) WORK OUTSIDE THE UNITED STATES.—Who-
8 ever knowingly and with intent to defraud recruits, solie-
9 its, or hires a person outside the United States, or at-
10 tempts to do so, for purposes of employment performed
11 on a United States Government contract performed out-
12 side the United States, or on a United States military in-
13 stallation or mission outside the United States or other
14 property or premises outside the United States owned or
15 controlled by the United States Government, by means of
16 materially false or fraudulent pretenses, representations,
17 or promises regarding that employment, shall be fined
18 under this title or imprisoned for not more than 5 years,
19 or both.”.

20 (b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien
21 may be admitted to the United States pursuant to sub-
22 paragraph (U) of section 101(a)(15) of the Immigration
23 and Nationality Act (8 U.S.C. 1101(a)(15)) as a result
24 of the alien being a victim of a crime described in sub-

1 section (b) of section 1351 of title 18, United States Code,
 2 as added by subsection (a).

3 **SEC. 898. IMPROVING DEPARTMENT OF DEFENSE AC-**
 4 **COUNTABILITY FOR REPORTING TRAF-**
 5 **FICKING IN PERSONS CLAIMS AND VIOLA-**
 6 **TIONS.**

7 Section 105(d)(7)(H) of the Trafficking Victims Pro-
 8 tection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amend-
 9 ed—

10 (1) in clause (ii), by striking “and” at the end;

11 (2) by redesignating clause (iii) as clause (iv);

12 (3) by inserting after clause (ii) the following
 13 new clause:

14 “(iii) all known trafficking in persons
 15 cases reported to the Under Secretary of
 16 Defense for Personnel and Readiness;”;

17 (4) in clause (iv), as redesignated by paragraph
 18 (2), by inserting “and” at the end after the semi-
 19 colon; and

20 (5) by adding at the end the following new
 21 clause:

22 “(v) all trafficking in persons activi-
 23 ties of contractors reported to the Under
 24 Secretary of Defense for Acquisition, Tech-
 25 nology, and Logistics;”.

1 **SEC. 899. RULES OF CONSTRUCTION.**

2 (a) **LIABILITY.**—Excluding section 897, nothing in
3 this subtitle shall be construed to supersede, enlarge, or
4 diminish the common law or statutory liabilities of any
5 grantee, subgrantee, contractor, subcontractor, or other
6 party covered by section 106(g) of the Trafficking Victims
7 Protection Act of 2000 (22 U.S.C. 7104(g)), as amended
8 by section 893.

9 (b) **AUTHORITY OF DEPARTMENT OF JUSTICE.**—
10 Nothing in this subtitle shall be construed as diminishing
11 or otherwise modifying the authority of the Attorney Gen-
12 eral to investigate activities covered by this subtitle.

13 (c) **PROSPECTIVE EFFECT.**—Nothing in this subtitle,
14 or the amendments made by this subtitle, shall be con-
15 strued to apply to a contract or grant entered into or re-
16 newed before the date of the enactment of this subtitle.

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

4 **Subtitle A—Department of Defense**
5 **Management**

6 **SEC. 901. DEFINITION AND REPORT ON TERMS “PREPARA-**
7 **TION OF THE ENVIRONMENT” AND “OPER-**
8 **ATIONAL PREPARATION OF THE ENVIRON-**
9 **MENT” FOR JOINT DOCTRINE PURPOSES.**

10 (a) **DEFINITIONS REQUIRED.**—Not later than 90
11 days after the date of the enactment of this Act, the Sec-
12 retary of Defense shall define for purposes of joint doc-
13 trine the following terms:

14 (1) The term “preparation of the environment”.

15 (2) The term “operational preparation of the
16 environment”.

17 (b) **REPORT REQUIRED.**—Not later than 180 days
18 after the date of the enactment of this Act, the Secretary
19 shall submit to the Committees on Armed Services of the
20 Senate and the House of Representatives a report on the
21 terms defined under subsection (a). The report shall in-
22 clude the following:

23 (1) The definition of the term “preparation of
24 the environment” pursuant to subsection (a).

1 (2) Examples of activities meeting the definition
2 of the term “preparation of the environment” by
3 special operations forces and general purpose forces.

4 (3) The definition of the term “operational
5 preparation of the environment” pursuant to sub-
6 section (a).

7 (4) Examples of activities meeting the definition
8 of the term “operational preparation of the environ-
9 ment” by special operations forces and general pur-
10 pose forces.

11 (5) An assessment of the appropriate roles of
12 special operations forces and general purpose forces
13 in conducting activities meeting the definition of the
14 term “preparation of the environment” and the defi-
15 nition of the term “operational preparation of the
16 environment”.

17 **SEC. 902. EXPANSION OF DUTIES AND RESPONSIBILITIES**
18 **OF THE NUCLEAR WEAPONS COUNCIL.**

19 (a) GUIDANCE ON NUCLEAR COMMAND, CONTROL,
20 AND COMMUNICATIONS SYSTEMS.—Subsection (d) of sec-
21 tion 179 of title 10, United States Code, is amended—

22 (1) by redesignating paragraph (10) as para-
23 graph (11); and

24 (2) by inserting after paragraph (9) the fol-
25 lowing new paragraph (10):

1 “(10) Providing programmatic guidance on nu-
2 clear command, control and communications sys-
3 tems.”.

4 (b) BUDGET AND FUNDING MATTERS.—Such section
5 is further amended—

6 (1) by redesignating subsection (f) as sub-
7 section (g); and

8 (2) by inserting after subsection (e) the fol-
9 lowing new subsection (f):

10 “(f) BUDGET AND FUNDING MATTERS.—(1) The
11 Council shall submit to Congress each year, at the same
12 time the budget of the President for the fiscal year begin-
13 ning in such year is submitted to Congress pursuant to
14 section 1105(a) of title 31, a certification whether or not
15 the amounts requested for the National Nuclear Security
16 Administration in such budget, and anticipated over the
17 four fiscal years following such budget, meets nuclear
18 stockpile and stockpile stewardship program requirements
19 for such fiscal year and over such four fiscal years. If a
20 member of the Council does not concur in a certification,
21 the certification shall include the reasons for the member’s
22 non-concurrence.

23 “(2) If a House of Congress adopts a bill authorizing
24 or appropriating funds for the National Nuclear Security
25 Administration for nuclear stockpile and stockpile stew-

1 ardsthip program activities or other activities that, as de-
 2 termined by the Council, provides insufficient funds for
 3 such activities for the period covered by such bill, the
 4 Council shall notify the congressional defense committees
 5 of the determination.”.

6 **SEC. 903. FAILURE OF THE DEPARTMENT OF DEFENSE TO**
 7 **OBTAIN AUDITS WITH AN UNQUALIFIED**
 8 **OPINION ON ITS FINANCIAL STATEMENTS BY**
 9 **FISCAL YEAR 2017.**

10 If the Department of Defense fails to obtain an audit
 11 with an unqualified opinion on its financial statements for
 12 fiscal year 2017, the following shall take effect, effective
 13 as of the date of the issuance of the opinion on such audit:

14 (1) REORGANIZATION OF RESPONSIBILITIES OF
 15 CHIEF MANAGEMENT OFFICER.—

16 (A) POSITION OF CHIEF MANAGEMENT OF-
 17 FICER.—Section 132a of title 10, United States
 18 Code, is amended to read as follows:

19 **“§ 132a. Chief Management Officer**

20 “(a) IN GENERAL.—(1) There is a Chief Manage-
 21 ment Officer of the Department of Defense, appointed
 22 from civilian life by the President, by and with the advice
 23 and consent of the Senate.

1 “(2) Any individual nominated for appointment as
2 Chief Management Officer shall be an individual who
3 has—

4 “(A) extensive executive level leadership and
5 management experience in the public or private sec-
6 tor;

7 “(B) strong leadership skills;

8 “(C) a demonstrated ability to manage large
9 and complex organizations; and

10 “(D) a proven record in achieving positive oper-
11 ational results.

12 “(b) POWERS AND DUTIES.—The Chief Management
13 Officer shall perform such duties and exercise such powers
14 as the Secretary of Defense may prescribe.

15 “(c) SERVICE AS CHIEF MANAGEMENT OFFICER.—

16 (1) The Chief Management Officer is the Chief Manage-
17 ment Officer of the Department of Defense.

18 “(2) In serving as the Chief Management Officer of
19 the Department of Defense, the Chief Management Offi-
20 cer shall be responsible for the management and adminis-
21 tration of the Department of Defense with respect to the
22 following:

23 “(A) The expenditure of funds, accounting, and
24 finance.

1 “(B) Procurement, including procurement of
2 any enterprise resource planning (ERP) system and
3 any information technology (IT) system that is a fi-
4 nancial feeder system, human resources system, or
5 logistics system.

6 “(C) Facilities, property, nonmilitary equip-
7 ment, and other resources.

8 “(D) Strategic planning, and annual perform-
9 ance planning, and identification and tracking of
10 performance measures.

11 “(E) Internal audits and management analyses
12 of the programs and activities of the Department,
13 including the Defense Contract Audit Agency.

14 “(F) Such other areas or matters as the Sec-
15 retary of Defense may designate.

16 “(3) The head of the Defense Contract Audit Agency
17 shall be under the supervision of, and shall report directly
18 to, the Chief Management Officer.

19 “(d) PRECEDENCE.—The Chief Management Officer
20 takes precedence in the Department of Defense after the
21 Secretary of Defense and the Deputy Secretary of De-
22 fense.”.

23 (B) CONFORMING AMENDMENTS.—

24 (i) Section 131(b) of title 10, United
25 States Code, is amended—

- 1 (I) by striking paragraph (3);
2 (II) by redesignating paragraph
3 (2) as paragraph (3); and
4 (III) by inserting after paragraph
5 (1) the following new paragraph (2):

6 “(2) The Chief Management Officer of the De-
7 partment of Defense.”.

- 8 (ii) Section 132 of such title is
9 amended—

10 (I) by striking subsection (c);
11 and

12 (II) by redesignating subsections
13 (d) and (e) as subsections (c) and (d),
14 respectively.

15 (iii) Section 133(e)(1) of such title is
16 amended by striking “and the Deputy Sec-
17 retary of Defense” and inserting “, the
18 Deputy Secretary of Defense, and the
19 Chief Management Officer of the Depart-
20 ment of Defense”.

21 (iv) Such title is further amended by
22 inserting “the Chief Management Officer
23 of the Department of Defense,” after “the
24 Deputy Secretary of Defense,” each place
25 it appears in the provisions as follows:

1 (I) Section 133(e)(2).

2 (II) Section 134(c).

3 (v) Section 137a(d) of such title is
4 amended by striking “the Secretaries of
5 the military departments,” and all that fol-
6 lows and inserting “the Chief Management
7 Officer of the Department of Defense, the
8 Secretaries of the military departments,
9 and the Under Secretaries of Defense.”.

10 (vi) Section 138(d) of such title is
11 amended by striking “the Secretaries of
12 the military departments,” and all that fol-
13 lows through the period and inserting “the
14 Chief Management Officer of the Depart-
15 ment of Defense, the Secretaries of the
16 military departments, the Under Secre-
17 taries of Defense, and the Director of De-
18 fense Research and Engineering.”.

19 (C) CLERICAL AMENDMENT.—The table of
20 sections at the beginning of chapter 4 of such
21 title is amended by striking the item relating to
22 section 132a and inserting the following new
23 item:

“132a. Chief Management Officer.”.

1 (D) EXECUTIVE SCHEDULE.—Section
2 5313 of title 5, United States Code, is amended
3 by adding at the end the following:

4 “Chief Management Officer of the Department
5 of Defense.”.

6 (E) REFERENCE IN LAW.—Any reference
7 in any provision of law to the Chief Manage-
8 ment Officer of the Department of Defense
9 shall be deemed to refer to the Chief Manage-
10 ment Officer of the Department of Defense
11 under section 132a of title 10, United States
12 Code (as amended by this paragraph).

13 (2) JURISDICTION OF DFAS.—

14 (A) TRANSFER TO DEPARTMENT OF THE
15 TREASURY.—Jurisdiction of the Defense Fi-
16 nance and Accounting Service (DFAS) is trans-
17 ferred from the Department of Defense to the
18 Department of the Treasury.

19 (B) ADMINISTRATION.—The Secretary of
20 the Treasury shall administer the Defense Fi-
21 nance and Accounting Service following transfer
22 under this paragraph through the Financial
23 Management Service of the Department of the
24 Treasury.

1 (C) MEMORANDUM OF UNDERSTANDING.—

2 The Secretary of Defense and the Secretary of
3 the Treasury shall jointly enter into a memo-
4 randum of understanding regarding the trans-
5 fer of jurisdiction of the Defense Finance and
6 Accounting Service under this paragraph. The
7 memorandum of understanding shall provide for
8 the transfer of the personnel and other re-
9 sources of the Service to the Department of the
10 Treasury and for the assumption of responsi-
11 bility for such personnel and resources by the
12 Department of the Treasury.

13 (D) CONSTRUCTION.—Nothing in this
14 paragraph shall be construed as terminating, al-
15 tering, or revising any responsibilities or au-
16 thorities of the Defense Finance and Account-
17 ing Service (other than responsibilities and au-
18 thorities in connection with the exercise of ju-
19 risdiction of the Service following transfer
20 under this paragraph).

1 **SEC. 904. INFORMATION FOR DEPUTY CHIEF MANAGEMENT**
2 **OFFICER OF THE DEPARTMENT OF DEFENSE**
3 **FROM THE MILITARY DEPARTMENTS AND DE-**
4 **FENSE AGENCIES FOR DEFENSE BUSINESS**
5 **SYSTEM INVESTMENT REVIEWS.**

6 Section 2222(g) of title 10, United States Code, is
7 amended by adding at the end the following new para-
8 graph:

9 “(3)(A) The investment management process re-
10 quired by paragraph (1) shall include requirements for the
11 military departments and the Defense Agencies to submit
12 to the Deputy Chief Management Officer such information
13 on covered defense business system programs as the Dep-
14 uty Chief Management Officer shall require for the review
15 of defense business system programs under the process.
16 Such information shall be submitted to the Deputy Chief
17 Management Officer in a standardized format established
18 by the Deputy Chief Management Officer for purposes of
19 this paragraph.”

20 **Subtitle B—Space Activities**

21 **SEC. 911. OPERATIONALLY RESPONSIVE SPACE PROGRAM**
22 **OFFICE.**

23 (a) IN GENERAL.—Subsection (a) of section 2273a
24 of title 10, United States Code, is amended to read as
25 follows:

1 “(a) IN GENERAL.—There is within the Air Force
2 Space and Missile Systems Center of the Department of
3 Defense an office known as the Operationally Responsive
4 Space Program Office (in this section referred to as the
5 ‘Office’). The facilities of the Office may not be co-located
6 with the headquarters facilities of the Air Force Space and
7 Missile Systems Center.”.

8 (b) HEAD OF OFFICE.—Subsection (b) of such sec-
9 tion is amended by striking “shall be—” and all that fol-
10 lows and inserting “the designee of the Department of De-
11 fense Executive Agent for Space. The head of the Office
12 shall report to the Commander of the Air Force Space
13 and Missile Systems Center.”.

14 (c) MISSION.—Subsection (c)(1) of such section is
15 amended by striking “spacelift” and inserting “launch”.

16 (d) SENIOR ACQUISITION EXECUTIVE.—Paragraph
17 (1) of subsection (e) of such section is amended to read
18 as follows:

19 “(1) The Program Executive Officer (PEO) for
20 Space shall be the Acquisition Executive of the Of-
21 fice and shall provide streamlined acquisition au-
22 thorities for projects of the Office.”.

23 (e) EXECUTIVE COMMITTEE.—Such section is fur-
24 ther amended by adding at the end the following new sub-
25 section:

1 “(g) EXECUTIVE COMMITTEE.—(1) The Secretary of
2 Defense shall establish for the Office an Executive Com-
3 mittee (to be known as the ‘Operationally Responsive
4 Space Executive Committee’) to provide coordination,
5 oversight, and approval of projects of the Office.

6 “(2) The Executive Committee shall consist of the of-
7 ficials (and their duties) as follows:

8 “(A) The Department of Defense Executive
9 Agent for Space, who shall serve as Chair of the Ex-
10 ecutive Committee and provide oversight,
11 prioritization, coordination, and resources for the
12 Office.

13 “(B) The Under Secretary of Defense for Ac-
14 quisition, Technology, and Logistics, who shall pro-
15 vide coordination and oversight of the Office and
16 recommend funding sources for programs of the Of-
17 fice that exceed the approved program baseline.

18 “(C) The Commander of the United States
19 Strategic Command, who shall validate requirements
20 for systems to be acquired by the Office and partici-
21 pate in approval of any acquisition program initiated
22 by the Office.

23 “(D) The Commander of the Air Force Space
24 Command, who shall organize, train, and equip

1 forces to support the acquisition programs of the Of-
2 fice.

3 “(E) Such other officials (and their duties) as
4 the Secretary of Defense considers appropriate.”.

5 (f) TRANSFER OF FISCAL YEAR 2012 FUNDS.—

6 (1) IN GENERAL.—To the extent provided in
7 appropriations Acts, the Secretary of the Air Force
8 may transfer from the funds described in paragraph
9 (2), \$60,000,000 to other, higher priority programs
10 of the Air Force.

11 (2) COVERED FUNDS.—The funds described in
12 this paragraph are amounts authorized to be appro-
13 priated for fiscal year 2012 by section 201 of the
14 National Defense Authorization Act for Fiscal Year
15 2012 (Public Law 112–81; 125 Stat. 1329) and
16 available for Research, Development, Test, and
17 Evaluation, Air Force, for the Weather Satellite Fol-
18 low On Program as specified in the funding table in
19 section 4201 of that Act.

20 (3) EFFECT ON AUTHORIZATION AMOUNTS.—A
21 transfer made from one account to another under
22 the authority of this subsection shall be deemed to
23 increase the amount authorized for the account to
24 which the amount is transferred by an amount equal
25 to the amount transferred.

1 (4) CONSTRUCTION OF AUTHORITY.—The
2 transfer authority in this subsection is in addition to
3 any other transfer authority provided in this Act.

4 (5) PROGRAM PLAN.—Not later than December
5 31, 2012, the Secretary shall submit to the congress-
6 sional defense committees a report setting forth a
7 program plan for higher priority programs described
8 in paragraph (1).

9 **SEC. 912. COMMERCIAL SPACE LAUNCH COOPERATION.**

10 (a) IN GENERAL.—Chapter 135 of title 10, United
11 States Code, is amended by adding at the end the fol-
12 lowing new section:

13 **“§ 2275. Commercial space launch cooperation**

14 “(a) AUTHORITY.—The Secretary of Defense may, to
15 assist the Secretary of Transportation in carrying out re-
16 sponsibilities set forth in title 51 with respect to private
17 sector involvement in commercial space activities and pub-
18 lic-private partnerships pertaining to space transportation
19 infrastructure, take the following actions:

20 “(1) Maximize the use by the private sector in
21 the United States of the capacity of the space trans-
22 portation infrastructure of the Department of De-
23 fense.

1 “(2) Maximize the effectiveness and efficiency
2 of the space transportation infrastructure of the De-
3 partment.

4 “(3) Reduce the cost of services provided by the
5 Department related to space transportation infra-
6 structure at launch support facilities and space re-
7 covery support facilities.

8 “(4) Encourage commercial space activities by
9 enabling investment by covered entities in the space
10 transportation infrastructure of the Department.

11 “(5) Foster cooperation between the Depart-
12 ment and covered entities.

13 “(b) AUTHORITY FOR CONTRACTS AND OTHER
14 AGREEMENTS RELATING TO SPACE TRANSPORTATION IN-
15 FRASTRUCTURE.—The Secretary of Defense—

16 “(1) may enter into a contract or other agree-
17 ment with a covered entity to provide to the covered
18 entity support and services related to the space
19 transportation infrastructure of the Department of
20 Defense; and

21 “(2) upon the request of that covered entity,
22 may include such support and services in the space
23 launch and reentry range support requirements of
24 the Department if—

1 “(A) the Secretary determines that the in-
2 clusion of such support and services in such re-
3 quirements—

4 “(i) is in the best interest of the Fed-
5 eral Government;

6 “(ii) does not interfere with the re-
7 quirements of the Department; and

8 “(iii) does not compete with the com-
9 mercial space activities of other covered en-
10 tities, unless that competition is in the na-
11 tional security interests of the United
12 States; and

13 “(B) any commercial requirement included
14 in that contract or other agreement has full
15 non-Federal funding before the execution of the
16 contract or other agreement.

17 “(c) CONTRIBUTIONS.—(1) The Secretary of Defense
18 may enter into contracts or other agreements with covered
19 entities on a cooperative and voluntary basis to accept con-
20 tributions of funds, services, and equipment to carry out
21 this section.

22 “(2) Any funds, services, or equipment accepted by
23 the Secretary under this subsection—

24 “(A) may be used only for the objectives speci-
25 fied in this section in accordance with terms of use

1 set forth in the contract or other agreement entered
2 into under this subsection; and

3 “(B) shall be managed by the Secretary in ac-
4 cordance with regulations of the Department of De-
5 fense.

6 “(3) A contract or other agreement entered into
7 under this subsection with a covered entity—

8 “(A) shall address the terms of use, ownership,
9 and disposition of the funds, services, or equipment
10 contributed pursuant to the contract or other agree-
11 ment; and

12 “(B) shall include a provision that the covered
13 entity will not recover the costs of its contribution
14 through any other contract or agreement with the
15 United States.

16 “(d) DEFENSE COOPERATION SPACE LAUNCH AC-
17 COUNT.—(1) There is established on the books of the
18 Treasury a special account to be known as the ‘Defense
19 Cooperation Space Launch Account’.

20 “(2) Funds received by the Secretary of Defense
21 under subsection (c) shall be credited to the Defense Co-
22 operation Space Launch Account.

23 “(3) Amounts in the Department Defense Coopera-
24 tion Space Launch Account shall be available, to the ex-
25 tent provided in appropriation Acts, for costs incurred by

1 the Department of Defense under subsection (c). Funds
2 in the Account shall remain available until expended.

3 “(e) ANNUAL REPORT.—Not later than January 31
4 each year, the Secretary of Defense shall submit to the
5 congressional defense committees a report on the funds,
6 services, and equipment accepted and used by the Sec-
7 retary under this section during the previous fiscal year.

8 “(f) REGULATIONS.—The Secretary of Defense shall
9 prescribe regulations to carry out this section.

10 “(g) DEFINITIONS.—In this section:

11 “(1) COVERED ENTITY.—The term ‘covered en-
12 tity’ means a non-Federal entity that—

13 “(A) is organized under the laws of the
14 United States or of any jurisdiction within the
15 United States; and

16 “(B) is engaged in commercial space ac-
17 tivities.

18 “(2) LAUNCH SUPPORT FACILITIES.—The term
19 ‘launch support facilities’ has the meaning given
20 that term in section 50501(7) of title 51.

21 “(3) SPACE RECOVERY SUPPORT FACILITIES.—
22 The term ‘space recovery support facilities’ has the
23 meaning given that term in section 50501(11) of
24 title 51.

1 “(4) SPACE TRANSPORTATION INFRASTRUC-
 2 TURE.—The term ‘space transportation infrastruc-
 3 ture’ has the meaning given that term in section
 4 50501(12) of title 51.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of chapter 135 of such title is amended
 7 by adding at the end the following new item:

“2275. Commercial space launch cooperation.”.

8 **SEC. 913. REPORTS ON INTEGRATION OF ACQUISITION AND**
 9 **CAPABILITY DELIVERY SCHEDULES FOR**
 10 **COMPONENTS FOR MAJOR SATELLITE ACQUI-**
 11 **SITION PROGRAMS AND FUNDING FOR SUCH**
 12 **PROGRAMS.**

13 (a) IN GENERAL.—Chapter 135 of title 10, United
 14 States Code, as amended by section 912 of this Act, is
 15 further amended by adding at the end the following new
 16 section:

17 **“§ 2276. Reports on integration of acquisition and ca-**
 18 **pability delivery schedules for compo-**
 19 **nents for major satellite acquisition pro-**
 20 **grams and funding for such programs**

21 “(a) REPORTS REQUIRED.—The Under Secretary of
 22 Defense for Acquisition, Technology, and Logistics shall
 23 submit to the congressional defense committees a report
 24 on each major satellite acquisition program in accordance
 25 with subsection (d) that assesses—

1 “(1) the integration of the schedules for the ac-
2 quisition and the delivery of the capabilities of the
3 components for the program; and

4 “(2) funding for the program.

5 “(b) ELEMENTS.—Each report required by sub-
6 section (a) with respect to a major satellite acquisition
7 program shall include the following:

8 “(1) The amount of funding approved for the
9 program and for each related program that is nec-
10 essary for the operational capability of the program.

11 “(2) The dates by which the program is antici-
12 pated to reach initial and full operational capability.

13 “(3) An assessment of the extent to which the
14 schedules for the acquisition and the delivery of the
15 capabilities of the components for the program or
16 any related program referred to in paragraph (1)
17 are integrated.

18 “(4) If the Under Secretary determines pursu-
19 ant to the assessment under paragraph (3) that the
20 schedules for the acquisition and the delivery of the
21 capabilities of the components for the program, or a
22 related program referred to in paragraph (1), pro-
23 vide for the acquisition or the delivery of the capa-
24 bilities of at least two of the three components for

1 the program or related program more than one year
2 apart, an identification of—

3 “(A) the measures the Under Secretary is
4 taking or is planning to take to improve the in-
5 tegration of those schedules; and

6 “(B) the risks and challenges that impede
7 the ability of the Department of Defense to
8 fully integrate those schedules.

9 “(c) CONSIDERATION BY MILESTONE DECISION AU-
10 THORITY.—The Milestone Decision Authority shall include
11 the report required by subsection (a) with respect to a
12 major satellite acquisition program as part of the docu-
13 mentation used to approve the acquisition of the program.

14 “(d) SUBMITTAL OF REPORTS.—(1) In the case of
15 a major satellite acquisition program initiated before the
16 date of the enactment of the National Defense Authoriza-
17 tion Act for Fiscal Year 2013, the Under Secretary shall
18 submit the report required by subsection (a) with respect
19 to the program not later than one year after such date
20 of enactment.

21 “(2) In the case of a major satellite acquisition pro-
22 gram initiated on or after the date of the enactment of
23 the National Defense Authorization Act for Fiscal Year
24 2013, the Under Secretary shall submit the report re-

1 quired by subsection (a) with respect to the program at
2 the time of the Milestone B approval of the program.

3 “(e) NOTIFICATION TO CONGRESS OF NON-INTE-
4 GRATED ACQUISITION AND CAPABILITY DELIVERY
5 SCHEDULES.—If, after submitting the report required by
6 subsection (a) with respect to a major satellite acquisition
7 program, the Under Secretary determines that the sched-
8 ules for the acquisition and the delivery of the capabilities
9 of the components for the program, or a related program
10 referred to in subsection (b)(1), provide for the acquisition
11 or the delivery of the capabilities of at least two of the
12 three components for the program or related program
13 more than one year apart, the Under Secretary shall, not
14 later than 30 days after making that determination, sub-
15 mit to the congressional defense committees a report—

16 “(1) notifying the committees of that deter-
17 mination; and

18 “(2) identifying the measures the Under Sec-
19 retary is taking or is planning to take to improve the
20 integration of those schedules.

21 “(f) DEFINITIONS.—In this section:

22 “(1) COMPONENTS.—The term ‘components’,
23 with respect to a major satellite acquisition program,
24 refers to any satellites acquired under the program

1 and the ground equipment and user terminals nec-
 2 essary for the operation of those satellites.

3 “(2) MAJOR SATELLITE ACQUISITION PRO-
 4 GRAM.—The term ‘major satellite acquisition pro-
 5 gram’ means a major defense acquisition program
 6 (as defined in section 2430 of this title) for the ac-
 7 quisition of a satellite.

8 “(3) MILESTONE B APPROVAL.—The term
 9 ‘Milestone B approval’ has the meaning given that
 10 term in section 2366(e)(7) of this title.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 135 of such title, as so amend-
 13 ed, is further amended by adding at the end the following
 14 new item:

“2276. Reports on integration of acquisition and capability delivery schedules
 for components for major satellite acquisition programs and
 funding for such programs.”.

15 **SEC. 914. DEPARTMENT OF DEFENSE REPRESENTATION IN**
 16 **DISPUTE RESOLUTION REGARDING SUR-**
 17 **RENDER OF DEPARTMENT OF DEFENSE**
 18 **BANDS OF ELECTROMAGNETIC FRE-**
 19 **QUENCIES.**

20 Section 1062(b)(1) of the National Defense Author-
 21 ization Act for Fiscal Year 2000 (Public Law 106–65; 113
 22 Stat. 768; 47 U.S.C. 921 note) is amended—

23 (1) in subparagraph (A), by striking “and” at
 24 the end;

1 (2) in subparagraph (B), by striking the period
2 at the end and inserting “; and”; and

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

5 “(C) in the event of any dispute resolution
6 process involving the surrender of use of such
7 band, the Department of Defense has adequate
8 representation to convey its views.”.

9 **Subtitle C—Intelligence-Related**
10 **and Cyber Matters**

11 **SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTEL-**
12 **LIGENCE SUPPORT TO SECURITY ALLIANCES**
13 **AND INTERNATIONAL AND REGIONAL ORGA-**
14 **NIZATIONS.**

15 (a) EXTENSION OF AUTHORITY TO SECURITY ALLI-
16 ANCES AND INTERNATIONAL AND REGIONAL ORGANIZA-
17 TIONS.—Section 443(a) of title 10, United States Code,
18 is amended by inserting “, regional organizations with de-
19 fense or security components, and international organiza-
20 tions and security alliances of which the United States is
21 a member” after “foreign countries”.

22 (b) CONFORMING AND CLERICAL AMENDMENTS.—

23 (1) HEADING AMENDMENT.—The heading of
24 section 443 of such title is amended to read as fol-
25 lows:

1 **“§ 443. Imagery intelligence and geospatial informa-**
 2 **tion: support for foreign countries, secu-**
 3 **rity alliances, and international and re-**
 4 **gional organizations”.**

5 (2) TABLE OF SECTIONS.—The table of sections
 6 at the beginning of subchapter I of chapter 22 of
 7 such title is amended by striking the item relating
 8 to section 443 and inserting the following new item:

“443. Imagery intelligence and geospatial information: support for foreign coun-
 tries, security alliances, and international and regional organi-
 zations.”.

9 **SEC. 922. ARMY DISTRIBUTED COMMON GROUND SYSTEM.**

10 (a) ASSIGNMENT OF RESPONSIBILITY FOR OVER-
 11 SIGHT.—The Secretary of the Army shall assign responsi-
 12 bility for oversight of the development, acquisition, testing,
 13 and fielding of the Distributed Common Ground System
 14 (DCGS) cloud computing program of the Army to the
 15 Chief Information Officer of the Army ((CIO)/G–6).

16 (b) REVIEW OF PROGRAM.—

17 (1) IN GENERAL.—Not later than December 1,
 18 2012, the Chief Information Officer shall submit to
 19 the Secretary a report on a review of the Distributed
 20 Common Ground System cloud computing program
 21 of the Army conducted by the Chief Information Of-
 22 ficer for purposes of this section.

23 (2) ELEMENTS.—The report shall include the
 24 following:

1 (A) An assessment of the program in com-
2 parison with commercial products, if applicable,
3 with respect to each of the following:

4 (i) The effectiveness of analyst tools,
5 user interfaces, and data visualization in
6 supporting analyst missions and require-
7 ments.

8 (ii) Training requirements for ana-
9 lysts.

10 (iii) Ease of use for analysts.

11 (iv) Rates of progress in developing
12 analyst tools and linking tools for standard
13 workflows.

14 (B) An assessment of the soundness of the
15 past decisions of the Army, and the future
16 plans of the Army, for acquiring and inte-
17 grating analyst tools, user interfaces, and data
18 visualization capabilities through government-
19 sponsored custom development, leasing of com-
20 mercial solutions, and government open source
21 development.

22 (C) Such recommendations regarding the
23 program as the Chief Information Officer con-
24 siders appropriate in light of the review under
25 this subsection.

1 **SEC. 923. RATIONALIZATION OF CYBER NETWORKS AND**
2 **CYBER PERSONNEL OF THE DEPARTMENT OF**
3 **DEFENSE.**

4 (a) IN GENERAL.—The Secretary of Defense shall
5 take appropriate actions to substantially reduce the num-
6 ber of sub-networks and network enclaves across the De-
7 partment of Defense, and the associated security and ac-
8 cess management controls, in order to achieve the fol-
9 lowing objectives for the Department:

10 (1) Visibility for the United States Cyber Com-
11 mand in the operational and security status of all
12 networks, network equipment, and computers.

13 (2) Elimination of redundant network security
14 infrastructure and personnel.

15 (3) Rationalization and consolidation of cyber
16 attack detection, diagnosis, and response resources,
17 and elimination of gaps in security coverage.

18 (4) Reduction of barriers to information shar-
19 ing and enhancement of the capacity to rapidly cre-
20 ate collaborative communities of interest.

21 (5) Enhancement of access to information
22 through authentication-based and identity-based ac-
23 cess controls.

24 (6) Enhancement of the capacity to deploy, and
25 achieve access to, enterprise-level services.

1 (7) Separation of server and end-user device
2 computing to facilitate server and data center con-
3 solidation and a more secure tiered and zoned net-
4 work architecture.

5 (b) PERSONNEL PLAN.—

6 (1) IN GENERAL.—As part of the actions taken
7 under subsection (a), the Secretary shall establish
8 and carry out a plan to reassign personnel billets
9 currently allocated to network operations and secu-
10 rity that will become available pursuant to the re-
11 duction in network enclaves required by that sub-
12 section to tasks related to potential offensive cyber
13 operations in order to achieve an appropriate bal-
14 ance between the offensive and defensive missions of
15 the United States Cyber Command and its compo-
16 nents. The plan shall include targets for the number
17 of personnel to be reassigned to tasks related to of-
18 fensive operations, and the rate at which such per-
19 sonnel shall be added to the workforce for such
20 tasks.

21 (2) DISPOSITION OF PERSONNEL.—In devel-
22 oping the plan required by paragraph (1), the Sec-
23 retary shall—

24 (A) determine whether the number of per-
25 sonnel required to be reassigned to tasks re-

1 lated to offensive operations in order to achieve
2 the balance described in paragraph (1) will be
3 met, in pace and numbers, through the reas-
4 signment of personnel billets pursuant to the
5 plan; and

6 (B) if the Secretary determines that the
7 number of personnel so required will not be so
8 met (whether because of insufficient numbers of
9 personnel in billets to be reassigned or because
10 personnel available for reassignment cannot be
11 trained or directed to tasks related to offensive
12 operations), take appropriate actions to ensure
13 the availability to the United States Cyber
14 Command of appropriate numbers of personnel
15 qualified to undertake tasks related to offensive
16 operations.

17 (3) ADDITIONAL ELEMENTS.—In developing the
18 plan required by paragraph (1), the Secretary shall
19 also—

20 (A) identify targets for the number of per-
21 sonnel to be reassigned to tasks related to of-
22 fensive cyber operations, and the rate at which
23 such personnel shall be added to the workforce
24 for such tasks; and

1 (B) identify targets for use of National
2 Guard personnel to support cyber workforce ra-
3 tionalization and the actions taken under sub-
4 section (a).

5 (4) SUBMITTAL TO CONGRESS.—The Secretary
6 shall submit the plan required by paragraph (1) to
7 the congressional defense committees at the time of
8 the submittal to Congress of the budget of the Presi-
9 dent for fiscal year 2014 pursuant to section
10 1105(a) of title 31, United States Code.

11 **SEC. 924. NEXT-GENERATION HOST-BASED CYBER SECU-**
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 coordination with the Under Sec-
17 retary of Defense for Acquisition, Technology, and Logis-
18 tics, develop a strategy to acquire next-generation host-
19 based cybersecurity tools and capabilities (in this section
20 referred to as a “next-generation system”) for the Depart-
21 ment of Defense.

22 (b) ELEMENTS OF SYSTEM.—It is the sense of Con-
23 gress that any next-generation system acquired under the
24 strategy required by subsection (a) should meet the fol-
25 lowing requirements:

1 (1) To overcome problems and limitations in
2 current capabilities, the system should not rely on
3 anti-virus or signature-based threat detection tech-
4 niques that—

5 (A) cannot address new or rapidly
6 morphing threats;

7 (B) consume substantial amounts of com-
8 munications capacity to remain current with
9 known threats and to report current status; or

10 (C) consume substantial amounts of re-
11 sources to store rapidly growing threat libraries.

12 (2) The system should provide an open archi-
13 tecture-based framework for so-called “plug-and-
14 play” integration of a variety of types of deployable
15 tools in addition to cyber intrusion detection tools,
16 including tools for—

17 (A) insider threat detection;

18 (B) continuous monitoring and configura-
19 tion management;

20 (C) remediation following infections; and

21 (D) protection techniques that do not rely
22 on detection of the attack, such as
23 virtualization, and diversification of attack sur-
24 faces.

1 (3) The system should be designed for ease of
2 deployment to potentially millions of host devices of
3 tailored security solutions depending on need and
4 risk, and to be compatible with cloud-based, thin-cli-
5 ent, and virtualized environments as well as battle-
6 field devices and weapons systems.

7 (c) SUBMITTAL TO CONGRESS.—The Chief Informa-
8 tion Office shall submit to Congress a report setting forth
9 the strategy required by subsection (a) together with the
10 budget justification materials of the Department of De-
11 fense submitted to Congress with the budget of the Presi-
12 dent for fiscal year 2015 pursuant to section 1105(a) of
13 title 31, United States Code.

14 **SEC. 925. IMPROVEMENTS OF SECURITY, QUALITY, AND**
15 **COMPETITION IN COMPUTER SOFTWARE**
16 **PROCURED BY THE DEPARTMENT OF DE-**
17 **FENSE.**

18 (a) COMPREHENSIVE PROGRAM ON IMPROVEMENT
19 OF PROCUREMENT OF COMPUTER SOFTWARE.—The
20 Under Secretary of Defense for Acquisition, Technology,
21 and Logistics shall, in coordination with the Chief Infor-
22 mation Officer of the Department of Defense, develop a
23 comprehensive program for improvements of the security,
24 quality, and competition in the computer software pro-
25 cured by the Department of Defense for covered systems

1 (b) UPDATE OF DEVELOPMENT AND ACQUISITION
2 MODELS.—

3 (1) IN GENERAL.—The Under Secretary of De-
4 fense for Acquisition, Technology, and Logistics
5 shall, in coordination with the Chief Information Of-
6 ficer, provide for the development of updates and
7 improvements to one or more existing best-practice
8 development and acquisition models (such as the Ca-
9 pability Maturity Model Integration) in order to pro-
10 vide explicit guidance under such model or models
11 for improved assurance, security, quality, and resil-
12 iency in the computer software developed and pro-
13 cured by the Department.

14 (2) ELEMENTS.—Any update or improvement
15 to a development and acquisition model under this
16 subsection shall—

17 (A) include diagnostic methods that enable
18 evaluations of conformance to the processes and
19 best practices of the model for achieving qual-
20 ity, assurance, and security throughout the life
21 cycle of software products concerned; and

22 (B) be compatible with the variety of cur-
23 rent agile and incremental software develop-
24 ment methodologies.

1 (c) REQUIREMENTS FOR SECURE CODE DEVELOP-
2 MENT PRACTICES.—The Under Secretary shall, in coordi-
3 nation with the Chief Information Officer—

4 (1) direct the Director of the Defense Informa-
5 tion Systems Agency to modify the Application Secu-
6 rity and Development Security Technical Implemen-
7 tation Guide (STIG) to require (rather than highly
8 recommend) the use of automated static vulner-
9 ability analysis tools in the computer software code
10 development phase, and in development and oper-
11 ational testing, to identify and remediate security
12 vulnerabilities for covered systems;

13 (2) develop a list of qualified government and
14 private-sector static analysis tools and third-party
15 testing organizations to support the requirement
16 under paragraph (1);

17 (3) direct the Director—

18 (A) to designate secure software coding
19 standards; and

20 (B) to modify the Security Technical Im-
21 plementation Guide to reference the approved
22 standards; and

23 (4) develop guidance and direction for Depart-
24 ment program managers to require government soft-
25 ware development and maintenance organizations

1 and contractors to identify and implement, through
2 contract statements of work, a secure software cod-
3 ing plan that includes verifiable processes and prac-
4 tices.

5 (d) VERIFICATION OF EFFECTIVE IMPLEMENTA-
6 TION.—The Under Secretary shall, in coordination with
7 the Chief Information Officer, develop guidance and direc-
8 tion for Department program managers for covered sys-
9 tems to do as follows:

10 (1) To require evidence that government soft-
11 ware development and maintenance organizations
12 and contractors are conforming in computer soft-
13 ware coding to—

14 (A) approved secure coding standards of
15 the Department during software development,
16 upgrade and maintenance activities, including
17 through the use of inspection and appraisals;

18 (B) an applicable best practice develop-
19 ment and acquisition model; and

20 (C) the requirement established pursuant
21 to subsection (b)(1).

22 (2) To make appropriate use of authorized soft-
23 ware code assessment centers (whether a govern-
24 ment center, Federally funded research and develop-
25 ment center, or government contractor) to evaluate

1 applications and software products for conformance
2 to secure coding requirements.

3 (e) STUDY ON ADDITIONAL MEANS OF IMPROVING
4 SOFTWARE SECURITY.—

5 (1) IN GENERAL.—The Under Secretary shall,
6 in coordination with the Chief Information Officer,
7 provide for a study of potential mechanisms for ob-
8 taining higher quality and secure development of
9 computer software for the Department.

10 (2) MECHANISMS TO BE STUDIED.—The mech-
11 anisms studied under paragraph (1) may include the
12 following:

13 (A) Liability for defects or vulnerabilities
14 in software code.

15 (B) So-called “clawback” provisions on
16 earned fees that enable the Department to re-
17 coup funds for security vulnerabilities discov-
18 ered after software is delivered.

19 (C) Exemption from liability for rigorous
20 conformance with secure development processes.

21 (D) Warranties against software defects
22 and vulnerabilities.

23 (f) SOFTWARE REPOSITORIES AND COLLABORATIVE
24 DEVELOPMENT ENVIRONMENTS.—The Under Secretary
25 shall, in consultation with the Chief Information Officer—

1 (1) establish or require the use of one or more
2 existing computer software repositories and collabora-
3 tive computer software development environments
4 (such as Forge.mil managed by the Defense Infor-
5 mation Systems Agency) for covered systems for
6 purposes of—

7 (A) storing software code owned by the
8 government, or to which it has use rights, to-
9 gether with all associated documentation and
10 quality and security test results;

11 (B) minimizing duplicative investment in
12 software code development infrastructure while
13 promoting common, high-quality development
14 practices and facilitating sharing of best prac-
15 tices; and

16 (C) promoting software re-use and com-
17 petition for software capability insertion, up-
18 grades, and maintenance;

19 (2) establish rules and procedures for deposi-
20 tors in the repositories and environments provided
21 for under paragraph (1) to keep the software code
22 base current, if the depositors are not already using
23 such a repository or environment for software devel-
24 opment and life-cycle management; and

1 (3) ensure that the repositories and environ-
2 ments provided for under paragraph (1) provide
3 automated tools for software reverse engineering,
4 functionality analysis, and static and dynamic vul-
5 nerability analysis of source code and binary code in
6 order to enable users to search for software relevant
7 to their requirements, understand what the code
8 does and how it functions, and assess its quality and
9 security.

10 (g) COVERED SYSTEMS DEFINED.—In this section,
11 the term “covered systems” means any Department of De-
12 fense critical information systems and weapons systems,
13 including—

14 (1) major systems, as that term is defined in
15 section 2302(5) of title 10, United States Code;

16 (2) national security systems, as that term is
17 defined in section 3542(b)(2) of title 44, United
18 States Code; and

19 (3) Department of Defense information systems
20 categorized as Mission Assurance Category I in De-
21 partment of Defense Directive 8500.01E that are
22 funded by the Department of Defense.

1 **SEC. 926. COMPETITION IN CONNECTION WITH DEPART-**
2 **MENT OF DEFENSE DATA LINK SYSTEMS.**

3 (a) COMPETITION IN CONNECTION WITH DATA LINK
4 SYSTEMS.—

5 (1) IN GENERAL.—Not later than December 1,
6 2013, the Under Secretary of Defense for Acquisi-
7 tion, Technology, and Logistics shall—

8 (A) develop an inventory of all data link
9 systems in use and in development in the De-
10 partment of Defense;

11 (B) conduct a business case analysis of
12 each data link system contained in the inven-
13 tory under subparagraph (A) to determine
14 whether—

15 (i) the maintenance, upgrade, new de-
16 ployment, or replacement of such system
17 should be open to competition; or

18 (ii) the data link should be converted
19 to an open architecture, or a different data
20 link standard should be adopted to enable
21 such competition;

22 (C) for each data link system for which
23 competition is determined advisable under
24 clause (i) or (ii) of subparagraph (B), develop
25 a plan (with specific objectives, actions, and
26 schedules) to achieve such competition, includ-

1 ing a plan to address any policy, legal, pro-
2 grammatic, or technical barriers to such com-
3 petition; and

4 (D) for each data link system for which
5 competition is determined not advisable under
6 subparagraph (B), prepare a justification for
7 the determination that it is not practical to con-
8 duct such competition or to convert the data
9 link standard to open architecture or adopt a
10 different data link standard for which competi-
11 tion is feasible.

12 (2) ELEMENT OF BUSINESS CASE ANALYSES.—

13 In conducting a business case analysis for purposes
14 of paragraph (1)(B), the Under Secretary shall so-
15 licit the views of industry on the merits and feasi-
16 bility of introducing competition for the mainte-
17 nance, upgrade, new deployment, or replacement for
18 the data link system in question.

19 (b) EARLIER ACTIONS.—If the Under Secretary com-
20 pletes any portion of the plan described in subsection
21 (a)(1)(C) before December 1, 2013, the Secretary may
22 commence action on such portion of the plan upon comple-
23 tion of such portion, including publication of such portion
24 of the plan.

25 (c) REPORTS.—

1 (1) SUBMITTAL OF PLAN TO CONGRESS.—The
2 Under Secretary shall submit to Congress the plan
3 described in subsection (a)(1)(C) at the same time
4 the budget of the President for fiscal year 2015 is
5 submitted to Congress pursuant to section 1105(a)
6 of title 31, United States Code. The Under Sec-
7 retary shall include with the plan—

8 (A) a list of the data link systems covered
9 by subsection (a)(1)(C);

10 (B) a list of the data link systems covered
11 by subsection (a)(1)(D); and

12 (C) for each data link system covered by
13 subsection (a)(1)(D), the justification prepared
14 under that subsection with respect to the data
15 link system.

16 (2) COMPTROLLER OF THE UNITED STATES AS-
17 SESSMENT.—Not later than 90 days after the sub-
18 mittal to Congress under paragraph (1) of the plan
19 described in subsection (a)(1)(C), the Comptroller
20 General of the United States shall submit to Con-
21 gress a report setting forth the assessment of the
22 Comptroller General of the plan, including an as-
23 sessment of the adequacy and objectives of the plan.

1 **SEC. 927. INTEGRATION OF CRITICAL SIGNALS INTEL-**
2 **LIGENCE CAPABILITIES.**

3 (a) PLAN FOR INTEGRATION REQUIRED.—

4 (1) IN GENERAL.—Not later than January 1,
5 2013, the Director of the Intelligence, Surveillance,
6 and Reconnaissance (ISR) Task Force shall develop
7 a plan to rapidly achieve an operationally integrated
8 signals intelligence collection and dissemination ca-
9 pability to meet requirements for detecting, tracking,
10 and precisely geolocating high-band communications
11 devices in order to trigger the immediate observation
12 and tracking of high-value targets by imagery sensor
13 by combining or integrating capabilities that exist or
14 are in development in ongoing programs, including
15 the following:

16 (A) The Guardrail program and the
17 ARGUS A160 program of the Army.

18 (B) The Blue Moon quick reaction capa-
19 bility program of the Air Force.

20 (C) The Wide Area Network Detection
21 program of the Defense Advanced Research
22 Projects Agency (DARPA).

23 (2) CONSULTATION.—The Director shall con-
24 sult with the National Security Agency, the combat-
25 ant commands (including the United States Special
26 Operations Command), and the formal wireless

1 working groups of the intelligence community in de-
2 veloping the plan.

3 (3) SUPPORT.—The Secretary of the Army, the
4 Secretary of the Air Force, and the Director of the
5 Defense Advanced Research Projects Agency shall
6 each provide the Director such information and sup-
7 port as the Director shall require for the develop-
8 ment of the plan.

9 (b) DEVELOPMENT AND DEPLOYMENT.—In addition
10 to the responsibility under subsection (a), the Director of
11 the Intelligence, Surveillance, and Reconnaissance Task
12 Force shall also coordinate funding, provide acquisition
13 oversight, coordinate system deployment, and synchronize
14 operational integration in support of combat operations
15 for purposes of the development and deployment of the
16 capability described in that subsection.

17 **SEC. 928. COLLECTION AND ANALYSIS OF NETWORK FLOW**
18 **DATA.**

19 (a) DEVELOPMENT OF TECHNOLOGIES.—The Chief
20 Information Officer of the Department of Defense may,
21 in coordination with the Under Secretary of Defense for
22 Policy and the Under Secretary of Defense for Intelligence
23 and acting through the Director of the Defense Informa-
24 tion Systems Agency (DISA), use the available funding
25 and research activities and capabilities of the Community

1 Data Center of the Defense Information Systems Agency
2 to develop and demonstrate collection, processing, and
3 storage technologies for network flow data that—

4 (1) are potentially scalable to the volume used
5 by Tier 1 Internet Service Providers (ISPs) to col-
6 lect and analyze the flow data across their networks;

7 (2) will substantially reduce the cost and com-
8 plexity of capturing and analyzing high volumes of
9 flow data; and

10 (3) support the capability—

11 (A) to detect and identify cybersecurity
12 threats, networks of compromised computers,
13 and command and control sites used for man-
14 aging illicit cyber operations and receiving in-
15 formation from compromised computers;

16 (B) track illicit cyber operations for attri-
17 bution of the source; and

18 (C) provide early warning and attack as-
19 sessment of offensive cyber operations.

20 (b) COORDINATION.—Any research and development
21 required in the development of the technologies described
22 in subsection (a) shall be conducted in cooperation with
23 the heads of other appropriate departments and agencies
24 of the Federal Government and, whenever feasible, Tier
25 1 Internet Service Providers.

1 **SEC. 929. DEPARTMENT OF DEFENSE USE OF NATIONAL SE-**
2 **CURITY AGENCY CLOUD COMPUTING DATA-**
3 **BASE AND INTELLIGENCE COMMUNITY**
4 **CLOUD COMPUTING INFRASTRUCTURE AND**
5 **SERVICES.**

6 (a) LIMITATION ON USE OF NSA DATABASE.—

7 (1) LIMITATION.—No component of the De-
8 partment of Defense may utilize the cloud com-
9 puting database developed by the National Security
10 Agency (NSA) called Accumulo after September 30,
11 2013, unless the Chief Information Officer of the
12 Department of Defense certifies one of the following:

13 (A) That there are no viable commercial
14 open source databases with extensive industry
15 support (such as the Apache Foundation
16 HBase and Cassandra databases) that have se-
17 curity features comparable to the Accumulo
18 database that are considered essential by the
19 Chief Information Officer for purposes of the
20 certification under this paragraph.

21 (B) That the Accumulo database has be-
22 come a successful Apache Foundation open
23 source database with adequate industry support
24 and diversification, based on criteria to be es-
25 tablished by the Chief Information Officer for
26 purposes of the certification under this para-

1 graph and submitted to the appropriate com-
2 mittees of Congress not later than January 1,
3 2013.

4 (2) CONSTRUCTION.—The limitation in para-
5 graph (1) shall not apply to the National Security
6 Agency.

7 (b) ADAPTATION OF ACCUMULO SECURITY FEA-
8 TURES TO HBASE DATABASE.—The Director of the Na-
9 tional Security Agency shall take appropriate actions to
10 ensure that companies and organizations developing and
11 supporting open source and commercial open source
12 versions of the Apache Foundation HBase and Cassandra
13 databases, or similar systems, receive technical assistance
14 from government and contractor developers of software
15 code for the Accumulo database to enable adaptation and
16 integration of the security features of the Accumulo data-
17 base.

18 (c) COORDINATION REGARDING DoD USE OF INTEL-
19 LIGENCE COMMUNITY CLOUD COMPUTING INFRASTRUC-
20 TURE AND SERVICES.—

21 (1) IN GENERAL.—The Under Secretary of De-
22 fense for Acquisition, Technology, and Logistics, the
23 Chief Information Officer of the Department of De-
24 fense, and the Chief Information Officer of each of
25 the military departments shall coordinate with the

1 Director of National Intelligence and the Under Sec-
2 retary of Defense for Intelligence regarding the use
3 of cloud computing infrastructure and software serv-
4 ices offered by the intelligence community by compo-
5 nents of the Department of Defense for purposes
6 other than intelligence analysis.

7 (2) PURPOSE.—The purpose of the coordination
8 required by paragraph (1) is to ensure that Depart-
9 ment use of cloud computing infrastructure and
10 software services described in that paragraph is cost-
11 effective and consistent with the Information Tech-
12 nology Efficiencies initiative, data center and server
13 consolidation plans, and cybersecurity requirements
14 and policies of the Department.

15 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
16 FINED.—In this section, the term “appropriate commit-
17 tees of Congress” means—

18 (1) the Committees on Armed Services and Ap-
19 propriations and the Select Committee on Intel-
20 ligence of the Senate; and

21 (2) the Committees on Armed Services and Ap-
22 propriations and the Permanent Select Committee
23 on Intelligence of the House of Representatives.

1 **SEC. 930. ELECTRO-OPTICAL IMAGERY.**

2 (a) SUSTAINMENT OF COLLECTION CAPACITY.—The
3 Secretary of Defense and the Director of National Intel-
4 ligence shall jointly take appropriate actions to sustain
5 through fiscal year 2013 the commercial electro-optical
6 imaging collection capacity that was planned under the
7 Enhanced View program approved in the National De-
8 fense Authorization Act for Fiscal Year 2012 (Public Law
9 112–81) to be available to the Department of Defense
10 through the Service Level Agreements with commercial
11 data providers.

12 (b) IDENTIFICATION OF DEPARTMENT OF DEFENSE
13 ELECTRO-OPTICAL IMAGERY REQUIREMENTS.—

14 (1) REPORT.—Not later than April 1, 2013, the
15 Vice Chairman of the Joint Chiefs of Staff shall sub-
16 mit to the Director of the Congressional Budget Of-
17 fice a report setting forth a comprehensive descrip-
18 tion of Department of Defense peacetime and war-
19 time requirements for electro-optical imagery under
20 current circumstances and under anticipated revi-
21 sions of strategy and budgetary constraints.

22 (2) SCOPE OF REQUIREMENTS.—The require-
23 ments under paragraph (1) shall—

24 (A) be expressed in such terms as daily re-
25 gional and global area coverage and number of
26 point targets, resolution, revisit rates, mean-

1 time to access, latency, redundancy, surviv-
2 ability, and diversity; and

3 (B) take into consideration all types of im-
4 agery and collection means available.

5 (c) ASSESSMENT OF IDENTIFIED REQUIREMENTS.—

6 (1) IN GENERAL.—Not later than September
7 15, 2013, the Director of the Congressional Budget
8 Office shall submit to the appropriate committees of
9 Congress a report setting forth an assessment by the
10 Director of the report required by subsection (b).

11 (2) ELEMENTS.—The assessment required by
12 paragraph (1) shall include an assessment of the fol-
13 lowing:

14 (A) The extent to which the requirements
15 of the Department for electro-optical imagery
16 from space can be satisfied by commercial com-
17 panies using either—

18 (i) current designs; or

19 (ii) enhanced designs that could be
20 developed at low risk.

21 (B) Whether a reduction by half in the
22 amounts requested for the Enhanced View pro-
23 gram for fiscal year 2013 from amounts re-
24 quested for that program for fiscal year 2012
25 is consistent with Presidential Space Policy of

1 June 2010, Presidential Policy Directive 4, ap-
2 plicable provisions of the Federal Acquisition
3 Regulation (10.001(a)(3)(ii) and 12.101(a)–
4 (b)), and section 2377 of title 10, United States
5 Code, regarding preferences for procuring com-
6 mercial capabilities and modifying as necessary
7 and feasible commercial capabilities to meet
8 government requirements, and for modifying
9 government requirements to a reasonable extent
10 to enable commercial or non-developmental
11 products to meet government needs.

12 (3) CONSULTATION AND OTHER RESOURCES.—

13 In preparing the assessment required by paragraph
14 (1), the Director shall—

15 (A) consult widely with appropriate indi-
16 viduals and entities, including Members and
17 committees of Congress, the Office of Manage-
18 ment and Budget and other agencies and offi-
19 cials of the Government, private industry, and
20 academia; and

21 (B) make maximum use of existing studies
22 and modeling and simulations conducted by or
23 on behalf of Members and committees of Con-
24 gress, the Joint Staff, the Director of National
25 Intelligence, the National Reconnaissance Of-

1 office, the National Geospatial-Intelligence Agen-
2 cy, private industry, and academia.

3 (4) ACCESS TO INFORMATION.—The Director of
4 National Intelligence and the Secretary of Defense
5 shall each provide the staff of the Director of the
6 Congressional Budget Office with such access to in-
7 formation and programs applicable to the assess-
8 ment required by paragraph (1) as the Director of
9 the Congressional Budget Office shall require for the
10 preparation of the assessment.

11 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
12 FINED.—In this section, the term “appropriate commit-
13 tees of Congress” means—

14 (1) the Committees on Armed Services and Ap-
15 propriations and the Select Committee on Intel-
16 ligence of the Senate; and

17 (2) the Committees on Armed Services and Ap-
18 propriations and the Permanent Select Committee
19 on Intelligence of the House of Representatives.

20 (e) FUNDING.—In addition to any other amounts au-
21 thorized to be appropriated by this Act and available for
22 Service Level Agreements described in subsection (a), of
23 the amounts authorized to be appropriated for fiscal year
24 2013 by section 301 for operation and maintenance and
25 available as specified in the funding table in section 4301,

1 \$125,000,000 is available for such Service Level Agree-
2 ments.

3 **SEC. 931. SOFTWARE LICENSES OF THE DEPARTMENT OF**
4 **DEFENSE.**

5 (a) AUDITS.—Not later than 180 days after the date
6 of the enactment of this Act, and every two years there-
7 after, the Chief Information Officer of the Department of
8 the Defense shall, in consultation with chief information
9 officers of the military departments and the Defense
10 Agencies—

11 (1) conduct an inventory of all existing software
12 licenses in favor of the Department of Defense, in-
13 cluding licenses in use and licenses not in use, on an
14 application-by-application basis;

15 (2) compare the number of software licenses in
16 use, and the manner of their use by Department em-
17 ployees, with the number of software licenses avail-
18 able to the Department and the product use rights
19 contained in such licenses;

20 (3) assess the needs of the Department and the
21 components of the Department for software licenses
22 during the two fiscal years next following the date
23 of the completion of the inventory; and

24 (4) determine means by which the Department
25 can achieve the greatest possible economies of scale

1 and cost-savings in the procurement, use, and opti-
2 mization of software licenses.

3 (b) PERFORMANCE PLAN.—

4 (1) IN GENERAL.—If the Chief Information Of-
5 ficer determines through an inventory conducted
6 under subsection (a) that the number of existing
7 software licenses, on an application-by-application
8 basis, of the Department and the components of the
9 Department exceeds the needs of the Department
10 for such software licenses, the Secretary of Defense
11 shall, not later than 90 days after the date of the
12 completion of such inventory, implement a plan to
13 bring the number of software licenses, on an applica-
14 tion-by-application basis, into balance with the needs
15 of the Department.

16 (2) EXCEPTIONS.—The Chief Information Offi-
17 cer may exempt from coverage under a plan under
18 paragraph (1) such applications or categories of ap-
19 plications as the Chief Information Officer considers
20 appropriate. Immediately upon finalizing the appli-
21 cations or categories of applications to be exempt
22 from coverage under a plan, the Chief Information
23 Officer shall submit to the congressional defense
24 committees a report (in classified form, if required)

1 setting forth the applications or categories of appli-
2 cations to be exempt from coverage under the plan.

3 **SEC. 932. DEFENSE CLANDESTINE SERVICE.**

4 (a) PROHIBITION ON USE OF FUNDS FOR ADDI-
5 TIONAL PERSONNEL.—Amounts authorized to be appro-
6 priated by this Act for the Military Intelligence Program
7 (MIP) may not be obligated or expended to provide for
8 a number of personnel conducting or supporting human
9 intelligence within the Department of Defense in excess
10 of the number of such personnel as of April 20, 2012.

11 (b) CAPE REPORT ON COSTS.—Not later than 120
12 days after the date of the enactment of this Act, the Direc-
13 tor of Cost Assessment and Program Evaluation of the
14 Department of Defense shall submit to the appropriate
15 committees of Congress an independent estimate of the
16 costs of the Defense Clandestine Service, whether funded
17 through the Military Intelligence Program or the National
18 Intelligence Program, including an estimate of the costs
19 over the period of the current future-years defense pro-
20 gram and an estimate of the out year costs.

21 (c) USDI REPORT ON DCS.—

22 (1) REPORT REQUIRED.—Not later than Feb-
23 ruary 1, 2013, the Under Secretary of Defense for
24 Intelligence shall submit to the appropriate commit-

1 tees of Congress a report on the Defense Clandes-
2 tine Service.

3 (2) ELEMENTS.—The report under paragraph
4 (1) shall include the following:

5 (A) A detailed description of the location
6 and schedule for current and anticipated de-
7 ployments of case officers trained under the
8 Field Tradecraft Course, whether overseas or
9 domestically, and a certification whether or not
10 such deployments can be accommodated and
11 supported.

12 (B) A statement of the objectives for the
13 effective management of case officers trained
14 under the Field Tradecraft Course for each of
15 the Armed Forces, the Defense Intelligence
16 Agency, and the United States Special Oper-
17 ations Command, including objectives on num-
18 bers of tours requiring training in the Field
19 Tradecraft Course and objectives for manage-
20 ment of career tracks and case officer covers.

21 (C) A statement of the manner in which
22 each Armed Force, the Defense Intelligence
23 Agency, and the United States Special Oper-
24 ations Command will each achieve the objectives
25 applicable thereto under subparagraph (B).

1 (D) A copy of any memoranda of under-
2 standing or memoranda of agreement between
3 the Department of Defense and other depart-
4 ments and agencies of the United States Gov-
5 ernment, or between components or elements of
6 the Department of Defense, that are required
7 to implement objectives for the Defense Clan-
8 destine Service.

9 (d) DEFINITIONS.—In this section:

10 (1) The term “appropriate committees of Con-
11 gress” means—

12 (A) the Committees on Armed Services
13 and Appropriations and the Select Committee
14 on Intelligence of the Senate; and

15 (B) the Committees on Armed Services
16 and Appropriations and the Permanent Select
17 Committee on Intelligence of the House of Rep-
18 resentatives.

19 (2) The term “future-years defense program”
20 means the future-years defense program under sec-
21 tion 221 of title 10, United States Code.

1 **SEC. 933. AUTHORITY FOR SHORT-TERM EXTENSION OF**
2 **LEASE FOR AIRCRAFT SUPPORTING THE**
3 **BLUE DEVIL INTELLIGENCE, SURVEILLANCE,**
4 **AND RECONNAISSANCE PROGRAM.**

5 (a) IN GENERAL.—Notwithstanding section 2401 of
6 title 10, United States Code, the Secretary of the Air
7 Force may extend or renew the lease of aircraft supporting
8 the Blue Devil intelligence, surveillance, and reconnais-
9 sance program after the date of the expiration of the cur-
10 rent lease of such aircraft for a term that is the shorter
11 of—

12 (1) the period beginning on the date of the ex-
13 piration of the current lease and ending on the date
14 on which the Commander of the United States Cen-
15 tral Command notifies the Secretary that a sub-
16 stitute is available for the capabilities provided by
17 the lease, or that the capabilities provided by such
18 aircraft are no longer required; or

19 (2) six months.

20 (b) FUNDING.—Amounts authorized to be appro-
21 priated for fiscal year 2013 by title XV and available for
22 Overseas Contingency Operations for operation and main-
23 tenance as specified in the funding tables in section 4302
24 may be available for the extension or renewal of the lease
25 authorized by subsection (a).

1 **SEC. 934. SENSE OF SENATE ON POTENTIAL SECURITY**
2 **RISKS TO DEPARTMENT OF DEFENSE NET-**
3 **WORKS.**

4 (a) FINDINGS.—The Senate makes the following
5 findings:

6 (1) Cybersecurity threats are pervasive and se-
7 rious, including through the supply chain of infor-
8 mation technology equipment and software.

9 (2) Semiconductor manufacturing is already
10 dominated by foreign producers, presenting supply
11 chain risk management challenges.

12 (3) In a number of instances, foreign manufac-
13 turers of telecommunications equipment, including
14 advanced wireless technology, are gaining global
15 market share due to high quality and low prices.
16 Competitive market forces ensure that commercial
17 providers of consumer, business, and government
18 systems and services will choose equipment and as-
19 sociated software from these manufacturers. In some
20 cases, like Huawei Industries, this competitive posi-
21 tion stems in part from inappropriate government
22 subsidies and other forms of assistance.

23 (4) Some of these companies also present clear
24 cybersecurity supply chain risks that the Govern-
25 ment must address.

1 (5) The Committee on Foreign Investment in
2 the United States has blocked the attempt by
3 Huawei to acquire United States technology firms
4 on two occasions and the National Security Agency
5 and the Secretary of Commerce have advised two
6 major United States telecommunications carriers
7 against selecting Huawei as a supplier.

8 (6) The Ike Skelton National Defense Author-
9 ization Act for Fiscal Year 2011 (Public Law 111-
10 383) provided authority and mechanisms for the
11 Secretary of Defense to control these supply chain
12 risks, but only for National Security Systems, leav-
13 ing many information technology systems and mis-
14 sions exposed to supply chain risks.

15 (7) Blocking sales from providers of informa-
16 tion technology systems and services due to concerns
17 about cybersecurity risks, while maintaining our
18 commitment to free trade and fair and transparent
19 competition, poses difficult policy challenges.

20 (b) SENSE OF SENATE.—It is the sense of the Senate
21 that the Department of Defense—

22 (1) must ensure it maintains full visibility and
23 adequate control of its supply chain, including sub-
24 contractors, in order to mitigate supply chain exploi-
25 tation; and

1 (2) needs the authority and capability to miti-
2 gate supply chain risks to its information technology
3 systems that fall outside the scope of National Secu-
4 rity Systems.

5 **SEC. 935. SENSE OF CONGRESS ON THE UNITED STATES**
6 **CYBER COMMAND.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) On June 23, 2009, the Secretary of Defense
10 directed the Commander of the United States Stra-
11 tegic Command to establish the United States Cyber
12 Command, which became operational on May 21,
13 2010, and operates as a sub-unified command subor-
14 dinate to the United States Strategic Command.

15 (2) In May 2012, media reports indicated that
16 General Martin Dempsey, the Chairman of the Joint
17 Chiefs of Staff, planned to recommend to Secretary
18 of Defense Leon Panetta that the two-year-old
19 United States Cyber Command be elevated to full
20 combatant command status.

21 (3) On August 14, 2012, General Keith Alex-
22 ander, the Commander of the United States Cyber
23 Command and the Director of the National Security
24 Agency, addressed the TechNet Land Forces con-
25 ference and stated that “[i]n 2007 we drafted . . .

1 a paper . . . about establishing a Cyber Command
2 . . . [which concluded that] . . . the most logical is
3 to set it up as a sub unified and grow it to a unified,
4 and I think that’s the process that we’re going to
5 work our way through”.

6 (4) On October 11, 2012, Secretary of Defense
7 Leon Panetta discussed cybersecurity in a speech to
8 the Business Executives for National Security in
9 New York, New York, specifically calling for a
10 strengthening of the United States Cyber Command
11 and stating that the Department of Defense “must
12 ensure that [the United States Cyber Command] has
13 the resources, that it has the authorities, that it has
14 the capabilities required to perform this growing
15 mission. And it must also be able to react quickly to
16 events unfolding in cyberspace and help fully inte-
17 grate cyber into all of the department’s plans and
18 activities.”.

19 (b) SENSE OF CONGRESS.—Congress—

20 (1) recognizes the serious cyber threat to na-
21 tional security and the need to work both offensively
22 and defensively to protect the Nation’s networks and
23 critical infrastructure;

24 (2) acknowledges the importance of the unified
25 command structure of the Department in directing

1 military operations in cyberspace and recognizes that
2 a change in the status of the United States Cyber
3 Command has Department-wide and national secu-
4 rity implications, which require careful consider-
5 ation;

6 (3) expects to be briefed and consulted about
7 any proposal to elevate the United States Cyber
8 Command to a unified command before a decision by
9 the Secretary make such a proposal to the President
10 and to receive, at a minimum—

11 (A) a clear statement of mission and re-
12 lated legal definitions;

13 (B) an outline of the specific national secu-
14 rity benefits of elevating the sub-unified United
15 States Cyber Command to a unified command;

16 (C) an estimate of the cost of creating a
17 unified United States Cyber Command and a
18 justification of the expenditure; and

19 (D) if the Secretary considers it advisable
20 to continue the designation of the Commander
21 of the United States Cyber Command as also
22 being the Director of the National Security
23 Agency—

24 (i) an explanation of how a single in-
25 dividual could serve as a commander of a

1 combatant command that conducts overt,
2 albeit clandestine, cyber operations under
3 title 10, United States Code, as well as the
4 director of an intelligence agency that con-
5 ducts covert cyber operations under the
6 National Security Act of 1947 (50 U.S.C.
7 401 et seq.) in a manner that affords
8 deniability to the United States; and

9 (ii) a statement of whether the Sec-
10 retary believes it is appropriate either to
11 appoint a line officer as the Director of the
12 National Security Agency or to take the
13 unprecedented step of appointing an intel-
14 ligence officer as a unified commander;
15 and

16 (4) believes that appropriate policy foundations
17 and standing rules of engagement must be in place
18 before any decision to create a unified United States
19 Cyber Command.

20 **SEC. 936. REPORTS TO DEPARTMENT OF DEFENSE ON PEN-**
21 **ETRATIONS OF NETWORKS AND INFORMA-**
22 **TION SYSTEMS OF CERTAIN CONTRACTORS.**

23 (a) PROCESS FOR REPORTING PENETRATIONS.—The
24 Under Secretary of Defense for Intelligence shall, in co-
25 ordination with the officials specified in subsection (c), es-

1 tablish a process by which cleared defense contractors
2 shall report to elements of the Department of Defense des-
3 igned by the Under Secretary for purposes of the proc-
4 ess when a network or information system of such contrac-
5 tors designated pursuant to subsection (b) is successfully
6 penetrated.

7 (b) DESIGNATION OF NETWORKS AND INFORMATION
8 SYSTEMS.—The Under Secretary of Defense for Intel-
9 ligence shall, in coordination with the officials specified in
10 subsection (c), establish criteria for designating the
11 cleared defense contractors’ networks or information sys-
12 tems that contain or process information created by or for
13 the Department of Defense to be subject to the reporting
14 process established pursuant to subsection (a).

15 (c) OFFICIALS.—The officials specified in this sub-
16 section are the following:

17 (1) The Under Secretary of Defense for Policy.

18 (2) The Under Secretary of Defense for Acqui-
19 sition, Technology, and Logistics.

20 (3) The Chief Information Officer of the De-
21 partment of Defense.

22 (4) The Commander of the United States Cyber
23 Command.

24 (d) PROCESS REQUIREMENTS.—

1 (1) RAPID REPORTING.—The process required
2 by subsection (a) shall provide for rapid reporting by
3 contractors of successful penetrations of designated
4 network or information systems.

5 (2) REPORT ELEMENTS.—The report by a con-
6 tractor on a successful penetration of a designated
7 network or information system under the process
8 shall include the following:

9 (A) A description of the technique or
10 method used in the penetration.

11 (B) A sample of the malicious software, if
12 discovered and isolated by the contractor.

13 (3) ACCESS.—The process shall include mecha-
14 nisms by which Department of Defense personnel
15 may, upon request, obtain access to equipment or in-
16 formation of a contractor necessary to conduct a fo-
17 rensic analysis to determine whether information
18 created by or for the Department in connection with
19 any Department program was successfully
20 exfiltrated from a network or information system of
21 the contractor and, if so, what information was
22 exfiltrated.

23 (4) LIMITATION ON DISSEMINATION OF CER-
24 TAIN INFORMATION.—The process shall prohibit the
25 dissemination outside the Department of Defense of

1 information obtained or derived through the process
2 that is not created by or for the Department except
3 with the approval of the contractor providing such
4 information.

5 (e) CLEARED DEFENSE CONTRACTOR DEFINED.—In
6 this section, the term “cleared defense contractor” means
7 a private entity granted clearance by the Defense Security
8 Service to receive and store classified information for the
9 purpose of bidding for a contract or conducting activities
10 under a contract with the Department of Defense.

11 **Subtitle D—Other Matters**

12 **SEC. 941. NATIONAL LANGUAGE SERVICE CORPS.**

13 (a) AUTHORITY TO ESTABLISH.—The David L.
14 Boren National Security Education Act of 1991 (50
15 U.S.C. 1901 et seq.) is amended by adding at the end
16 the following new section:

17 **“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

18 “(a) ESTABLISHMENT.—(1) The Secretary of De-
19 fense may establish and maintain within the Department
20 of Defense a National Language Service Corps (in this
21 section referred to as the ‘Corps’).

22 “(2) The purpose of the Corps is to provide a pool
23 of personnel with foreign language skills who, as provided
24 in regulations prescribed under this section, agree to pro-
25 vide foreign language services to the Department of De-

1 fense or another department or agency of the United
2 States.

3 “(b) NATIONAL SECURITY EDUCATION BOARD.—If
4 the Corps is established, the Secretary shall provide for
5 the National Security Education Board to oversee and co-
6 ordinate the activities of the Corps to such extent and in
7 such manner as determined by the Secretary under para-
8 graph (9) of section 803(d).

9 “(c) MEMBERSHIP.—To be eligible for membership
10 in the Corps, a person must be a citizen of the United
11 States authorized by law to be employed in the United
12 States, have attained the age of 18 years, and possess
13 such foreign language skills as the Secretary considers ap-
14 propriate for membership in the Corps. Members of the
15 Corps may include employees of the Federal Government
16 and of State and local governments.

17 “(d) TRAINING.—The Secretary may provide mem-
18 bers of the Corps such training as the Secretary prescribes
19 for purposes of this section.

20 “(e) SERVICE.—Upon a determination that it is in
21 the national interests of the United States, the Secretary
22 shall call upon members of the Corps to provide foreign
23 language services to the Department of Defense or an-
24 other department or agency of the United States.

1 “(f) FUNDING.—The Secretary may impose fees, in
2 amounts up to full-cost recovery, for language services and
3 technical assistance rendered by members of the Corps.
4 Amounts of fees received under this section shall be cred-
5 ited to the account of the Department providing funds for
6 any costs incurred by the Department in connection with
7 the Corps. Amounts so credited to such account shall be
8 merged with amounts in such account, and shall be avail-
9 able to the same extent, and subject to the same conditions
10 and limitations, as amounts in such account. Any amounts
11 so credited shall remain available until expended.”.

12 (b) NATIONAL SECURITY EDUCATION BOARD MAT-
13 TERS.—

14 (1) COMPOSITION.—Subsection (b) of section
15 803 of such Act (50 U.S.C. 1903) is amended—

16 (A) by striking paragraph (5);

17 (B) by redesignating paragraphs (6) and
18 (7) as paragraphs (8) and (9), respectively; and

19 (C) by inserting after paragraph (4) the
20 following new paragraphs:

21 “(5) The Secretary of Homeland Security.

22 “(6) The Secretary of Energy.

23 “(7) The Director of National Intelligence.”.

1 (2) FUNCTIONS.—Subsection (d) of such sec-
2 tion is amended by adding at the end the following
3 new paragraph:

4 “(9) To the extent provided by the Secretary of
5 Defense, oversee and coordinate the activities of the
6 National Language Service Corps under section 813,
7 including—

8 “(A) identifying and assessing on a peri-
9 odic basis the needs of the departments and
10 agencies of the Federal Government for per-
11 sonnel with skills in various foreign languages;

12 “(B) establishing plans to address foreign
13 language shortfalls and requirements of the de-
14 partments and agencies of the Federal Govern-
15 ment;

16 “(C) recommending effective ways to in-
17 crease public awareness of the need for foreign
18 languages skills and career paths in the Federal
19 government that use those skills;

20 “(D) coordinating activities with Executive
21 agencies and State and Local governments to
22 develop interagency plans and agreements to
23 address overall foreign language shortfalls and
24 to utilize personnel to address the various types

1 of crises that warrant foreign language skills;
2 and

3 “(E) proposing to the Secretary regula-
4 tions to carry out section 813.”.

5 **SEC. 942. REPORT ON EDUCATION AND TRAINING AND PRO-**
6 **MOTION RATES FOR PILOTS OF REMOTELY**
7 **PILOTED AIRCRAFT.**

8 (a) REPORT REQUIRED.—Not later than January 31,
9 2013, the Secretary of the Air Force and the Chief of
10 Staff of the Air Force shall jointly submit to the congres-
11 sional defense committees a report on education and train-
12 ing and promotion rates for Air Force pilots of remotely
13 piloted aircraft (RPA).

14 (b) ELEMENTS.—The report required by subsection
15 (a) shall include the following:

16 (1) A detailed analysis of the reasons for per-
17 sistently lower average education and training and
18 promotion rates for Air Force pilots of remotely pi-
19 loted aircraft.

20 (2) An assessment of the long-term impact on
21 the Air Force of the sustainment of such lower rates

22 (3) A plan to raise such rates, including—

23 (A) a description of the near-term and
24 longer-term actions the Air Force intends to
25 undertake to implement the plan; and

1 (B) an analysis of the potential direct and
2 indirect impacts of the plan on the achievement
3 and sustainment of the combat air patrol objec-
4 tives of the Air Force for remotely piloted air-
5 craft.

6 **TITLE X—GENERAL PROVISIONS**
7 **Subtitle A—Financial Matters**

8 **SEC. 1001. GENERAL 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 division for fiscal year
15 2013 between any such authorizations for that fiscal
16 year (or any subdivisions thereof). Amounts of au-
17 thorizations so transferred shall be merged with and
18 be available for the same purposes as the authoriza-
19 tion to which transferred.

20 (2) **LIMITATION.**—Except as provided in para-
21 graph (3), the total amount of authorizations that
22 the Secretary may transfer under the authority of
23 this section may not exceed \$5,000,000,000.

24 (3) **EXCEPTION FOR TRANSFERS BETWEEN**
25 **MILITARY PERSONNEL AUTHORIZATIONS.**—A trans-

1 fer of funds between military personnel authoriza-
2 tions under title IV shall not be counted toward the
3 dollar limitation in paragraph (2).

4 (b) LIMITATIONS.—The authority provided by this
5 section to transfer authorizations—

6 (1) may only be used to provide authority for
7 items that have a higher priority than the items
8 from which authority is transferred; and

9 (2) may not be used to provide authority for an
10 item that has been denied authorization by Con-
11 gress.

12 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
13 transfer made from one account to another under the au-
14 thority of this section shall be deemed to increase the
15 amount authorized for the account to which the amount
16 is transferred by an amount equal to the amount trans-
17 ferred.

18 (d) NOTICE TO CONGRESS.—The Secretary shall
19 promptly notify Congress of each transfer made under
20 subsection (a).

1 **SEC. 1002. 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. 1003. 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 during the period beginning on
10 the date of the enactment of this Act and ending on
11 September 30, 2014, shall include the following:

12 (A) A description of the actions taken by
13 the military departments pursuant to paragraph
14 (1).

15 (B) A determination by the Chief Manage-
16 ment Officer of each military department
17 whether or not such military department is able
18 to achieve an auditable statement of budgetary
19 resources by September 30, 2014, without an
20 unaffordable or unsustainable level of one-time
21 fixes and manual work-arounds and without de-
22 laying the full auditability of the financial state-
23 ments of such military department.

24 (C) If the Chief Management Officer of a
25 military department determines under subpara-

1 graph (B) that the military department is not
2 able to achieve an auditable statement of budg-
3 etary resources by September 30, 2014, as de-
4 scribed in that subparagraph—

5 (i) an explanation why the military
6 department is unable to meet the deadline;

7 (ii) an alternative deadline by which
8 the military department will achieve an
9 auditable statement of budgetary re-
10 sources;

11 (iii) a description of the plan of the
12 military department for meeting the alter-
13 native deadline.

14 **SEC. 1004. REPORT ON EFFECTS OF BUDGET SEQUESTRA-**
15 **TION ON THE DEPARTMENT OF DEFENSE.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) The inability of the Joint Select Committee
19 on Deficit Reduction to find \$1,200,000,000,000 in
20 savings will trigger automatic funding reductions
21 known as “sequestration” to the Department of De-
22 fense of \$492,000,000,000 between 2013 and 2021
23 under section 251A of the Balanced Budget and
24 Emergency Deficit Control Act of 1985 (2 USC
25 901a).

1 (2) These reductions are in addition to reduc-
2 tions of \$487,000,000,000 already being imple-
3 mented by the Department of Defense, and would
4 decrease the readiness and capabilities of the Armed
5 Forces while increasing risks to the effective imple-
6 mentation of the National Security Strategy of the
7 United States.

8 (3) The leaders of the Department of Defense
9 have consistently testified that threats to the na-
10 tional security of the United States have increased,
11 not decreased. Secretary of Defense Leon Panetta
12 said that these reductions would “inflict severe dam-
13 age to our national defense for generations”, com-
14 ments that have been echoed by the Secretaries of
15 the Army, Navy, and Air Force.

16 (4) While reductions in funds available for the
17 Department of Defense will automatically commence
18 January 2, 2013, uncertainty regarding the reduc-
19 tions has already exacerbated Department of De-
20 fense efforts to plan future defense budget.

21 (5) Sequestration will have a detrimental effect
22 on the industrial base that supports the Department
23 of Defense.

24 (b) REPORT.—

1 (1) IN GENERAL.—Not later than August 15,
2 2012, the Secretary of Defense shall submit to the
3 Committees on Armed Services of the Senate and
4 the House of Representatives a detailed report on
5 the impact on the Department of Defense of the se-
6 questration of funds authorized and appropriated for
7 fiscal year 2013 for the Department of Defense, if
8 automatically triggered on January 2, 2013, under
9 section 251A of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 (2) ELEMENTS.—The report required by para-
12 graph (1) shall include the following:

13 (A) An assessment of the potential impact
14 of sequestration on the readiness of the Armed
15 Forces, including impacts to steaming hours,
16 flying hours, and full spectrum training miles,
17 and an estimate of the increase or decrease in
18 readiness (as defined in the C status C-1
19 through C-5).

20 (B) An assessment of the potential impact
21 of sequestration on the ability of the Depart-
22 ment of Defense to carry out the National Mili-
23 tary Strategy of the United States, and any
24 changes to the most recent Risk Assessment of
25 the Chairman of the Joint Chiefs of Staff under

1 section 153(b) of title 10, United States Code
2 arising from sequestration.

3 (C) A list of the programs, projects, and
4 activities across the Department of Defense, the
5 military departments, and the elements and
6 components of the Department of Defense that
7 would be reduced or terminated as a result of
8 sequestration.

9 (D) An estimate of the number and value
10 of all contracts that will be terminated, restruc-
11 tured, or revised in scope as a result of seques-
12 tration, including an estimate of potential ter-
13 mination costs and of increased contract costs
14 due to renegotiation and reinstatement of con-
15 tracts.

16 (3) ASSUMPTIONS.—The report required by
17 paragraph (1) shall assume the following:

18 (A) Except as provided in subparagraph
19 (B), the funds subject to sequester are the
20 funds in all 050 accounts, including all unobli-
21 gated balances.

22 (B) The funds exempt from the sequester
23 are the following:

24 (i) Funds in accounts for military per-
25 sonnel.

1 (ii) Funds in accounts for overseas
2 contingency operations.

3 (4) PRESENTATION OF CERTAIN INFORMA-
4 TION.—In listing programs, projects, and activities
5 under paragraph (2)(C), the report required by
6 paragraph (1) shall set forth for each the following:

7 (A) The most specific level of budget item
8 identified in applicable appropriations Acts.

9 (B) Related classified annexes and explan-
10 atory statements.

11 (C) Department of Defense budget jus-
12 tification documents DOD P-1 and R-1 as
13 subsequently modified by congressional action,
14 and as submitted by the Department of Defense
15 together with the budget materials for the
16 budget of the President for fiscal year 2013 (as
17 submitted to Congress pursuant to section
18 1105(a) of title 31, United States Code).

19 (D) Department of Defense document O-
20 1 for operation and maintenance accounts for
21 fiscal year 2013, for which purpose the term
22 “program, project, or activity” means the budg-
23 et activity account and sub account for the pro-
24 gram, project, or activity as submitted in such
25 document O-1.

1 **SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY**
2 **THE DEPARTMENT OF DEFENSE AT THE END**
3 **OF FISCAL YEAR 2012.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Secretary of Defense shall submit
6 to Congress, and publish on the Internet website of the
7 Department of Defense available to the public, the fol-
8 lowing:

9 (1) The total dollar amount of all balances car-
10 ried forward by the Department of Defense at the
11 end of fiscal year 2012 by account.

12 (2) The total dollar amount of all unobligated
13 balances carried forward by the Department of De-
14 fense at the end of fiscal year 2012 by account.

15 (3) The total dollar amount of any balances
16 (both obligated and unobligated) that have been car-
17 ried forward by the Department of Defense for five
18 years or more as of the end of fiscal year 2012 by
19 account.

20 **SEC. 1006. TRANSFER OF CERTAIN FISCAL YEAR 2012 AND**
21 **2013 FUNDS.**

22 (a) **TRANSFER AUTHORIZED.**—To the extent pro-
23 vided in appropriations Acts, the Secretary of Defense
24 may transfer from fiscal year 2012 and 2013 procurement
25 or research, development, test, and evaluation accounts an

1 aggregate of \$46,000,000 to be available for the additional
2 authorizations in sections 132, 154, and 217.

3 (b) COVERED FUNDS.—In subsection (a), the term
4 “fiscal year 2012 and 2013 procurement or research, de-
5 velopment, test, and evaluation accounts” means—

6 (1) amounts authorized to be appropriated for
7 fiscal year 2012 by sections 101 and 201 of the Na-
8 tional Defense Authorization Act for Fiscal Year
9 2012 (Public Law 112–81) and available as specified
10 in the funding tables in sections 4101 and 4201 of
11 that Act for Army tactical bridging, BLIN–133,
12 \$12.5 million; Army C–RAM, BLIN–90, \$15.8 mil-
13 lion; Army non-system training devices, BLIN–182,
14 \$9.8 million; Defense wide 12/14 USSOCOM C–ISO
15 modifications, \$4.0 million; Defense wide 12/14
16 Combat mission requirements, \$4.2 million.

17 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
18 transfer made from one account to another under the au-
19 thority of this section shall be deemed to change the
20 amount authorized for the account to which the amount
21 is transferred by an amount equal to the amount trans-
22 ferred.

23 (d) CONSTRUCTION OF AUTHORITY.—The transfer
24 authority in this section is in addition to any other trans-
25 fer authority provided in this Act.

1 **Subtitle B—Counter-Drug**
2 **Activities**

3 **SEC. 1011. EXTENSION OF AUTHORITY FOR JOINT TASK**
4 **FORCES TO PROVIDE SUPPORT TO LAW EN-**
5 **FORCEMENT AGENCIES CONDUCTING**
6 **COUNTER-TERRORISM ACTIVITIES.**

7 Section 1022(b) of the National Defense Authoriza-
8 tion Act for Fiscal Year 2004 (10 U.S.C. 371 note) is
9 amended by striking “2012” and inserting “2013”.

10 **SEC. 1012. REQUIREMENT FOR BIENNIAL CERTIFICATION**
11 **ON PROVISION OF SUPPORT FOR COUNTER-**
12 **DRUG ACTIVITIES TO CERTAIN FOREIGN**
13 **GOVERNMENTS.**

14 Section 1033 of the National Defense Authorization
15 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
16 1881), as most recently amended by section 1006 of the
17 National Defense Authorization Act for Fiscal Year 2012
18 (Public Law 112–81; 125 Stat. 1557), is further amend-
19 ed—

20 (1) in subsection (f)—

21 (A) in paragraph (1), by striking “the
22 written certification described in subsection (g)
23 for that fiscal year.” and inserting “a written
24 certification described in subsection (g) applica-
25 ble to that fiscal year. The first such certifi-

1 cation with respect to any such government
2 may apply only to a period of one fiscal year.
3 Subsequent certifications with respect to any
4 such government may apply to a period of not
5 to exceed two fiscal years.”; and

6 (B) in paragraph (4)(B), by striking “The
7 Committee on National Security and the Com-
8 mittee on International Relations of the House
9 of Representatives” and inserting “The Com-
10 mittee on Armed Services and the Committee
11 on Foreign Affairs of the House of Representa-
12 tives”; and

13 (2) in subsection (g), in the matter preceding
14 paragraph (1)—

15 (A) by striking “The written” and insert-
16 ing “A written”; and

17 (B) by striking “for a fiscal year” and all
18 that follows through the colon and inserting
19 “with respect to a government to receive sup-
20 port under this section for any period of time
21 is a certification of each of the following with
22 respect to that government:”.

1 **SEC. 1013. AUTHORITY TO SUPPORT THE UNIFIED**
2 **COUNTERDRUG AND COUNTERTERRORISM**
3 **CAMPAIGN IN COLOMBIA.**

4 (a) **AUTHORITY.**—

5 (1) **IN GENERAL.**—Of the amounts authorized
6 to be appropriated by section 1404 for the Depart-
7 ment of Defense for drug interdiction and counter-
8 drug activities, Defense-wide for fiscal year 2013,
9 not more than \$50,000,000 may be used by the Sec-
10 retary of Defense to provide in support of a unified
11 campaign by the Government of Colombia against
12 narcotics trafficking and against terrorist organiza-
13 tions (as designated by the Secretary of State) in
14 Colombia the following:

15 (A) Logistics support, services, and sup-
16 plies.

17 (B) The types of support authorized under
18 section 1004(b) of the National Defense Au-
19 thorization Act for Fiscal Year 1991 (10 U.S.C.
20 374 note).

21 (C) The types of support authorized under
22 section 1033(c) of the National Defense Au-
23 thorization Act for Fiscal Year 1998 (Public
24 Law 105–85).

25 (2) **SCOPE OF AUTHORITY.**—The authority to
26 provide assistance for a campaign under this sub-

1 section includes authority to take actions to protect
2 human health and welfare in emergency cir-
3 cumstances, including the undertaking of rescue op-
4 erations.

5 (b) ASSISTANCE OTHERWISE PROHIBITED BY
6 LAW.—The Secretary of Defense may not use the author-
7 ity in subsection (a) to provide any type of assistance de-
8 scribed in this subsection that is otherwise prohibited by
9 any provision of law.

10 (c) LIMITATION ON PARTICIPATION OF UNITED
11 STATES PERSONNEL.—No United States Armed Forces
12 personnel, United States civilian employees, or United
13 States civilian contractor personnel employed by the
14 United States may participate in any combat operation in
15 connection with assistance using funds pursuant to the au-
16 thority in subsection (a), except for the purpose of acting
17 in self defense or of rescuing any United States citizen,
18 including any United States Armed Forces personnel,
19 United States civilian employee, or civilian contractor em-
20 ployed by the United States.

21 (d) RELATION TO OTHER AUTHORITIES.—The au-
22 thority provided by subsection (a) is in addition to any
23 other authority in law to provide assistance to the Govern-
24 ment of Colombia.

25 (e) REPORT.—

1 (1) IN GENERAL.—Not later than November 1
2 following any fiscal year in which the Secretary of
3 Defense provides support under subsection (a), the
4 Secretary shall submit to the congressional defense
5 committees a report setting forth the following:

6 (A) A description of the support provided,
7 including—

8 (i) a description of the support;

9 (ii) the cost of the support;

10 (iii) a list of the Colombia units to
11 which support was provided; and

12 (iv) a list of the Colombia operations
13 supported.

14 (B) Guidance for future Department of
15 Defense support for a unified campaign by the
16 Government of Colombia against narcotics traf-
17 ficking and terrorism.

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

21 **SEC. 1014. QUARTERLY REPORTS ON USE OF FUNDS IN THE**
22 **DRUG INTERDICTION AND COUNTER-DRUG**
23 **ACTIVITIES, DEFENSE-WIDE ACCOUNT.**

24 (a) QUARTERLY REPORTS ON EXPENDITURES OF
25 FUNDS.—Not later than 60 days after the end of each

1 fiscal year quarter, the Secretary of Defense shall submit
2 to the congressional defense committees a report setting
3 forth a description of the expenditure of funds, by project
4 code, from the Drug Interdiction and Counter-Drug Ac-
5 tivities, Defense-wide account during such fiscal year
6 quarter, including expenditures of funds in direct or indi-
7 rect support of the counter-drug activities of foreign gov-
8 ernments.

9 (b) INFORMATION ON SUPPORT OF COUNTER-DRUG
10 ACTIVITIES OF FOREIGN GOVERNMENTS.—The informa-
11 tion in a report under subsection (a) on direct or indirect
12 support of the counter-drug activities of foreign govern-
13 ments shall include, for each foreign government so sup-
14 ported, the following:

15 (1) The total amount of assistance provided to,
16 or expended on behalf of, the foreign government.

17 (2) A description of the types of counter-drug
18 activities conducted using the assistance.

19 (3) An explanation of the legal authority under
20 which the assistance was provided.

21 (c) CESSATION OF REQUIREMENT.—No report shall
22 be required under subsection (a) for any fiscal year quar-
23 ter beginning on or after October 1, 2017.

24 (d) REPEAL OF OBSOLETE AUTHORITY.—Section
25 1022 of the Floyd D. Spence National Defense Authoriza-

1 tion Act for Fiscal Year 2001 (as enacted into law by Pub-
2 lic Law 106–398) is repealed.

3 **Subtitle C—Naval Vessels and** 4 **Shipyards**

5 **SEC. 1021. RETIREMENT OF NAVAL VESSELS.**

6 (a) REPORT REQUIRED.—Not later than 30 days
7 after the date of the enactment of this Act, the Chief of
8 Naval Operations shall submit to the congressional de-
9 fense committees a report that sets forth a comprehensive
10 description of the current requirements of the Navy for
11 combatant vessels of the Navy, including submarines.

12 (b) ADDITIONAL REPORT ELEMENT IF LESS THAN
13 313 VESSELS REQUIRED.—If the number of combatant
14 vessels for the Navy (including submarines) specified as
15 being required in the report under subsection (a) is less
16 than 313 combatant vessels, the report shall include a jus-
17 tification for the number of vessels specified as being so
18 required and the rationale by which the number of vessels
19 is considered consistent with applicable strategic guidance
20 issued by the President and the Secretary of Defense in
21 2012.

22 **SEC. 1022. TERMINATION OF A MARITIME PREPOSITIONING** 23 **SHIP SQUADRON.**

24 (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 Navy 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 current 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, and an as-
23 sessment of the differences, if any, between that
24 equipment and the equipment of a Maritime
25 Prepositioning Ship squadron.

1 (D) A description and assessment of the
2 current age and state of maintenance of the
3 equipment of the Marine Corps Maritime
4 Prepositioning Program—Norway.

5 (E) A plan to address the equipment
6 shortages and modernization needs of the Ma-
7 rine Corps Maritime Prepositioning Program—
8 Norway.

9 (b) LIMITATION ON AVAILABILITY OF FUNDS.—
10 Amounts authorized to be appropriated by this Act may
11 not be obligated or expended to terminate a Maritime
12 Prepositioning Ship squadron until the date of the sub-
13 mittal to the congressional defense committees of the re-
14 port required by subsection (a).

15 **SEC. 1023. SENSE OF CONGRESS ON RECAPITALIZATION**
16 **FOR THE NAVY AND COAST GUARD.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) More than 70 percent of the world's surface
20 is comprised of navigable oceans.

21 (2) More than 80 percent of the population of
22 the world lives within 100 miles of an ocean.

23 (3) More than 90 percent of the world's com-
24 merce traverses an oceans.

1 (4) The national security of the United States
2 is inextricably linked to the maintenance of global
3 freedom of access for both the strategic and com-
4 mercial interests of the United States.

5 (5) To maintain that freedom of access the sea
6 services of the United States, composed of the Navy,
7 the Marine Corps, and the Coast Guard, must be
8 sufficiently positioned as rotationally globally
9 deployable forces with the capability to decisively de-
10 fend United States citizens, homeland, and interests
11 abroad from direct or asymmetric attack and must
12 be comprised of sufficient vessels to maintain global
13 freedom of action.

14 (6) To achieve appropriate capabilities to en-
15 sure national security the Government of the United
16 States must continue to recapitalize the fleets of the
17 Navy and Coast Guard and must continue to con-
18 duct vital maintenance and repair of existing vessels
19 to ensure such vessels meet service life goals.

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

22 (1) the sea services of the United States should
23 be funded and maintained to provide the broad spec-
24 trum of capabilities required to protect the national
25 security of the United States;

1 (2) such capabilities should include—

2 (A) the ability to project United States
3 power rapidly anywhere on the globe without
4 the need for host nation basing permission or
5 long and potentially vulnerable logistics supply
6 lines;

7 (B) the ability to land and recover mari-
8 time forces from the sea for direct combat ac-
9 tion, to evacuate United States citizens from
10 hostile situations, and to provide humanitarian
11 assistance where needed;

12 (C) the ability to operate from the sub-
13 surface with overpowering conventional combat
14 power, as well as strategic deterrence; and

15 (D) the ability to operate in collaboration
16 with United States maritime partners in the
17 common interest of preventing piracy at sea
18 and maintaining the commercial sea lanes avail-
19 able for global commerce;

20 (3) the Secretary of Defense, in coordination
21 with the Secretary of the Navy, should maintain the
22 recapitalization plans for the Navy as a priority in
23 all future force structure decisions; and

24 (4) the Secretary of Homeland Security should
25 maintain the recapitalization plans for the Coast

1 Guard as a priority in all future force structure deci-
2 sions.

3 **SEC. 1024. NOTICE TO CONGRESS FOR THE REVIEW OF**
4 **PROPOSALS TO NAME NAVAL VESSELS.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The Navy traces its ancestry to October 13,
8 1775, when an Act of the Continental Congress au-
9 thorized the first vessel of a navy for the United
10 Colonies. Vessels of the Continental Navy were
11 named for early patriots and military heroes, Fed-
12 eral institutions, colonial cities, and positive char-
13 acter traits representative of naval and military vir-
14 tues.

15 (2) An Act of Congress on March 3, 1819,
16 made the Secretary of the Navy responsible for as-
17 signing names to vessels of the Navy. Traditional
18 sources for vessel names customarily encompassed
19 such categories as geographic locations in the United
20 States; historic sites, battles, and ships; naval and
21 military heroes and leaders; and noted individuals
22 who made distinguished contributions to United
23 States national security.

1 (3) These customs and traditions provide ap-
2 propriate and necessary standards for the naming of
3 vessels of the Navy.

4 (b) NOTICE TO CONGRESS.—Section 7292 of title 10,
5 United States Code, is amended by adding at the end the
6 following new subsection:

7 “(d)(1) The Secretary of the Navy may not announce
8 or implement any proposal to name a vessel of the Navy
9 until 30 days after the date on which the Secretary sub-
10 mits to the Committees on Armed Services of the Senate
11 and the House of Representatives a report setting forth
12 such proposal.

13 “(2) Each report under this subsection shall describe
14 the justification for the proposal covered by such report
15 in accordance with the standards referred to in section
16 1024(a) of the National Defense Authorization Act for
17 Fiscal Year 2013.”.

18 (c) EFFECTIVE DATE.—This section and the amend-
19 ment made by this section shall go into effect on the date
20 that is 30 days after the date of the enactment of this
21 Act.

1 **Subtitle D— Counterterrorism**

2 **SEC. 1031. EXTENSION OF CERTAIN PROHIBITIONS AND RE-** 3 **QUIREMENTS RELATING TO DETAINEES AT** 4 **UNITED STATES NAVAL STATION, GUANTA-** 5 **NAMO BAY, CUBA.**

6 (a) PROHIBITION ON USE OF FUNDS TO CONSTRUCT
7 OR MODIFY FACILITIES IN US FOR TRANSFER OF DE-
8 TAINEEES.—Section 1026(a) of the National Defense Au-
9 thorization Act for Fiscal Year 2012 (Public Law 112–
10 81; 125 Stat. 1566) is amended by inserting “or 2013”
11 after “fiscal year 2012”.

12 (b) REQUIREMENTS FOR CERTIFICATIONS ON
13 TRANSFERS OF DETAINEES TO FOREIGN COUNTRIES OR
14 ENTITIES.—Section 1028(a)(1) of the National Defense
15 Authorization Act for Fiscal Year 2012 (125 Stat. 1567;
16 10 U.S.C. 801 note) is amended by inserting “or 2013”
17 after “fiscal year 2012”.

18 **SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE** 19 **TRANSFER OR RELEASE OF INDIVIDUALS** 20 **FROM UNITED STATES NAVAL STATION,** 21 **GUANTANAMO BAY, CUBA.**

22 No authorized to be appropriated funds may be used
23 to transfer, release, or assist in the transfer or release to
24 or within the United States, its territories, or possessions
25 of Khalid Sheikh Mohammed or any other detainee who—

1 (1) is not a United States citizen or a member
2 of the Armed Forces of the United States; and

3 (2) is or was held on or after January 20,
4 2009, at United States Naval Station, Guantanamo
5 Bay, Cuba, by the Department of Defense.

6 **SEC. 1033. PROHIBITION ON THE INDEFINITE DETENTION**
7 **OF CITIZENS AND LAWFUL PERMANENT RESI-**
8 **DENTS.**

9 Section 4001 of title 18, United States Code, is
10 amended—

11 (1) by redesignating subsection (b) as sub-
12 section (c); and

13 (2) by inserting after subsection (a) the fol-
14 lowing:

15 “(b)(1) An authorization to use military force, a dec-
16 laration of war, or any similar authority shall not author-
17 ize the detention without charge or trial of a citizen or
18 lawful permanent resident of the United States appre-
19 hended in the United States, unless an Act of Congress
20 expressly authorizes such detention.

21 “(2) Paragraph (1) applies to an authorization to use
22 military force, a declaration of war, or any similar author-
23 ity enacted before, on, or after the date of the enactment
24 of the National Defense Authorization Act For Fiscal
25 Year 2013.

1 “(3) Paragraph (1) shall not be construed to author-
2 ize the detention of a citizen of the United States, a lawful
3 permanent resident of the United States, or any other per-
4 son who is apprehended in the United States.”.

5 **Subtitle E—Miscellaneous**
6 **Authorities and Limitations**

7 **SEC. 1041. ENHANCEMENT OF RESPONSIBILITIES OF THE**
8 **CHAIRMAN OF THE JOINT CHIEFS OF STAFF**
9 **REGARDING THE NATIONAL MILITARY**
10 **STRATEGY.**

11 (a) IN GENERAL.—Subsection (b) of section 153 of
12 title 10, United States Code, is amended to read as fol-
13 lows:

14 “(b) NATIONAL MILITARY STRATEGY.—

15 “(1) NATIONAL MILITARY STRATEGY.—(A) The
16 Chairman shall determine each even-numbered year
17 whether to prepare a new National Military Strategy
18 in accordance with this subparagraph or to update
19 a strategy previously prepared in accordance with
20 this subsection. The Chairman shall complete prepa-
21 ration of the National Military Strategy or update in
22 time for transmittal to Congress pursuant to para-
23 graph (3), including in time for inclusion of the re-
24 port of the Secretary of Defense, if any, under para-
25 graph (4).

1 “(B) Each National Military Strategy (or up-
2 date) under this paragraph shall be based on a com-
3 prehensive review conducted by the Chairman in
4 conjunction with the other members of the Joint
5 Chiefs of Staff and the commanders of the unified
6 and specified combatant commands.

7 “(C) Each National Military Strategy (or up-
8 date) submitted under this paragraph shall refer to
9 and support each of the following:

10 “(i) The most recent National Security
11 Strategy prescribed by the President pursuant
12 to section 108 of the National Security Act of
13 1947 (50 U.S.C. 404a).

14 “(ii) The most recent annual report of the
15 Secretary of Defense submitted to the President
16 and Congress pursuant to section 113 of this
17 title.

18 “(iii) The most recent Quadrennial De-
19 fense Review conducted by the Secretary of De-
20 fense pursuant to section 118 of this title.

21 “(iv) Any other national security or de-
22 fense strategic guidance issued by the President
23 or the Secretary of Defense.

1 “(D) Each National Military Strategy (or up-
2 date) submitted under this paragraph shall do the
3 following:

4 “(i) Describe the strategic environment
5 and the opportunities and challenges that affect
6 United States national interests and United
7 States national security.

8 “(ii) Describe the threats, such as inter-
9 national, regional, transnational, hybrid, ter-
10 rorism, cyber-attack, weapons of mass destruc-
11 tion, asymmetric challenges, and any other cat-
12 egories of threats identified by the Chairman,
13 to the United States national security.

14 “(iii) Identify the United States national
15 military objectives and the relationship of those
16 objectives to the strategic environment and to
17 the threats described under clause (ii).

18 “(iv) Identify the operational concepts,
19 missions, tasks, or activities necessary to sup-
20 port the achievement of the objectives identified
21 under clause (iii).

22 “(v) Identify the fiscal, budgetary, and re-
23 source environments and conditions that, in the
24 assessment of the Chairman, impact the strat-
25 egy.

1 “(vi) Identify the implications of current
2 force planning and sizing constructs for the
3 strategy.

4 “(vii) Identify and assess the capacity, ca-
5 pabilities, and availability of United States
6 forces (including both the regular and reserve
7 components) to support the execution of mis-
8 sions required by the strategy.

9 “(viii) Identify areas in which the armed
10 forces intends to engage and synchronize with
11 other departments and agencies of the United
12 States Government contributing to the execu-
13 tion of missions required by the strategy.

14 “(ix) Identify and assess potential areas in
15 which the armed forces could be augmented by
16 contributions from alliances (such as the North
17 Atlantic Treaty Organization (NATO)), inter-
18 national allies, or other friendly nations in the
19 execution of missions required by the strategy.

20 “(x) Identify and assess the requirements
21 for contractor support to the armed forces for
22 conducting training, peacekeeping, overseas
23 contingency operations, and other major combat
24 operations under the strategy.

1 “(xi) Identify the assumptions made with
2 respect to each of clauses (i) through (x).

3 “(E) 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 in the National Military Strategy.

4 “(ii) Identify and define the strategic risks
5 to United States interests and the military risks
6 in executing the missions of the National Mili-
7 tary Strategy.

8 “(iii) Identify and define levels of risk dis-
9 tinguishing between the concepts of probability
10 and consequences, including an identification of
11 what constitutes ‘significant’ risk in the judg-
12 ment of the Chairman.

13 “(iv) Identify and assess risk in the Na-
14 tional Military Strategy by category and level
15 and the ways in which risk might manifest
16 itself, including how risk is projected to in-
17 crease, decrease, or remain stable over time,
18 and, for each category of risk, assess the extent
19 to which current or future risk increases, de-
20 creases, or is stable as a result of budgetary
21 priorities, tradeoffs, or fiscal constraints or lim-
22 itations as currently estimated and applied in
23 the most current future-years defense program
24 under section 221 of this title.

1 “(v) Identify and assess risk associated
2 with the assumptions or plans of the National
3 Military Strategy about the contributions or
4 support of—

5 “(I) other departments and agencies
6 of the United States Government (includ-
7 ing their capabilities and availability);

8 “(II) alliances, allies, and other
9 friendly nations, (including their capabili-
10 ties, availability, and interoperability); and

11 “(III) contractors.

12 “(vi) Identify and assess the critical defi-
13 ciencies and strengths in force capabilities (in-
14 cluding manpower, logistics, intelligence, and
15 mobility support) identified during the prepara-
16 tion and review of the contingency plans of each
17 unified combatant command, and identify and
18 assess the effect of such deficiencies and
19 strengths for the National Military Strategy.

20 “(3) SUBMITTAL OF NATIONAL MILITARY
21 STRATEGY AND RISK ASSESSMENT TO CONGRESS.—

22 (A) Not later than February 15 of each even-num-
23 bered year, the Chairman shall, through the Sec-
24 retary of Defense, submit to the Committees on
25 Armed Services of the Senate and the House of Rep-

1 representatives the National Military Strategy or up-
2 date, if any, prepared under paragraph (1) in such
3 year.

4 “(B) Not later than February 15 each year, the
5 Chairman shall, through the Secretary of Defense,
6 submit to the Committees on Armed Services of the
7 Senate and the House of Representatives the Risk
8 Assessment prepared under paragraph (2) in such
9 year.

10 “(4) SECRETARY OF DEFENSE REPORTS TO
11 CONGRESS.—(A) In transmitting a National Military
12 Strategy (or update) or Risk Assessment to Con-
13 gress pursuant to paragraph (3), the Secretary of
14 Defense shall include in the transmittal such com-
15 ments of the Secretary thereon, if any, as the Sec-
16 retary considers appropriate.

17 “(B) If the Risk Assessment transmitted under
18 paragraph (3) in a year includes an assessment that
19 a risk or risks associated with the National Military
20 Strategy (or update) are significant, or that critical
21 deficiencies in force capabilities exist for a contin-
22 gency plan described in paragraph (2)(B)(vi), the
23 Secretary shall include in the transmittal of the Risk
24 Assessment the plan of the Secretary for mitigating

1 such risk or deficiency. A plan for mitigating risk of
2 deficiency under this subparagraph shall—

3 “(i) address the risk assumed in the Na-
4 tional Military Strategy (or update) concerned,
5 and the additional actions taken or planned to
6 be taken to address such risk using only cur-
7 rent technology and force structure capabilities;
8 and

9 “(ii) specify, for each risk addressed, the
10 extent of, and a schedule for expected mitiga-
11 tion of, such risk, and an assessment of the po-
12 tential for residual risk, if any, after mitiga-
13 tion.”.

14 (b) CONFORMING AMENDMENT.—Such section is fur-
15 ther amended by striking subsection (d).

16 **SEC. 1042. MODIFICATION OF AUTHORITY ON TRAINING OF**
17 **SPECIAL OPERATIONS FORCES WITH FRIEND-**
18 **LY FOREIGN FORCES.**

19 (a) AUTHORITY TO PAY FOR MINOR MILITARY CON-
20 STRUCTION IN CONNECTION WITH TRAINING.—Sub-
21 section (a) of section 2011 of title 10, United States Code,
22 is amended by adding at the end the following new para-
23 graph:

24 “(4) Expenses of minor military construction
25 directly related to that training with such expenses

1 payable from amounts available to the commander
2 for unspecified minor military construction, except
3 that—

4 “(A) the amount of any project for which
5 such expenses are so payable may not exceed
6 \$250,000; and

7 “(B) the total amount of such expenses so
8 paid in any fiscal year may not exceed
9 \$2,000,000.”.

10 (b) PURPOSES OF TRAINING.—Subsection (b) of such
11 section is amended to read as follows:

12 “(b) PURPOSES OF TRAINING.—The purposes of the
13 training for which payment may be made under subsection
14 (a) shall be as follows:

15 “(1) To train the special operations forces of
16 the combatant command.

17 “(2) In the case of a commander of a combat-
18 ant command having a geographic area of responsi-
19 bility, to train the military forces and other security
20 forces of a friendly foreign country in a manner con-
21 sistent with the Theater Campaign Plan of the com-
22 mander for that geographic area.”.

23 (c) PRIOR APPROVAL.—Subsection (c) of such section
24 is amended by inserting before the period at the end of
25 the second sentence the following: “, or, in the case of

1 training activities carried out after the date of the enact-
2 ment of the National Defense Authorization Act for Fiscal
3 Year 2013, the approval of the Secretary of Defense, in
4 coordination with the Secretary of State”.

5 (d) REPORTS.—Subsection (e) of such section is
6 amended—

7 (1) in paragraph (3)—

8 (A) by inserting “or other security” after
9 “foreign” the first place it appears; and

10 (B) by striking “foreign military per-
11 sonnel” and inserting “such foreign personnel”;

12 (2) in paragraph (4)—

13 (A) by striking “and military training ac-
14 tivities” and inserting “military training activi-
15 ties”; and

16 (B) by inserting before the period at the
17 end the following: “, and training programs
18 sponsored by the Department of State”;

19 (3) by redesignating paragraph (6) as para-
20 graph (7); and

21 (4) by inserting after paragraph (5) the fol-
22 lowing new paragraph (6):

23 “(6) A description of any minor military con-
24 struction projects for which expenses were paid, in-

1 including a justification of the benefits of each such
2 project to training under this section.”.

3 (e) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the of the enactment of
5 this Act. The amendments made by subsection (d) shall
6 apply with respect to any reports submitted under sub-
7 section (e) of section 2011 of title 10, United States Code
8 (as so amended), after that date.

9 **SEC. 1043. EXTENSION OF AUTHORITY TO PROVIDE AS-**
10 **SURED BUSINESS GUARANTEES TO CAR-**
11 **RIERS PARTICIPATING IN CIVIL RESERVE AIR**
12 **FLEET.**

13 (a) EXTENSION.—Subsection (k) of section 9515 of
14 title 10, United States Code, is amended by striking “De-
15 cember 31, 2015” and inserting “December 31, 2020”.

16 (b) APPLICATION TO ALL SEGMENTS OF CRAF.—
17 Such section is further amended—

18 (1) in subsection (a)(3), by striking “pas-
19 senger”; and

20 (2) in subsection (j), by striking “, except that
21 it only means such transportation for which the Sec-
22 retary of Defense has entered into a contract for the
23 purpose of passenger travel”.

1 of understanding shall provide for the access of veterans
2 to military installations for purposes of participation in
3 the Transition Assistance Program and such other mat-
4 ters as such Secretaries jointly consider appropriate for
5 purposes of this section.

6 (d) DEFINITIONS.—In this section:

7 (1) The term “Transition Assistance Program”
8 means the program carried out by the Department
9 of Defense under sections 1142 and 1144 of title 10,
10 United States Code.

11 (2) The term “veteran” has the meaning given
12 that term in section 101 of title 38, United States
13 Code.

14 **SEC. 1045. MODIFICATION OF THE MINISTRY OF DEFENSE**
15 **ADVISOR PROGRAM.**

16 (a) IN GENERAL.—Subsection (a) of section 1081 of
17 the National Defense Authorization Act for Fiscal Year
18 2012 (Public Law 112–81; 125 Stat. 1599; 10 U.S.C. 168
19 note) is amended by inserting—

20 (1) in the matter preceding paragraph (1), by
21 inserting “, regional organizations with defense or
22 security components, and international organizations
23 of which the United States is a member” after “for-
24 eign countries”; and

1 results, and resources where available from the De-
2 partment of Defense, the Federal Aviation Adminis-
3 tration, and the National Aeronautics and Space Ad-
4 ministration can advance an enduring relationship of
5 research capability to advance the access of un-
6 manned aircraft systems of the Department of De-
7 fense, the National Aeronautics and Space Adminis-
8 tration and other public agencies to the National
9 Airspace System.”.

10 (b) INTERAGENCY COLLABORATION.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall collaborate with the Administrator of the Fed-
13 eral Aviation Administration and the Administrator
14 of the National Aeronautics and Space Administra-
15 tion to conduct research and seek solutions to chal-
16 lenges associated with the safe integration of un-
17 manned aircraft systems into the National Airspace
18 System in accordance with subtitle B of title III of
19 the FAA Modernization and Reform Act of 2012
20 (Public Law 112–95; 126 Stat. 72).

21 (2) ACTIVITIES IN SUPPORT OF PLAN ON AC-
22 CESS TO NATIONAL AIRSPACE FOR UNMANNED AIR-
23 CRAFT SYSTEMS.—Collaboration under paragraph
24 (1) may include research and development of sci-
25 entific and technical issues, equipment, and tech-

1 nology in support of the plan to safely accelerate the
2 integration of unmanned aircraft systems as re-
3 quired by subtitle B of title III of the FAA Mod-
4 ernization and Reform Act of 2012.

5 (3) NONDUPLICATIVE EFFORTS.—If the Sec-
6 retary of Defense determines it is in the interest of
7 the Department of Defense, the Secretary may use
8 existing aerospace-related laboratories, personnel,
9 equipment, research radars, and ground facilities of
10 the Department of Defense to avoid duplication of
11 efforts in carrying out collaboration under para-
12 graph (1).

13 (4) REPORTS.—

14 (A) REQUIREMENT.—The Secretary of De-
15 fense, on behalf of the UAS Executive Com-
16 mittee, shall annually submit to the congres-
17 sional defense committees, the Committee on
18 Transportation and Infrastructure, and the
19 Committee on Science, Space, and Technology
20 of the House of Representatives, and the Com-
21 mittee on Commerce, Science, and Transpor-
22 tation of the Senate a report on the progress of
23 research activity of the Department of Defense,
24 including—

1 (i) progress in accomplishing the goals
2 of the unmanned aircraft systems research,
3 development, and demonstration as related
4 to the Department of Defense Final Re-
5 port to Congress on Access to National
6 Airspace for Unmanned Aircraft Systems
7 of October 2010, and any ongoing and col-
8 laborative research and development pro-
9 grams with the Federal Aviation Adminis-
10 tration and the National Aeronautics and
11 Space Administration and

12 (ii) estimates of long-term funding
13 needs and details of funds expended and
14 allocated in the budget requests of the
15 President that support integration into the
16 National Airspace.

17 (B) TERMINATION.—The requirement to
18 submit a report under subparagraph (A) shall
19 terminate on the date that is 5 years after the
20 date of the enactment of this Act.

21 (c) UAS EXECUTIVE COMMITTEE DEFINED.—In this
22 section, the term “UAS Executive Committee” means the
23 National Aeronautics and Space Administration and
24 the Department of Defense—Federal Aviation Administra-
25 tion executive committee described in section 1036(b) of

1 the Duncan Hunter National Defense Authorization Act
2 for Fiscal Year 2009 and established by the Secretary of
3 Defense and the Administrator of the Federal Aviation
4 Administration.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
6 hereby authorized to be appropriated such sums as may
7 be necessary to carry out this section.

8 **SEC. 1047. SENSE OF SENATE ON NOTICE TO CONGRESS ON**
9 **UNFUNDED PRIORITIES.**

10 It is the sense of the Senate that—

11 (1) not later than 45 days after the submittal
12 to Congress of the budget for a fiscal year under
13 section 1105(a) of title 31, United States Code, each
14 officer specified in paragraph (2) should, through
15 the Chairman of the Joint Chiefs of Staff and the
16 Secretary of Defense, submit to the congressional
17 defense committees a list of any priority military
18 programs or activities under the jurisdiction of such
19 officer for which, in the estimate of such officer ad-
20 ditional funds, if available, would substantially re-
21 duce operational or programmatic risk or accelerate
22 the creation or fielding of a critical military capa-
23 bility;

24 (2) the officers specified in this paragraph
25 are—

- 1 (A) the Chief of Staff of the Army;
2 (B) the Chief of Naval Operations;
3 (C) the Chief of Staff of the Air Force;
4 (D) the Commandant of the Marine Corps;

5 and

- 6 (E) the Commander of the United States
7 Special Operations Command; and

8 (3) each list, if any, under paragraph (1)
9 should set forth for each military program or activ-
10 ity on such list—

11 (A) a description of such program or activ-
12 ity;

13 (B) a summary description of the justifica-
14 tion for or objectives of additional funds, if
15 available for such program or activity; and

16 (C) the additional amount of funds rec-
17 ommended in connection with the justification
18 or objectives described for such program or ac-
19 tivity under subparagraph (B).

1 **SEC. 1048. ENHANCEMENT OF AUTHORITIES ON ADMISSION**
2 **OF DEFENSE INDUSTRY CIVILIANS TO CER-**
3 **TAIN DEPARTMENT OF DEFENSE EDU-**
4 **CATIONAL INSTITUTIONS AND PROGRAMS.**

5 (a) NAVY DEFENSE PRODUCT DEVELOPMENT PRO-
6 GRAM.—Section 7049(a) of title 10, United States Code,
7 is amended—

8 (1) in the second sentence, by inserting “or pro-
9 fessional continuing education certificate” after
10 “master’s degree”;

11 (2) in the third sentence, by striking “125 such
12 defense industry employees” and inserting “250
13 such defense industry employees”; and

14 (3) in the last sentence, by inserting before the
15 period at the end the following: “or an appropriate
16 professional continuing education certificate, as ap-
17 plicable”.

18 (b) UNITED STATES AIR FORCE INSTITUTE OF
19 TECHNOLOGY.—Section 9314a(a) of such title is amend-
20 ed—

21 (1) in paragraph (1), by inserting “or profes-
22 sional continuing education certificate” after “grad-
23 uate degree”;

24 (2) in paragraph (2), by striking “125 defense
25 industry employees” and inserting “250 defense in-
26 dustry employees”; and

1 (3) in paragraph (3), by inserting before the pe-
2 riod at the end the following: “or an appropriate
3 professional continuing education certificate, as ap-
4 plicable”.

5 **SEC. 1049. MILITARY WORKING DOG MATTERS.**

6 (a) RETIREMENT OF MILITARY WORKING DOGS.—

7 (1) Section 2583 of title 10, United States
8 Code, is amended—

9 (A) by redesignating subsections (f) and
10 (g) as subsections (g) and (h), respectively; and

11 (B) by inserting after subsection (e) the
12 following new subsection (f):

13 “(f) TRANSFER OF RETIRED MILITARY WORKING
14 DOGS.—If the Secretary of the military department con-
15 cerned determines that a military working dog should be
16 retired, and no suitable adoption is available at the mili-
17 tary facility where the dog is located, the Secretary may
18 transfer the dog—

19 “(1) to the 341st Training Squadron; or

20 “(2) to another location for adoption under this
21 section.”.

22 (b) VETERINARY CARE FOR RETIRED MILITARY
23 WORKING DOGS.—

1 that perform an exceptionally meritorious or courageous
2 act in service to the United States.

3 **SEC. 1050. PROHIBITION ON FUNDS TO ENTER INTO CON-**
4 **TRACTS OR AGREEMENTS WITH**
5 **ROSOBORONEXPORT.**

6 (a) PROHIBITION.—None of the funds authorized to
7 be appropriated by this Act may be used to enter into a
8 contract, memorandum of understanding, or cooperative
9 agreement with, to make a grant to, or to provide a loan
10 or loan guarantee to Rosoboronexport.

11 (b) NATIONAL SECURITY WAIVER AUTHORITY.—The
12 Secretary of Defense may waive the applicability of sub-
13 section (a) if the Secretary determines that such a waiver
14 is in the national security interests of the United States
15 with respect to the capacity of the Afghan National Secu-
16 rity Forces (ANSF).

17 **SEC. 1051. SENSE OF CONGRESS ON THE JOINT**
18 **WARFIGHTING ANALYSIS CENTER.**

19 It is the sense of Congress that the Joint Warfighting
20 Analysis Center (JWAC) should have adequate resources
21 to meet the continuing requirements of the combatant
22 commands.

23 **SEC. 1052. TRANSITION ASSISTANCE ADVISOR PROGRAM.**

24 (a) PROGRAM AUTHORIZED.—

1 (1) IN GENERAL.—Chapter 58 of title 10,
2 United States Code, is amended by inserting after
3 section 1144 the following new section:

4 **“§ 1144a. Transition Assistance Advisors**

5 “(a) IN GENERAL.—The Secretary of Defense shall
6 establish as part of the Transition Assistance Program
7 (TAP) a Transition Assistance Advisor (TAA) program to
8 provide professionals in each State to serve as statewide
9 points of contact to assist members of the armed forces
10 in accessing benefits and health care furnished under laws
11 administered by the Secretary of Defense and benefits and
12 health care furnished under laws administered by the Sec-
13 retary of Veterans Affairs.

14 “(b) NUMBER OF ADVISORS.—The Secretary of De-
15 fense shall ensure that the minimum number of Transition
16 Assistance Advisors in each State is as follows:

17 “(1) During the period beginning 180 days be-
18 fore the commencement of a contingency operation
19 (or, if later, as soon before as is otherwise prac-
20 ticable) and ending 180 days after the conclusion of
21 such contingency operation—

22 “(A) in the case of a State with fewer than
23 1,500 members of the Army National Guard of
24 the United States and the Air National Guard
25 of the United States residing in the State, not

1 less than one Transition Assistance Advisor;
2 and

3 “(B) in the case of a State with 1,500 or
4 more members of the Army National Guard of
5 the United States and the Air National Guard
6 of the United States who reside in such State,
7 not less than one Transition Assistance Advisor
8 for each 1,500 members of the Army National
9 Guard of the United States and the Air Na-
10 tional Guard of the United States who reside in
11 such State.

12 “(2) At any time not covered by paragraph
13 (1)—

14 “(A) in the case of a State with fewer than
15 5,000 members of the Army National Guard of
16 the United States and the Air National Guard
17 of the United States residing in the State, not
18 less than one Transition Assistance Advisor;
19 and

20 “(B) in the case of a State with 5,000 or
21 more members of the Army National Guard of
22 the United States and the Air National Guard
23 of the United States who reside in such State,
24 not less than one Transition Assistance Advisor
25 for each 1,500 members of the Army National

1 Guard of the United States and the Air Na-
2 tional Guard of the United States who reside in
3 such State.

4 “(c) DUTIES.—The duties of a Transition Assistance
5 Advisor includes the following:

6 “(1) To assist with the creation and execution
7 of individual transition plans for members of the
8 National Guard described in subsection (d)(2) and
9 their families for the reintegration of such members
10 into civilian life.

11 “(2) To provide employment support services to
12 members of the National Guard and their families,
13 including assistance with discovering employment
14 opportunities and identifying and obtaining assist-
15 ance from programs within and outside of the Fed-
16 eral Government.

17 “(3) Provide information on relocation, health
18 care, mental health care, and financial support serv-
19 ices available to members of the National Guard or
20 their families from the Department of Defense, the
21 Department of Veterans Affairs, and other Federal,
22 State, and local agencies.

23 “(4) Provide information on educational sup-
24 port services available to members of the National

1 Guard, including Post-9/11 Educational Assistance
2 under chapter 33 of title 38.

3 “(d) TRANSITION PLANS.—(1) Each individual plan
4 created under subsection (c)(1) for a member of the Na-
5 tional Guard described in paragraph (2) shall include the
6 following:

7 “(A) A plan for the transition of the member
8 to life in the civilian world, including with respect to
9 employment, education, and health care.

10 “(B) A description of the transition services
11 that the member and the member’s family will need
12 to achieve their transition objectives, including infor-
13 mation on any forms that such member will need to
14 fill out to be eligible for such services.

15 “(C) A point of contact for each agency or enti-
16 ty that can provide the transition services described
17 in subparagraph (B).

18 “(2) A member of the National Guard described in
19 this paragraph is any member of the National Guard who
20 has served on active duty in the armed forces for a period
21 of more than 180 days.

22 “(e) FUNDING.—Amounts for the program estab-
23 lished under subsection (a) for a fiscal year shall be de-
24 rived from amounts authorized to be appropriated for op-

1 erations and maintenance for the National Guard for that
2 fiscal year.

3 “(f) STATE DEFINED.—In this section, the term
4 ‘State’ means each of the several States of the United
5 States, the District of Columbia, and any territory of the
6 United States.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 58 of such title is
9 amended by inserting after the item relating to sec-
10 tion 1144 the following new item:

“1144a. Transition Assistance Advisors.”.

11 (b) REPORT.—Not later than 90 days after the date
12 of the enactment of this Act, the Secretary of Defense
13 shall submit to Congress a report setting forth a descrip-
14 tion of the efforts of the Secretary to implement the re-
15 quirements of section 1144A of title 10, United States
16 Code, as added by subsection (a)(1).

17 **Subtitle F—Reports**

18 **SEC. 1061. REPORT ON STRATEGIC AIRLIFT AIRCRAFT.**

19 Not later than 90 days after the date of the enact-
20 ment of this Act, the Secretary of Defense shall submit
21 to the congressional defense committees a report that sets
22 forth the following:

23 (1) An assessment of the feasibility and advis-
24 ability of obtaining a Federal Aviation Administra-

1 tion certification for commercial use of each of the
2 following:

3 (A) A commercial variant of the C-17 air-
4 craft.

5 (B) A retired C-17A aircraft.

6 (C) a retired C-5A aircraft.

7 (2) An assessment of the current limitations of
8 the aircraft of the Civil Reserve Air Fleet.

9 (3) An assessment of the potential for using the
10 aircraft referred to in paragraph (1) in the Civil Re-
11 serve Air Fleet.

12 (4) An assessment of the advantages of adding
13 the aircraft referred to in paragraph (1) to the Civil
14 Reserve Air Fleet.

15 (5) An update on the status of any cooperation
16 between the Federal Aviation Administration and
17 the Department of Defense on the certification of
18 the aircraft referred to in paragraph (1).

19 (6) A description of all actions required, includ-
20 ing any impediments to such actions, to offering re-
21 tired C-5A aircraft or retired C-17A aircraft as ex-
22 cess defense articles to United States allies or for
23 sale to Civil Reserve Air Fleet carriers.

24 (7) A description of the actions required for in-
25 terested allies or Civil Reserve Air Fleet carriers to

1 take delivery of excess C-5A aircraft or excess C-
2 17A aircraft, including the actions, modifications, or
3 demilitarization necessary for such recipients to take
4 delivery of such aircraft, and provisions for permit-
5 ting such recipients to undertake responsibility for
6 such actions, to the maximum extent practicable.

7 **SEC. 1062. REPEAL OF BIENNIAL REPORT ON THE GLOBAL**
8 **POSITIONING SYSTEM.**

9 Section 2281 of title 10, United States Code, is
10 amended—

11 (1) by striking subsection (d); and

12 (2) by redesignating subsection (e) as sub-
13 section (d).

14 **SEC. 1063. REPEAL OF ANNUAL REPORT ON THREAT POSED**
15 **BY WEAPONS OF MASS DESTRUCTION, BAL-**
16 **LISTIC MISSILES, AND CRUISE MISSILES.**

17 Section 234 of the National Defense Authorization
18 Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat.
19 1664; 50 U.S.C. 2367) is repealed.

1 **SEC. 1064. REPORT ON PROGRAM ON RETURN OF RARE**
2 **EARTH PHOSPHORS FROM DEPARTMENT OF**
3 **DEFENSE FLUORESCENT LIGHTING WASTE**
4 **TO THE DOMESTIC RARE EARTH SUPPLY**
5 **CHAIN.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) In its December 2011 report entitled “Crit-
9 ical Materials Strategy”, the Department of Energy
10 states that the heavy rare earth phosphors, dyspro-
11 sium, europium, terbium, and yttrium, are particu-
12 larly important given their relative scarcity and their
13 importance to clean energy, energy efficiency, hybrid
14 and electric vehicles, and advanced defense systems,
15 among other key technologies.

16 (2) While new sources of production of rare
17 earth elements show promise, these are focused pri-
18 marily on the light rare earth elements.

19 (b) SENSE OF SENATE.—It is the sense of the Senate
20 that—

21 (1) the recycling of end-use technologies that
22 use rare earth elements can provide near-term op-
23 portunities to recapture, reprocess, and reuse some
24 of the rare earth elements contained in them;

1 (2) fluorescent lighting materials could prove to
2 be a promising recyclable source of heavy rare earth
3 elements;

4 (3) a cost-benefit analysis would be helpful in
5 determining the viability of a Department of Defense
6 program to recycle fluorescent lighting waste in
7 order to increase its supplies of heavy rare earth ele-
8 ments; and

9 (4) the recycling of heavy rare earth elements
10 may be one component of a long term strategic plan
11 to address the global demand for such elements,
12 without which such elements could be unnecessarily
13 lost.

14 (c) REPORT REQUIRED.—

15 (1) IN GENERAL.—Not later than March 1,
16 2013, the Secretary of Defense shall submit to the
17 congressional defense committees a report on the re-
18 sults of a cost-benefit analysis on, and on rec-
19 ommendations concerning, the feasibility and advis-
20 ability of establishing a program within the Depart-
21 ment of Defense to—

22 (A) recapture fluorescent lighting waste;
23 and

24 (B) make such waste available to entities
25 that have the ability to extract rare earth phos-

1 phors, reprocess and separate them in an envi-
2 ronmentally safe manner, and return them to
3 the domestic rare earth supply chain.

4 (2) ELEMENTS.—The report required by para-
5 graph (1) shall include analysis of measures that
6 could be taken to—

7 (A) provide for the disposal and mitigation
8 of residual mercury and other hazardous by-
9 products to be produced by the recycling proc-
10 ess; and

11 (B) address concerns regarding the poten-
12 tial export of heavy rare earth materials ob-
13 tained from United States Government sources
14 to non-allied nations.

15 **SEC. 1065. REPORT ON ESTABLISHMENT OF JOINT ARMED**
16 **FORCES HISTORICAL STORAGE AND PRESER-**
17 **VATION FACILITY.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the Secretary of Defense shall submit
20 to the congressional defense committees a report setting
21 forth an assessment of the feasibility and advisability of
22 establishing a joint Armed Forces historical storage and
23 preservation facility. The report shall include a description
24 and assessment of the current capacities and qualities of

1 the historical storage and preservation facilities of each
2 of the Armed Forces, including the following:

3 (1) An identification of any excess capacity at
4 any such facility.

5 (2) An identification of any shortfalls in the ca-
6 pacity or quality of such facilities of any Armed
7 Force, and a description of possible actions to ad-
8 dress such shortfalls.

9 **SEC. 1066. STUDY ON BRADLEY FIGHTING VEHICLE INDUS-**
10 **TRIAL BASE.**

11 (a) **IN GENERAL.**—Not later than 90 days after the
12 date of the enactment of this Act, the Secretary of the
13 Army shall conduct a study on the Bradley Fighting Vehi-
14 cle industrial base.

15 (b) **CONTENT.**—The study required under subsection
16 (a) shall—

17 (1) assess the quantitative impacts of a produc-
18 tion break for the Bradley Fighting Vehicle, includ-
19 ing the cost of shutdown compared to the cost of
20 continued production; and

21 (2) assess the qualitative impacts of a produc-
22 tion break for the Bradley Fighting Vehicle, includ-
23 ing the loss of a specialized workforce and supplier
24 base.

1 **SEC. 1067. REPORT ON MILITARY RESOURCES NECESSARY**
2 **TO EXECUTE UNITED STATES FORCE POS-**
3 **TURE STRATEGY IN THE ASIA PACIFIC RE-**
4 **GION.**

5 (a) REVIEW REQUIRED.—

6 (1) IN GENERAL.—The Secretary of Defense
7 shall, in consultation with the Chairman of the Joint
8 Chiefs of Staff, conduct a comprehensive review of
9 the national defense strategy, force structure, force
10 modernization plans, infrastructure, budget plan,
11 and other elements of the defense program and poli-
12 cies of the United States with regard to the Asia Pa-
13 cific region to determine the resources, equipment,
14 and transportation required to meet the strategic
15 and operational plans of the United States.

16 (2) ELEMENTS.—The review required under
17 paragraph (1) shall include the following elements:

18 (A) The force structure, force moderniza-
19 tion plans, infrastructure, budget plan, and
20 other elements of the defense program of the
21 United States associated with the Asia Pacific
22 region that would be required to execute suc-
23 cessfully the full range of missions called for in
24 the national defense strategy.

25 (B) An estimate of the timing for initial
26 and final operational capability for each unit

1 based in, realigned within, or identified for sup-
2 port to the Asia Pacific region.

3 (C) An assessment of the strategic and
4 tactical sea, ground, and air transportation re-
5 quired for the forces assigned to the Asia Pa-
6 cific region to meet strategic and operational
7 plans.

8 (D) The specific capabilities, including the
9 general number and type of specific military
10 platforms, their permanent station, and planned
11 forward operating locations needed to achieve
12 the strategic and warfighting objectives identi-
13 fied in the review.

14 (E) The forward presence, phased deploy-
15 ments, pre-positioning, and other anticipatory
16 deployments of manpower or military equip-
17 ment necessary for conflict deterrence and ade-
18 quate military response to anticipated conflicts.

19 (F) The budget plan that would be re-
20 quired to provide sufficient resources to execute
21 successfully the full range of missions and
22 phased operations in the Asia Pacific region at
23 a low-to-moderate level of risk and any addi-
24 tional resources (beyond those programmed in

1 the current future-years defense program) re-
2 quired to achieve such a level of risk.

3 (G) Budgetary recommendations that are
4 not constrained to comply with and are fully
5 independent of the budget submitted to Con-
6 gress by the President pursuant to section 1105
7 of title 31, United States Code.

8 (b) CJCS REVIEW.—Upon the completion of the re-
9 view under subsection (a), the Chairman of the Joint
10 Chiefs of Staff shall prepare and submit to the Secretary
11 of Defense the Chairman’s assessment of the review, in-
12 cluding the Chairman’s assessment of risk and a descrip-
13 tion of the capabilities needed to address such risk.

14 (c) REPORT.—

15 (1) IN GENERAL.—Not later than one year
16 after the date of the enactment of this Act, the Sec-
17 retary of Defense shall submit to the congressional
18 defense committees a report on the results of the re-
19 view required under subsection (a).

20 (2) CONTENT.—The report required under
21 paragraph (1) shall include the following elements:

22 (A) A description of the elements set forth
23 under subsection (a)(1).

1 (B) A description of the assumptions used
2 in the examination, including assumptions relat-
3 ing to—

4 (i) the status of readiness of the
5 Armed Forces;

6 (ii) the cooperation of allies, mission-
7 sharing, and additional benefits to and
8 burdens on the Armed Forces resulting
9 from coalition operations;

10 (iii) warning times;

11 (iv) levels of engagement in operations
12 other than war and smaller-scale contin-
13 gencies and withdrawal from such oper-
14 ations and contingencies;

15 (v) the intensity, duration, and mili-
16 tary and political end-states of conflicts
17 and smaller-scale contingencies; and

18 (vi) the roles and responsibilities that
19 would be discharged by contractors.

20 (C) Any other matters the Secretary of
21 Defense considers appropriate.

22 (D) The assessment of the Chairman of
23 the Joint Chiefs of Staff under subsection (b),
24 including related comments of the Secretary of
25 Defense.

1 (3) FORM.—The report required under para-
2 graph (1) may be submitted in classified or unclassi-
3 fied form.

4 **SEC. 1068. REPORT ON PLANNED EFFICIENCY INITIATIVES**
5 **AT SPACE AND NAVAL WARFARE SYSTEMS**
6 **COMMAND.**

7 (a) REPORT REQUIRED.—Not later than 90 days
8 after the date of the enactment of this Act, the Secretary
9 of the Navy shall submit to the congressional defense com-
10 mittees a report on plans to implement efficiency initia-
11 tives to reduce overhead costs at the Space and Naval
12 Warfare Systems Command (SPAWAR), including a de-
13 tailed description of the long-term impacts on current and
14 planned future mission requirements.

15 **SEC. 1069. STUDY ON ABILITY OF NATIONAL AIR AND**
16 **GROUND TEST AND EVALUATION INFRA-**
17 **STRUCTURE FACILITIES TO SUPPORT DE-**
18 **FENSE HYPERSONIC TEST AND EVALUATION**
19 **ACTIVITIES.**

20 (a) STUDY REQUIRED.—The Director of the Office
21 of Science and Technology Policy, working with the Sec-
22 retary of Defense and the Administrator of the National
23 Aeronautics and Space Administration (NASA), shall con-
24 duct a study on the ability of Department of Defense and
25 NASA air and ground test and evaluation infrastructure

1 facilities and private ground test and evaluation infra-
2 structure facilities, including wind tunnels and air test
3 ranges, as well as associated instrumentation, to support
4 defense hypersonic test and evaluation activities for the
5 short and long term.

6 (b) REPORT AND PLAN.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense shall submit to the appropriate
10 congressional committees a report containing the re-
11 sults of the study required under subsection (a) to-
12 gether with a plan for requirements and proposed
13 investments to meet Department of Defense needs
14 through 2025.

15 (2) CONTENT.—The report required under
16 paragraph (1) shall include the following elements:

17 (A) An assessment of the current condition
18 and adequacy of the hypersonics test and eval-
19 uation infrastructure within the Department of
20 Defense, NASA, and the private sector to sup-
21 port hypersonic research and development with-
22 in the Department of Defense.

23 (B) An identification of test and evaluation
24 infrastructure that could be used to support
25 Department of Defense hypersonic research and

1 development outside the Department and assess
2 means to ensure the availability of such capa-
3 bilities to the Department in the present and
4 future.

5 (C) A time-phased plan to acquire required
6 hypersonics research, development, test and
7 evaluation capabilities, including identification
8 of the resources necessary to acquire any need-
9 ed capabilities that are currently not available.

10 (3) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES DEFINED.—In this subsection, the term “ap-
12 propriate congressional committees” means—

13 (A) the Committee on Armed Services and
14 the Committee on Commerce, Science, and
15 Transportation of the Senate; and

16 (B) the Committee on Armed Services and
17 the Committee on Science, Space, and Tech-
18 nology of the House of Representatives.

19 **SEC. 1069A. REPORT ON SIMULATED TACTICAL FLIGHT**
20 **TRAINING IN A SUSTAINED GRAVITY ENVI-**
21 **RONMENT.**

22 (a) INDEPENDENT STUDY REQUIRED.—The Sec-
23 retary of Defense shall provide for the conduct by an ap-
24 propriate federally funded research and development cen-

1 ter (FFRDC) of a study on the effectiveness of simulated
2 tactical flight training in a sustained gravity environment.

3 (b) ELEMENTS.—The study conducted pursuant to
4 subsection (a) shall include the following:

5 (1) An assessment of the effectiveness of high
6 fidelity simulated tactical flight training in a sus-
7 tained gravity environment generally, and, in par-
8 ticular, the effectiveness of such training in pre-
9 paring pilots to withstand and tolerate the high-
10 gravity forces associated with the operation of high-
11 performance combat aircraft (commonly referred to
12 as “G readiness” and “G tolerance”).

13 (2) An assessment of the cost savings to be
14 achieved through the use of simulated tactical flight
15 training in a sustained gravity environment, includ-
16 ing cost savings associated with operation and main-
17 tenance and life cycle savings associated with air-
18 craft and airframe usage.

19 (3) An assessment of the safety benefits to be
20 achieved through the use of simulated tactical flight
21 training in a sustained gravity environment.

22 (4) An identification and assessment of other
23 benefits to be achieved through the use of simulated
24 tactical flight training in a sustained gravity envi-
25 ronment, including benefits relating to physiological

1 research and benefits relating to reductions in car-
2 bon emissions.

3 (5) An evaluation and comparison of tactical
4 flight simulators that could be used for simulated
5 tactical flight training in a sustained gravity envi-
6 ronment.

7 (6) Such other matters relating to the use of
8 simulated tactical flight training in a sustained grav-
9 ity environment as the Secretary shall specify for
10 purposes of the study.

11 (c) REPORT.—In providing for study pursuant to
12 subsection (a), the Secretary shall require the federally
13 funded research and development center conducting the
14 study to submit to the Secretary a report on the results
15 of the study, including the matters specified in subsection
16 (b), by not later than 18 months after the date of the
17 enactment of this Act.

18 (d) TRANSMITTAL TO CONGRESS.—Not later than 90
19 days after the submittal to the Secretary of the report re-
20 quired by subsection (c), the Secretary shall transmit the
21 report to the congressional defense committees, together
22 with any comments of the Secretary in light of the report
23 and such recommendations for legislative or administra-
24 tive action as the Secretary considers appropriate regard-

1 ing the use of simulated tactical flight training in a sus-
2 tained gravity environment in light of the report.

3 **SEC. 1069B. REPORT ON DEPARTMENT OF DEFENSE SUP-**
4 **PORT FOR UNITED STATES DIPLOMATIC SE-**
5 **CURITY.**

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, in coordination with the Secretary of
9 State, submit to the Committees on Armed Services of the
10 Senate and the House of Representatives a report on the
11 findings of the ongoing Department of Defense review of
12 defense support of United States diplomatic security.

13 (b) ELEMENTS.—The report required by subsection
14 (a) shall include, but not be limited to, such findings and
15 recommendations as the Secretaries consider appropriate
16 with respect to the following:

17 (1) Department of Defense authorities, direc-
18 tives, and guidelines in support of diplomatic secu-
19 rity.

20 (2) Interagency processes and procedures to
21 identify, validate, and resource diplomatic security
22 support required from the Department of Defense.

23 (3) Department of Defense roles, missions, and
24 resources required to fulfill requirements for United

1 States diplomatic security, including, but not limited
2 to the following:

3 (A) Marine Corps Embassy Security Guard
4 detachments.

5 (B) Training and advising host nation se-
6 curity forces for diplomatic security.

7 (C) Intelligence collection to prevent and
8 respond to threats to diplomatic security.

9 (D) Security assessments of diplomatic
10 missions.

11 (E) Support of emergency action planning.

12 (F) Rapid response forces to respond to
13 threats to diplomatic security.

14 (c) FORM.—The report required by subsection (a)
15 shall be submitted in unclassified form, but may include
16 a classified annex.

17 **SEC. 1069C. COMPTROLLER GENERAL OF THE UNITED**
18 **STATES REPORT ON DEPARTMENT OF DE-**
19 **FENSE SPENDING FOR CONFERENCES AND**
20 **CONVENTIONS.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Comptroller General of the United
23 States shall submit to the congressional defense commit-
24 tees a report setting forth an assessment of Department
25 of Defense spending for conferences and conventions. The

1 report shall include, at a minimum, an assessment of the
2 following:

3 (1) The extent to which Department spending
4 for conferences and conventions has been wasteful or
5 excessive.

6 (2) The actions the Department has taken to
7 control spending for conferences and conventions,
8 and the efficacy of those actions.

9 (3) Any fees incurred for the cancellation of
10 conferences or conventions and an evaluation of the
11 impact of cancelling conferences and conventions.

12 **Subtitle G—Nuclear Matters**

13 **SEC. 1071. STRATEGIC DELIVERY SYSTEMS.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) The Nuclear Posture Review of 2010 said,
17 with respect to modernizing the triad, “for planned
18 reductions under New START, the United States
19 should retain a smaller Triad of SLBMs, ICBMs,
20 and heavy bombers. Retaining all three Triad legs
21 will best maintain strategic stability at reasonable
22 cost, while hedging against potential technical prob-
23 lems or vulnerabilities”.

24 (2) The Senate stated in Declaration 12 of the
25 Resolution of Advice and Consent to Ratification of

1 the New START Treaty that “In accordance with
2 paragraph 1 of Article V of the New START Trea-
3 ty, which states that, ‘Subject to the provisions of
4 this Treaty, modernization and replacement of stra-
5 tegic offensive arms may be carried out,’ it is the
6 sense of the Senate that United States deterrence
7 and flexibility is assured by a robust triad of stra-
8 tegic delivery vehicles. To this end, the United
9 States is committed to accomplishing the moderniza-
10 tion and replacement of its strategic nuclear delivery
11 vehicles, and to ensuring the continued flexibility of
12 United States conventional and nuclear delivery sys-
13 tems”.

14 (3) The Senate required the President, prior to
15 the entry into force of the New START Treaty, to
16 certify to the Senate that the President intended to
17 modernize or replace the triad of strategic nuclear
18 delivery systems.

19 (4) The President made this certification in a
20 message to the Senate on February 2, 2011, in
21 which the President stated, “I intend to (a) mod-
22 ernize or replace the triad of strategic nuclear deliv-
23 ery systems: a heavy bomber and air-launched cruise
24 missile, an ICBM, and a nuclear-powered ballistic
25 missile submarine (SSBN) and SLBM; and (b)

1 maintain the United States rocket motor industrial
2 base”.

3 (b) REQUIREMENTS.—

4 (1) IN GENERAL.—Chapter 23 of title 10,
5 United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 491. Strategic delivery systems**

8 “(a) ANNUAL CERTIFICATION.—Beginning in fiscal
9 year 2013, the President shall annually certify in writing
10 to the congressional defense committees whether plans to
11 modernize or replace strategic delivery systems are fully
12 funded at levels equal to or more than the levels set forth
13 in the November 2010 update to the plan referred to in
14 section 1251 of the National Defense Authorization Act
15 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
16 2549), including plans regarding—

17 “(1) a heavy bomber and air-launched cruise
18 missile;

19 “(2) an intercontinental ballistic missile;

20 “(3) a submarine-launched ballistic missile;

21 “(4) a ballistic missile submarine; and

22 “(5) maintaining the nuclear command and
23 control system (as first reported in section 1043 of
24 the National Defense Authorization Act for Fiscal
25 Year 2012 (Public Law 112–81; 125 Stat. 1576)).

1 “(b) ADDITIONAL REPORT MATTERS FOLLOWING
2 CERTAIN CERTIFICATIONS.—If the President certifies
3 under subsection (a) that plans to modernize or replace
4 strategic delivery systems are not fully funded, the Presi-
5 dent shall include in the next annual report submitted to
6 Congress under section 1043 of the National Defense Au-
7 thorization Act for Fiscal Year 2012 the following:

8 “(1) A determination whether or not the lack of
9 full funding will result in a loss of military capability
10 when compared with the November 2010 update to
11 the plan referred to in section 1251 of the National
12 Defense Authorization Act for Fiscal Year 2010.

13 “(2) If the determination under paragraph (1)
14 is that the lack of full funding will result in a loss
15 of military capability—

16 “(A) a plan to preserve or retain the mili-
17 tary capability that would otherwise be lost; or

18 “(B) a report setting forth—

19 “(i) an assessment of the impact of
20 the lack of full funding on the strategic de-
21 livery systems specified in subsection (a);
22 and

23 “(ii) a description of the funding re-
24 quired to restore or maintain the capa-
25 bility.

1 “(3) A certification by the President whether or
2 not the President is committed to accomplishing the
3 modernization and replacement of strategic delivery
4 systems and will meet the obligations concerning nu-
5 clear modernization as set forth in declaration 12 of
6 the Resolution of Advice and Consent to Ratification
7 of the New START Treaty.

8 “(c) TREATMENT OF CERTAIN REDUCTIONS.—Any
9 certification under subsection (a) shall not take into ac-
10 count the following:

11 “(1) Reductions made to ensure the safety, se-
12 curity, reliability, and credibility of the nuclear
13 weapons stockpile and strategic delivery systems, in-
14 cluding activities related to surveillance, assessment,
15 certification, testing, and maintenance of nuclear
16 warheads and delivery systems.

17 “(2) Strategic delivery systems that are retired
18 or awaiting dismantlement on the date of the certifi-
19 cation under subsection (a).

20 “(d) DEFINITIONS.—In this section:

21 “(1) The term ‘New START Treaty’ means the
22 Treaty between the United States of America and
23 the Russian Federation on Measures for the Further
24 Reduction and Limitation of Strategic Offensive

1 Arms, signed on April 8, 2010, and entered into
2 force on February 5, 2011.

3 “(2) The term ‘strategic delivery system’ means
4 a delivery system for nuclear weapons.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of chapter 23 of such title is
7 amended by adding at the end the following new
8 item:

“491. Strategic delivery systems.”.

9 **SEC. 1072. REQUIREMENTS DEFINITION FOR COMBINED**
10 **WARHEAD FOR CERTAIN MISSILE SYSTEMS.**

11 Not later than 60 days after the date of the enact-
12 ment of this Act, the Nuclear Weapons Council shall sub-
13 mit Congress a report setting forth a definition of the re-
14 quirements for a combined warhead for the W-78 Minute-
15 man III missile system and the W-88 Trident D-5 missile
16 system. The definition shall serve as the basis for a 6.1
17 conception definition and 6.2 feasibility study for the com-
18 bined systems.

19 **SEC. 1073. CONGRESSIONAL BUDGET OFFICE ESTIMATE OF**
20 **COSTS OF NUCLEAR WEAPONS AND DELIV-**
21 **ERY SYSTEMS.**

22 Not later than one year after the date of the enact-
23 ment of this Act, the Director of the Congressional Budget
24 Office shall submit to the congressional defense commit-
25 tees a report setting forth the following:

1 (1) An estimate of the costs over the 10-year
2 period beginning on the date of the report associated
3 with fielding and maintaining the current nuclear
4 weapons and nuclear weapon delivery systems of the
5 United States.

6 (2) An estimate of the costs over the 10-year
7 period beginning on the date of the report of any life
8 extension, modernization, or replacement of any cur-
9 rent nuclear weapons or nuclear weapon delivery sys-
10 tems of the United States that is anticipated as of
11 the date of the report.

12 **SEC. 1074. BRIEFINGS ON DIALOGUE BETWEEN THE**
13 **UNITED STATES AND THE RUSSIAN FEDERA-**
14 **TION ON NUCLEAR ARMS, MISSILE DEFENSE,**
15 **AND LONG-RANGE CONVENTIONAL STRIKE**
16 **SYSTEMS.**

17 (a) BRIEFINGS.—Not later than 60 days after the
18 date of the enactment of this Act, and not less than twice
19 each year thereafter, the President, or the President’s des-
20 ignee, shall brief the Committees on Foreign Relations and
21 Armed Services of the Senate on the dialogue between the
22 United States and the Russian Federation on issues re-
23 lated to limits or controls on nuclear arms, missile defense
24 systems, or long-range conventional strike systems.

1 (b) SENSE OF THE SENATE ON CERTAIN AGREE-
2 MENTS.—It is the sense of the Senate that any agreement
3 between the United States and the Russian Federation re-
4 lated to missile defense, nuclear weapons, or long-range
5 conventional strike systems obligating the United States
6 to reduce or limit the Armed Forces or armaments of the
7 United States in any militarily significant manner may be
8 made only pursuant to the treaty-making power of the
9 President as set forth in Article II, section 2, clause 2
10 of the Constitution of the United States.

11 **Subtitle H—Other Matters**

12 **SEC. 1081. REDESIGNATION OF THE CENTER FOR HEMI- 13 SPHERIC DEFENSE STUDIES AS THE WILLIAM 14 J. PERRY CENTER FOR HEMISPHERIC DE- 15 FENSE STUDIES.**

16 (a) REDESIGNATION.—

17 (1) IN GENERAL.—The Center for Hemispheric
18 Defense Studies is hereby redesignated as the “Wil-
19 liam J. Perry Center for Hemispheric Defense Stud-
20 ies”.

21 (2) REFERENCES.—Any reference in any law,
22 regulation, map, document, record, or other paper of
23 the United States to the center referred to in para-
24 graph (1) shall be considered to be a reference to

1 the William J. Perry Center for Hemispheric De-
2 fense Studies.

3 (b) CONFORMING AMENDMENTS.—Title 10, United
4 States Code, is amended as follows:

5 (1) In section 184—

6 (A) in subsection (b)(2), by striking sub-
7 paragraph (C) and inserting the following new
8 subparagraph (C):

9 “(C) The William J. Perry Center for Hemi-
10 spheric Defense Studies, established in 1997 and lo-
11 cated in Washington, D.C.”; and

12 (B) in subsection (f)(5), by striking “Cen-
13 ter for Hemispheric Defense Studies” and in-
14 serting “William J. Perry Center for Hemi-
15 spheric Defense Studies”.

16 (2) In section 2611(a)(2), by striking subpara-
17 graph (C) and inserting the following new subpara-
18 graph (C):

19 “(C) The William J. Perry Center for Hemi-
20 spheric Defense Studies.”.

21 **SEC. 1082. TECHNICAL AMENDMENTS TO REPEAL STATU-**
22 **TORY REFERENCES TO UNITED STATES**
23 **JOINT FORCES COMMAND.**

24 Title 10, United States Code, is amended as follows:

25 (1)(A) Section 232 is repealed.

1 (B) The table of sections at the beginning of
2 chapter 9 is amended by striking the item relating
3 to section 232.

4 (2) Section 2859(d) is amended—

5 (A) by striking paragraph (2); and

6 (B) by redesignating paragraph (3) as
7 paragraph (2).

8 (3) Section 10503(13)(B) is amended—

9 (A) by striking clause (iii); and

10 (B) redesignating clause (iv) as clause (iii).

11 **SEC. 1083. SENSE OF CONGRESS ON NON-UNITED STATES**

12 **CITIZENS WHO ARE GRADUATES OF UNITED**

13 **STATES EDUCATIONAL INSTITUTIONS WITH**

14 **ADVANCED DEGREES IN SCIENCE, TECH-**

15 **NOLOGY, ENGINEERING, AND MATHEMATICS.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) It is a national security concern that more
19 than half of all graduates with advanced scientific
20 and technical degrees from United States institu-
21 tions of higher education are non-United States citi-
22 zens who have very limited opportunities upon grad-
23 uation to contribute to the science and technology
24 activities of the Department of Defense and the
25 United States defense industrial base.

1 (2) The capabilities of the Armed Forces are
2 highly reliant upon advanced technologies that pro-
3 vide our forces with a technological edge on the bat-
4 tlefield.

5 (3) In order to maintain and advance our mili-
6 tary technological superiority, the United States re-
7 quires the best and brightest scientists, mathemati-
8 cians, and engineers to discover, develop, and field
9 the next generation of weapon systems and defense
10 technologies.

11 (4) The Department of Defense and the defense
12 industrial base compete with other sectors for a lim-
13 ited number of United States citizens who have ap-
14 propriate advanced degrees and skills.

15 (5) While an overarching national priority is to
16 increase the numbers of United States citizens who
17 have appropriate advanced degrees in science, tech-
18 nology, engineering, and mathematics (STEM), it
19 would be beneficial if the Department of Defense
20 and the defense industrial base were able to access
21 the pool of talent of non-United States citizens with
22 advanced scientific and technical degrees from
23 United States institutions of higher education, many
24 of whom are otherwise returning to their home coun-
25 tries.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress—

3 (1) that the Department of Defense should
4 make every reasonable and practical effort to in-
5 crease the number of United States citizens who
6 pursue advanced degrees in science, technology, en-
7 gineering, and mathematics; and

8 (2) to strongly urge the Department of Defense
9 to investigate innovative mechanisms (subject to all
10 appropriate security requirements) to access to the
11 pool of talent of non-United States citizens with ad-
12 vanced scientific and technical degrees from United
13 States institutions of higher education, especially in
14 those scientific and technical areas that are most
15 vital to the national defense (such as those identified
16 by the Assistant Secretary of Defense for Research
17 and Engineering and the Armed Forces).

18 **SEC. 1084. SENSE OF SENATE ON THE MAINTENANCE BY**
19 **THE UNITED STATES OF A TRIAD OF STRA-**
20 **TEGIC NUCLEAR DELIVERY SYSTEMS.**

21 (a) FINDINGS.—The Senate finds the following:

22 (1) The April 2010 Nuclear Posture Review
23 concluded that even with the reductions specified in
24 the New START Treaty, the United States should
25 retain a nuclear “Triad” of land-based interconti-

1 mental ballistic missiles, submarine-launched ballistic
2 missiles and nuclear capable heavy bombers, noting
3 that “[r]etaining all three Triad legs will best main-
4 tain strategic stability at reasonable cost, while
5 hedging against potential technical problems or
6 vulnerabilities”.

7 (2) The resolution of ratification for the New
8 START Treaty, which the Senate approved on De-
9 cember 22, 2010, stated that “it is the sense of the
10 Senate that United States deterrence and flexibility
11 is assured by a robust triad of strategic delivery ve-
12 hicles. To this end, the United States is committed
13 to accomplishing the modernization and replacement
14 of its strategic nuclear delivery vehicles, and to en-
15 suring the continued flexibility of United States con-
16 ventional and nuclear delivery systems”.

17 (3) In a message to the Senate on February 2,
18 2011, President Obama certified that he intended to
19 “modernize or replace the triad of strategic nuclear
20 delivery systems: a heavy bomber and air-launched
21 cruise missile, an ICBM, and a nuclear-powered bal-
22 listic missile submarine (SSBN) and SLBM” and to
23 “maintain the United States rocket motor industrial
24 base”.

1 (b) SENSE OF SENATE.—It is the sense of the Senate
2 that—

3 (1) the United States should maintain a triad
4 of strategic nuclear delivery systems; and

5 (2) the United States is committed to modern-
6 izing the component weapons and delivery systems
7 of that triad.

8 **SEC. 1085. PLAN TO PARTNER WITH STATE AND LOCAL EN-**
9 **TITIES TO ADDRESS VETERANS CLAIMS**
10 **BACKLOG.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) The Department of Veterans Affairs defines
14 any claim for benefits under laws administered by
15 the Secretary of Veterans Affairs as backlogged if
16 the claim has been pending for 125 days or more.

17 (2) According to the Department, as of Novem-
18 ber 24, 2012, there were 899,540 pending claims,
19 with 604,583 (67.2 percent) of those considered
20 backlogged.

21 (3) The Department's data further shows that,
22 on November 22, 2010, there were 749,934 claims
23 pending, with only 244,129 (32.6 percent) of those
24 considered backlogged.

1 (4) During the past two years, both the overall
2 number of backlogged claims and the percentage of
3 all pending claims that are backlogged have doubled.

4 (5) In order to reduce the claims backlog at re-
5 gional offices of the Department of Veterans Affairs
6 located in Texas, the Texas Veterans Commission
7 announced two initiatives on July 19, 2012, to part-
8 ner with the Department of Veterans Affairs—

9 (A) to assist veterans whose claims are al-
10 ready backlogged to complete development of
11 those claims; and

12 (B) to help veterans who are filing new
13 claims to fully develop those claims prior to fil-
14 ing them, shortening the processing time re-
15 quired.

16 (6) The common goal of the two initiatives of
17 the Texas Veterans Commission, called the “Texas
18 State Strike Force Team” and the “Fully Developed
19 Claims Team Initiative”, is to reduce the backlog of
20 claims pending in Texas by 17,000 within one year.

21 (7) During the first two months of these new
22 initiatives, the Texas Veterans Commission helped
23 veterans complete development of more than 2,500
24 backlogged claims and assisted veterans with the
25 submission of more than 800 fully developed claims.

1 (8) In testimony before the Subcommittee on
2 Disability Assistance and Memorial Affairs of the
3 Committee on Veterans' Affairs of the House of
4 Representatives on September 21, 2012, Diana
5 Rubens, Deputy Under Secretary for Field Oper-
6 ations of the Veterans Benefits Administration, indi-
7 cated that the Department of Veterans Affairs has
8 experienced positive outcomes in projects with the
9 Texas Veterans Commission, stating that both Vet-
10 erans Service Organizations “and state and county
11 service officers . . . are important partners in
12 VBA’s transformation to better serve Veterans.”.

13 (9) At the same hearing, Mr. John Limpose, di-
14 rector of the regional office of the Department of
15 Veterans Affairs in Waco, Texas, testified that the
16 “TVC is working very, very well” with regional of-
17 fices of the Department in Texas, calling the Texas
18 Veterans Commission a “very positive story that we
19 can branch out into . . . all of our stakeholders.”.

20 (b) REPORT.—

21 (1) IN GENERAL.—Not later than 60 days after
22 the date of the enactment of this Act, the Secretary
23 of Veterans Affairs shall submit to Congress a plan
24 to reduce the current backlog of pending claims for
25 benefits under laws administered by the Secretary

1 and more efficiently process claims for such benefits
2 in the future.

3 (2) CONTENTS.—The report required by para-
4 graph (1) shall include the following:

5 (A) A summary of all steps the Secretary
6 has taken thus far to partner with non-Federal
7 entities in support of efforts to reduce the back-
8 log described in paragraph (1) and more effi-
9 ciently process claims described in such para-
10 graph in the future, including two previous ini-
11 tiatives by the Texas Veterans Commission,
12 namely the 2008–2009 Development Assistant
13 Pilot Project and the 2009–2011 Claims Proc-
14 essing Assistance Team.

15 (B) A plan for the Secretary to partner
16 with non-Federal entities to support efforts to
17 reduce such backlog and more efficiently proc-
18 ess such claims in the future, including the fol-
19 lowing:

20 (i) State and local agencies relating to
21 veterans affairs.

22 (ii) Organizations recognized by the
23 Secretary for the representation of vet-
24 erans under section 5902 of title 38,
25 United States Code.

1 (iii) Such other relevant government
2 and non-government entities as the Sec-
3 retary considers appropriate.

4 (C) A description of how the Secretary in-
5 tends to leverage partnerships with non-Federal
6 entities described in subparagraph (B) to elimi-
7 nate such backlog, including through increasing
8 the percentage of claims that are fully devel-
9 oped prior to submittal to the Secretary and en-
10 suring that new claims are fully developed prior
11 to their submittal.

12 (D) A description of what steps the Sec-
13 retary has taken and will take—

14 (i) to expedite the processing of claims
15 that are already fully developed at the time
16 of submittal; and

17 (ii) to support initiatives by non-Fed-
18 eral entities described in subparagraph (B)
19 to help claimants gather and submit nec-
20 essary evidence for claims that were pre-
21 viously filed but require further develop-
22 ment.

23 (E) A description of how partnerships with
24 non-Federal entities described in subparagraph

1 (B) will fit into the Secretary's overall claims
2 processing transformation plan.

3 **SEC. 1086. SENSE OF THE SENATE ON PROTECTION OF DE-**
4 **PARTMENT OF DEFENSE AIRFIELDS, TRAIN-**
5 **ING AIRSPACE, AND AIR TRAINING ROUTES.**

6 It is the sense of the Senate that—

7 (1) Department of Defense airfields, training
8 airspace, and air training routes are national treas-
9 ures that must be protected from encroachment;

10 (2) placement or emplacement of obstructions
11 near or on Department of Defense airfields, training
12 airspace, or air training routes has the potential of
13 increasing risk to military aircraft and personnel as
14 well as impacting training and readiness; and

15 (3) the Department of Defense should develop
16 comprehensive rules and regulations to address con-
17 struction and use of land in close proximity to De-
18 partment of Defense airfields, training areas, or air
19 training routes to ensure compatibility with military
20 aircraft operations.

1 **SEC. 1087. 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. 1088. SENSE OF CONGRESS THAT THE BUGLE CALL**
10 **COMMONLY KNOWN AS TAPS SHOULD BE**
11 **DESIGNATED AS THE NATIONAL SONG OF**
12 **MILITARY REMEMBRANCE.**

13 It is the sense of Congress that the bugle call com-
14 monly known as “Taps” should be designated as the Na-
15 tional Song of Military Remembrance.

16 **SEC. 1089. REPORTS ON THE POTENTIAL SECURITY**
17 **THREAT POSED BY BOKO HARAM.**

18 (a) DIRECTOR OF NATIONAL INTELLIGENCE RE-
19 PORT.—Not later than 180 days after the date of the en-
20 actment of this Act, the Director of National Intelligence
21 shall submit to Congress an intelligence assessment of the
22 Nigerian organization known as Boko Haram. Such as-
23 sessment shall address the following:

24 (1) The organizational structure, operational
25 goals, and funding sources of Boko Haram.

1 (2) The extent to which Boko Haram threatens
2 the stability of Nigeria and surrounding countries.

3 (3) The extent to which Boko Haram threatens
4 the security of citizens of the United States or the
5 national security or interests of the United States.

6 (4) Any interaction between Boko Haram and
7 al-Qaeda in the Islamic Maghreb or other al-Qaeda
8 affiliates with respect to operational planning and
9 execution, training, and funding.

10 (5) The capacity of Nigerian security forces to
11 counter the threat posed by Boko Haram and an as-
12 sessment of the effectiveness of the strategy of the
13 Nigerian government to date.

14 (6) Any intelligence gaps with respect to the
15 leadership, operational goals, and capabilities of
16 Boko Haram.

17 (b) SECRETARY OF STATE REPORT.—Not later than
18 90 days after the date the report required by subsection
19 (a) is submitted to Congress, the Secretary of State shall
20 submit to Congress a report describing the strategy of the
21 United States to counter the threat posed by Boko
22 Haram.

1 **SEC. 1090. NATIONAL VETERANS BUSINESS DEVELOPMENT**
2 **CORPORATION.**

3 (a) IN GENERAL.—The Small Business Act (15
4 U.S.C. 631 et seq.) is amended by striking section 33 (15
5 U.S.C. 657c).

6 (b) CORPORATION.—On and after the date of enact-
7 ment of this Act, the National Veterans Business Develop-
8 ment Corporation and any successor thereto may not rep-
9 resent that the corporation is federally chartered or in any
10 other manner authorized by the Federal Government.

11 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

12 (1) SMALL BUSINESS ACT.—The Small Busi-
13 ness Act (15 U.S.C. 631 et seq.), as amended by
14 this section, is amended—

15 (A) by redesignating sections 34 through
16 45 as sections 33 through 44, respectively;

17 (B) in section 9(k)(1)(D) (15 U.S.C.
18 638(k)(1)(D)), by striking “section 34(d)” and
19 inserting “section 33(d)”;

20 (C) in section 33 (15 U.S.C. 657d), as so
21 redesignated—

22 (i) by striking “section 35” each place
23 it appears and inserting “section 34”;

24 (ii) in subsection (a)—

1 (I) in paragraph (2), by striking
2 “section 35(c)(2)(B)” and inserting
3 “section 34(c)(2)(B)”;

4 (II) in paragraph (4), by striking
5 “section 35(c)(2)” and inserting “sec-
6 tion 34(c)(2)”;

7 (III) in paragraph (5), by strik-
8 ing “section 35(c)” and inserting
9 “section 34(c)”;

10 (iii) in subsection (h)(2), by striking
11 “section 35(d)” and inserting “section
12 34(d)”;

13 (D) in section 34 (15 U.S.C. 657e), as so
14 redesignated—

15 (i) by striking “section 34” each place
16 it appears and inserting “section 33”;

17 (ii) in subsection (e)(1), by striking
18 section “34(c)(1)(E)(ii)” and inserting sec-
19 tion “33(c)(1)(E)(ii)”;

20 (E) in section 36(d) (15 U.S.C. 657i(d)),
21 as so redesignated, by striking “section 43” and
22 inserting “section 42”;

23 (F) in section 39(d) (15 U.S.C. 657l(d)),
24 as so redesignated, by striking “section 43” and
25 inserting “section 42”;

1 (G) in section 40(b) (15 U.S.C. 657m(b)),
2 as so redesignated, by striking “section 43” and
3 inserting “section 42”.

4 (2) TITLE 10.—Section 1142(b)(13) of title 10,
5 United States Code, is amended by striking “and
6 the National Veterans Business Development Cor-
7 poration”.

8 (3) TITLE 38.—Section 3452(h) of title 38,
9 United States Code, is amended by striking “any of
10 the” and all that follows and inserting “any small
11 business development center described in section 21
12 of the Small Business Act (15 U.S.C. 648), insofar
13 as such center offers, sponsors, or cosponsors an en-
14 trepreneurship course, as that term is defined in sec-
15 tion 3675(c)(2).”.

16 (4) FOOD, CONSERVATION, AND ENERGY ACT
17 OF 2008.—Section 12072(c)(2) of the Food, Con-
18 servation, and Energy Act of 2008 (15 U.S.C.
19 636g(c)(2)) is amended by striking “section 43 of
20 the Small Business Act, as added by this Act” and
21 inserting “section 42 of the Small Business Act (15
22 U.S.C. 657o)”.

23 (5) VETERANS ENTREPRENEURSHIP AND
24 SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Sec-
25 tion 203(c)(5) of the Veterans Entrepreneurship and

1 Small Business Development Act of 1999 (15 U.S.C.
2 657b note) is amended by striking “In cooperation
3 with the National Veterans Business Development
4 Corporation, develop” and inserting “Develop”.

5 **SEC. 1091. WHITE SANDS MISSILE RANGE AND FORT BLISS.**

6 (a) WITHDRAWAL.—

7 (1) IN GENERAL.—Subject to valid existing
8 rights and paragraph (3), the Federal land described
9 in paragraph (2) is withdrawn from—

10 (A) entry, appropriation, and disposal
11 under the public land laws;

12 (B) location, entry, and patent under the
13 mining laws; and

14 (C) operation of the mineral leasing, min-
15 eral materials, and geothermal leasing laws.

16 (2) DESCRIPTION OF FEDERAL LAND.—The
17 Federal land referred to in paragraph (1) consists
18 of—

19 (A) the approximately 5,100 acres of land
20 depicted as “Parcel 1” on the map entitled
21 “White Sands Missile Range/Fort Bliss/BLM
22 Land Transfer and Withdrawal” and dated
23 April 3, 2012 (referred to in this section as the
24 “map”);

1 (B) the approximately 37,600 acres of land
2 depicted as “Parcel 2”, “Parcel 3”, and “Par-
3 cel 4” on the map; and

4 (C) any land or interest in land that is ac-
5 quired by the United States within the bound-
6 aries of the parcels described in subparagraph
7 (B).

8 (3) LIMITATION.—Notwithstanding paragraph
9 (1), the land depicted as “Parcel 4” on the map is
10 not withdrawn for purposes of the issuance of oil
11 and gas pipeline rights-of-way.

12 (b) RESERVATION.—The Federal land described in
13 subsection (a)(2)(A) is reserved for use by the Secretary
14 of the Army for military purposes in accordance with Pub-
15 lic Land Order 833, dated May 21, 1952 (17 Fed. Reg.
16 4822).

17 (c) TRANSFER OF ADMINISTRATIVE JURISDIC-
18 TION.—Effective on the date of enactment of this Act, ad-
19 ministrative jurisdiction over the approximately 2,050
20 acres of land generally depicted as “Parcel 2” on the
21 map—

22 (1) is transferred from the Secretary of the
23 Army to the Secretary of the Interior (acting
24 through the Director of the Bureau of Land Man-
25 agement); and

1 (2) shall be managed in accordance with—

2 (A) the Federal Land Policy and Manage-
3 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

4 (B) any other applicable laws.

5 (d) LEGAL DESCRIPTION.—

6 (1) IN GENERAL.—As soon as practicable after
7 the date of enactment of this Act, the Secretary of
8 the Interior shall publish in the Federal Register a
9 legal description of the Federal land withdrawn by
10 subsection (a).

11 (2) FORCE OF LAW.—The legal description pub-
12 lished under paragraph (1) shall have the same force
13 and effect as if included in this Act, except that the
14 Secretary of the Interior may correct errors in the
15 legal description.

16 (3) REIMBURSEMENT OF COSTS.—The Sec-
17 retary of the Army shall reimburse the Secretary of
18 the Interior for any costs incurred by the Secretary
19 of the Interior in implementing this subsection with
20 regard to the Federal land described in subsection
21 (a)(2)(A).

22 **SEC. 1092. TRANSPORT FOR FEMALE GENITAL MUTILA-**
23 **TION.**

24 Section 116 of title 18, United States Code, is
25 amended by adding at the end the following:

1 “(d) Whoever knowingly transports from the United
2 States and its territories a person in foreign commerce for
3 the purpose of conduct with regard to that person that
4 would be a violation of subsection (a) if the conduct oc-
5 curred within the United States, or attempts to do so,
6 shall be fined under this title or imprisoned not more than
7 5 years, or both.”.

8 **SEC. 1093. RENEWAL OF EXPIRED PROHIBITION ON RE-**
9 **TURN OF VETERANS MEMORIAL OBJECTS**
10 **WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

11 (a) CODIFICATION OF PROHIBITION.—Section 2572
12 of title 10, United States Code, is amended by adding at
13 the end the following new subsection:

14 “(e)(1) Except as provided in paragraph (3), and not-
15 withstanding this section or any other provision of law,
16 the President may not transfer a veterans memorial object
17 to a foreign country or an entity controlled by a foreign
18 government, or otherwise transfer or convey such an ob-
19 ject to any person or entity for purposes of the ultimate
20 transfer or conveyance of the object to a foreign country
21 or entity controlled by a foreign government.

22 “(2) In this subsection:

23 “(A) The term ‘entity controlled by a foreign
24 government’ has the meaning given that term in sec-
25 tion 2536(c)(1) of this title.

1 “(B) The term ‘veterans memorial object’
2 means any object, including a physical structure or
3 portion thereof, that—

4 “(i) is located at a cemetery of the Na-
5 tional Cemetery System, war memorial, or mili-
6 tary installation in the United States;

7 “(ii) is dedicated to, or otherwise memori-
8 alizes, the death in combat or combat-related
9 duties of members of the armed forces; and

10 “(iii) was brought to the United States
11 from abroad as a memorial of combat abroad.

12 “(3) The prohibition imposed by paragraph (1) does
13 not apply to a transfer of a veterans memorial object if—

14 “(A) the transfer of that veterans memorial ob-
15 ject is specifically authorized by law; or

16 “(B) the transfer is made after September 30,
17 2017.”.

18 (b) REPEAL OF OBSOLETE SOURCE LAW.—Section
19 1051 of the National Defense Authorization Act for Fiscal
20 Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is
21 repealed.

22 **SEC. 1094. TRANSFER OF EXCESS AIRCRAFT TO OTHER DE-**
23 **PARTMENTS.**

24 (a) TRANSFER.—Subject to subsection (c), the Sec-
25 retary of Defense shall transfer excess aircraft specified

1 in subsection (b) to the Secretary of Agriculture and the
2 Secretary of Homeland Security for use by the Forest
3 Service and the United States Coast Guard. The transfer
4 of any excess aircraft under this subsection shall be with-
5 out reimbursement.

6 (b) AIRCRAFT.—

7 (1) IN GENERAL.—The aircraft transferred
8 under subsection (a) are aircraft of the Department
9 of Defense that are—

10 (A) identified by the Forest Service or the
11 United States Coast Guard as a suitable plat-
12 form to carry out their respective missions;

13 (B) subject to paragraphs (2) and (3), ex-
14 cess to the needs of the Department of Defense,
15 as determined by the Secretary of Defense;

16 (C) acceptable for use by the Forest Serv-
17 ice, as determined by the Secretary of Agri-
18 culture; and

19 (D) acceptable for use by the United
20 States Coast Guard, as determined by the Sec-
21 retary of Homeland Security.

22 (2) LIMITATION ON NUMBER.—The number of
23 aircraft that may be transferred to either the Sec-
24 retary of Agriculture or the Secretary of Homeland
25 Security may not exceed 12 aircraft.

1 (3) LIMITATIONS ON DETERMINATION AS EX-
2 CESS.—Aircraft may not be determined to be excess
3 for the purposes of this subsection, unless such air-
4 craft are determined to be excess in the report ref-
5 erenced by subsection (b) of section 1703 of title
6 XVII of this Act, or if such aircraft are otherwise
7 prohibited from being determined excess by law.

8 (c) PRIORITY IN TRANSFER.—The Secretary of Agri-
9 culture and the Secretary of Homeland Security shall be
10 afforded equal priority in the transfer under subsection
11 (a) of excess aircraft of the Department of Defense speci-
12 fied in subsection (b) before any other department or
13 agency of the Federal Government.

14 (d) CONDITIONS OF TRANSFER.—Excess aircraft
15 transferred to the Secretary of Agriculture under sub-
16 section (a)—

17 (1) may be used only for wildfire suppression
18 purposes; and

19 (2) may not be flown or otherwise removed
20 from the United States unless dispatched by the Na-
21 tional Interagency Fire Center in support of an
22 international agreement to assist in wildfire suppres-
23 sion efforts or for other purposes approved by the
24 Secretary of Agriculture in writing in advance.

1 (e) EXPIRATION OF AUTHORITY.—The authority to
2 transfer excess aircraft under subsection (a) shall expire
3 on December 31, 2013.

4 **SEC. 1095. REAUTHORIZATION OF SALE OF AIRCRAFT AND**
5 **PARTS FOR WILDFIRE SUPPRESSION PUR-**
6 **POSES.**

7 Section 2 of the Wildfire Suppression Aircraft Trans-
8 fer Act of 1996 (10 U.S.C. 2576 note) is amended—

9 (1) in subsection (a), by striking “during the
10 period beginning on October 1, 1996, and ending on
11 September 30, 2005” and inserting “during a period
12 specified in subsection (g)”;

13 (2) by redesignating subsection (g) as sub-
14 section (h); and

15 (3) by inserting after subsection (f) the fol-
16 lowing new subsection (g):

17 “(g) PERIODS FOR EXERCISE OF AUTHORITY.—The
18 periods specified in this subsection are the following:

19 “(1) The period beginning on October 1, 1996,
20 and ending on September 30, 2005.

21 “(2) The period beginning on October 1, 2012,
22 and ending on September 30, 2017.”.

1 **SEC. 1096. PROTECTION OF VETERANS' MEMORIALS.**

2 (a) TRANSPORTATION OF STOLEN MEMORIALS.—

3 Section 2314 of title 18, United States Code, is amended
4 by adding at the end the following:

5 “In the case of an offense under the first paragraph
6 of this section, if the goods, wares, or merchandise consist
7 of or include a veterans’ memorial, the requirement of that
8 paragraph that the goods, wares, or merchandise have a
9 value of \$5,000 or more does not apply. In this paragraph,
10 the term ‘veterans’ memorial’ means a grave marker,
11 headstone, monument, or other object, intended to perma-
12 nently honor a veteran or mark a veteran’s grave, or any
13 monument that signifies an event of national military his-
14 torical significance.”.

15 (b) SALE OR RECEIPT OF STOLEN MEMORIALS.—

16 Section 2315 of such title is amended by adding at the
17 end the following:

18 “In the case of an offense under the first paragraph
19 of this section, if the goods, wares, or merchandise consist
20 of or include a veterans’ memorial, the requirement of that
21 paragraph that the goods, wares, or merchandise have a
22 value of \$5,000 or more does not apply. In this paragraph,
23 the term ‘veterans’ memorial’ means a grave marker,
24 headstone, monument, or other object, intended to perma-
25 nently honor a veteran or mark a veteran’s grave, or any

1 monument that signifies an event of national military his-
2 torical significance.”.

3 **SEC. 1097. TRANSPORTATION OF INDIVIDUALS TO AND**
4 **FROM FACILITIES OF DEPARTMENT OF VET-**
5 **ERANS AFFAIRS.**

6 (a) IN GENERAL.—Chapter 1 of title 38, United
7 States Code, is amended by inserting after section 111 the
8 following new section:

9 **“§ 111A. Transportation of individuals to and from**
10 **Department facilities**

11 “(a) TRANSPORTATION BY SECRETARY.—The Sec-
12 retary may transport any person to or from a Department
13 facility or other place in connection with vocational reha-
14 bilitation, counseling required by the Secretary pursuant
15 to chapter 34 or 35 of this title, or for the purpose of
16 examination, treatment, or care.”.

17 (b) CONFORMING AMENDMENT.—Subsection (h) of
18 section 111 of such title is—

19 (1) transferred to section 111A of such title, as
20 added by subsection (a);

21 (2) redesignated as subsection (b);

22 (3) inserted after subsection (a) of such section;

23 and

24 (4) amended by inserting “TRANSPORTATION
25 BY THIRD-PARTIES.—” before “The Secretary”.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 1 of such title is amended by
3 inserting after the item relating to section 111 the fol-
4 lowing new item:

“111A. Transportation of individuals to and from Department facilities.”.

5 **SEC. 1098. NATIONAL PUBLIC AWARENESS AND PARTICIPA-**
6 **TION CAMPAIGN FOR VETERANS’ HISTORY**
7 **PROJECT OF AMERICAN FOLKLIFE CENTER.**

8 (a) IN GENERAL.—The Director of the American
9 Folklife Center at the Library of Congress shall carry out
10 a national public awareness and participation campaign
11 for the program required by section 3(a) of the Veterans’
12 Oral History Project Act (20 U.S.C. 2142(a)). Such cam-
13 paign shall provide for the following:

14 (1) Encouraging the people of the United
15 States, veterans organizations, community groups,
16 and national organizations to participate in such
17 program.

18 (2) Ensuring greater awareness and participa-
19 tion throughout the United States in such program.

20 (3) Providing meaningful opportunities for
21 learning about the experiences of veterans.

22 (4) Complementing the efforts supporting the
23 readjustment and successful reintegration of vet-
24 erans into civilian life after service in the Armed
25 Forces.

1 (b) COORDINATION AND COOPERATION.—To the de-
2 gree practicable, the Director shall, in carrying out the
3 campaign required by subsection (a), coordinate and co-
4 operate with veterans service organizations.

5 (c) VETERANS SERVICE ORGANIZATION DEFINED.—
6 In this section, the term “veterans service organization”
7 means any organization recognized by the Secretary of
8 Veterans Affairs for the representation of veterans under
9 section 5902 of title 38, United States Code.

10 **SEC. 1099. TECHNICAL AMENDMENTS RELATING TO THE**
11 **TERMINATION OF THE ARMED FORCES INSTI-**
12 **TUTE OF PATHOLOGY UNDER DEFENSE BASE**
13 **CLOSURE AND REALIGNMENT.**

14 Section 177 of title 10, United States Code, is
15 amended—

16 (1) in subsection (a)—

17 (A) in paragraph (2)—

18 (i) by striking “those professional so-
19 cieties” and all that follows through “the
20 Armed Forces Institute of Pathology” and
21 inserting “the professional societies and or-
22 ganizations that support the activities of
23 the American Registry of Pathology”; and

24 (ii) by striking the second sentence;
25 and

- 1 (B) in paragraph (3), by striking “with the
2 concurrence of the Director of the Armed
3 Forces Institute of Pathology”;
4 (2) in subsection (b)—
5 (A) by striking paragraph (1);
6 (B) by redesignating paragraphs (2), (3),
7 (4), and (5) as paragraphs (1), (2), (3), and
8 (4), respectively; and
9 (C) in paragraph (2), as redesignated by
10 subparagraph (B)—
11 (i) by striking “accept gifts and
12 grants from and”; and
13 (ii) by inserting “and accept gifts and
14 grants from such entities” before the semi-
15 colon; and
16 (3) in subsection (d), by striking “to the Direc-
17 tor” and all that follows through “it deems desir-
18 able,” and inserting “annually to its Board and sup-
19 porting organizations referred to in subsection
20 (a)(2)”.

1 **SEC. 1099A. IMPROVED ENUMERATION OF MEMBERS OF**
2 **THE ARMED FORCES IN ANY TABULATION OF**
3 **TOTAL POPULATION BY SECRETARY OF COM-**
4 **MERCE.**

5 (a) IN GENERAL.—Section 141 of title 13, United
6 States Code, is amended—

7 (1) by redesignating subsection (g) as sub-
8 section (h); and

9 (2) by inserting after subsection (f) the fol-
10 lowing:

11 “(g) Effective beginning with the 2020 decennial cen-
12 sus of population, in taking any tabulation of total popu-
13 lation by States, the Secretary shall take appropriate
14 measures to ensure, to the maximum extent practicable,
15 that all members of the Armed Forces deployed abroad
16 on the date of taking such tabulation are—

17 “(1) fully and accurately counted; and

18 “(2) properly attributed to the State in which
19 their residence at their permanent duty station or
20 homeport is located on such date.”.

21 (b) CONSTRUCTION.—The amendments made by sub-
22 section (a) shall not be construed to affect the residency
23 status of any member of the Armed Forces under any pro-
24 vision of law other than title 13, United States Code.

1 **SEC. 1099B. STATE CONSIDERATION OF MILITARY TRAIN-**
2 **ING IN GRANTING CERTAIN STATE CERTIFI-**
3 **CATIONS AND LICENSES AS A CONDITION ON**
4 **THE RECEIPT OF FUNDS FOR VETERANS EM-**
5 **PLOYMENT AND TRAINING.**

6 (a) IN GENERAL.—Section 4102A(c) of title 38,
7 United States Code, is amended by adding at the end the
8 following:

9 “(9)(A) As a condition of a grant or contract under
10 which funds are made available to a State in order to carry
11 out section 4103A or 4104 of this title for any program
12 year, the Secretary may require the State—

13 “(i) to demonstrate that when the State ap-
14 proves or denies a certification or license described
15 in subparagraph (B) for a veteran the State takes
16 into consideration any training received or experi-
17 ence gained by the veteran while serving on active
18 duty in the Armed Forces; and

19 “(ii) to disclose to the Secretary in writing the
20 following:

21 “(I) Criteria applicants must satisfy to re-
22 ceive a certification or license described in sub-
23 paragraph (B) by the State.

24 “(II) A description of the standard prac-
25 tices of the State for evaluating training re-
26 ceived by veterans while serving on active duty

1 in the Armed Forces and evaluating the docu-
2 mented work experience of such veterans during
3 such service for purposes of approving or deny-
4 ing a certification or license described in sub-
5 paragraph (B).

6 “(III) Identification of areas in which
7 training and experience described in subclause
8 (II) fails to meet criteria described in subclause
9 (I).”

10 “(B) A certification or license described in this sub-
11 paragraph is any of the following:

12 “(i) A license to be a State tested nursing as-
13 sistant or a certified nursing assistant.

14 “(ii) A commercial driver’s license.

15 “(iii) An emergency medical technician license
16 EMT–B or EMT–I.

17 “(iv) An emergency medical technician–para-
18 medic license.

19 “(C) The Secretary shall share the information the
20 Secretary receives under subparagraph (A)(ii) with the
21 Secretary of Defense to help the Secretary of Defense im-
22 prove training for military occupational specialties so that
23 individuals who receive such training are able to receive
24 a certification or license described in subparagraph (B)
25 from a State.”

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to a program year
3 beginning on or after the date of the enactment of this
4 Act.

5 **SECTION 1099C. AMENDMENTS TO LAW ENFORCEMENT OF-**
6 **FICER SAFETY PROVISIONS OF TITLE 18.**

7 Chapter 44 of title 18, United States Code, is amend-
8 ed—

9 (1) in section 926B—

10 (A) in subsection (c)(1), by inserting “or
11 apprehension under section 807(b) of title 10,
12 United States Code (article 7(b) of the Uniform
13 Code of Military Justice)” after “arrest”;

14 (B) in subsection (d), by striking “as a law
15 enforcement officer” and inserting “that identi-
16 fies the employee as a police officer or law en-
17 forcement officer of the agency”; and

18 (C) in subsection (f), by inserting “or ap-
19 prehension under section 807(b) of title 10,
20 United States Code (article 7(b) of the Uniform
21 Code of Military Justice)” after “arrest”; and

22 (2) in section 926C—

23 (A) in subsection (e)(2), 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”; and

3 (B) in subsection (d)—

4 (i) in paragraph (1), by striking “that
5 indicates” and inserting “that identifies
6 the person as having been employed as a
7 police officer or law enforcement officer
8 and indicates”; and

9 (ii) in paragraph (2)(A), by inserting
10 “that identifies the person as having been
11 employed as a police officer or law enforce-
12 ment officer” after “officer”.

13 **SEC. 1099D. MODERNIZATION OF ABSENTEE BALLOT MAIL**
14 **DELIVERY SYSTEM.**

15 It is the sense of Congress that the Department of
16 Defense should partner with the United States Postal
17 Service (USPS) to modernize the USPS mail delivery sys-
18 tem to address problems with the delivery of absentee bal-
19 lots and ensure the effective and efficient delivery of such
20 ballots, including through the establishment of a central-
21 ized mail forwarding system to ensure that blank ballots
22 are properly redirected.

1 **SEC. 1099E. STATE TRADE AND EXPORT PROMOTION**
 2 **GRANT PROGRAM.**

3 Section 1207(a)(5) of the Small Business Jobs Act
 4 of 2010 (15 U.S.C. 649b note) is amended by inserting
 5 after “Guam,” the following: “the Commonwealth of the
 6 Northern Mariana Islands,”.

7 **TITLE XI—CIVILIAN PERSONNEL**
 8 **MATTERS**

9 **SEC. 1101. AUTHORITY FOR TRANSPORTATION OF FAMILY**
 10 **HOUSEHOLD PETS OF CIVILIAN PERSONNEL**
 11 **DURING EVACUATION OF NON-ESSENTIAL**
 12 **PERSONNEL.**

13 Section 5725 of title 5, United States Code, is
 14 amended—

15 (1) in subsection (a)(2), by inserting “and fam-
 16 ily household pets,” after “personal effects,”; and

17 (2) by adding at the end the following new sub-
 18 section:

19 “(c)(1) Authority under subsection (a) to transport
 20 family household pets of an employee includes authority
 21 for shipment and the payment of quarantine costs, if any.

22 “(2) An employee for whom transportation of family
 23 household pets is authorized under subsection (a) may be
 24 paid reimbursement or a monetary allowance if other com-
 25 mercial transportation means have been used.

1 “(3) The provision of transportation of family house-
2 hold pets for an employee of the Department of Defense
3 under subsection (a) and the payment of reimbursement
4 under paragraph (2) shall be subject to the same terms
5 and conditions as apply under subsection 406(b)(1)(H)(iii)
6 of title 37 with respect to family household pets of mem-
7 bers of the uniformed services, including limitations on the
8 types, size, and number of pets for which transportation
9 may be provided or reimbursement paid.”.

10 **SEC. 1102. EXPANSION OF EXPERIMENTAL PERSONNEL**
11 **PROGRAM FOR SCIENTIFIC AND TECHNICAL**
12 **PERSONNEL AT THE DEFENSE ADVANCED**
13 **RESEARCH PROJECTS AGENCY.**

14 (a) **EXPANSION.**—Section 1101(b)(1)(A) of the
15 Strom Thurmond National Defense Authorization Act for
16 Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by
17 striking “40” and inserting “60”.

18 (b) **CONSTRUCTION.**—The amendment made by sub-
19 section (a) shall not be construed as affecting any applica-
20 ble authorization or delimitation of the numbers of per-
21 sonnel that may be employed at the Defense Advanced Re-
22 search Projects Agency.

1 **SEC. 1103. ONE-YEAR EXTENSION OF DISCRETIONARY AU-**
2 **THORITY TO GRANT ALLOWANCES, BENE-**
3 **FITS, AND GRATUITIES TO PERSONNEL ON**
4 **OFFICIAL DUTY IN A COMBAT ZONE.**

5 Paragraph (2) of section 1603(a) of the Emergency
6 Supplemental Appropriations Act for Defense, the Global
7 War on Terror, and Hurricane Recovery, 2006 (Public
8 Law 109–234; 120 Stat. 443), as added by section 1102
9 of the Duncan Hunter National Defense Authorization
10 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
11 4616) and amended by section 1112 of the National De-
12 fense Authorization Act for Fiscal Year 2012 (Public Law
13 112–81; 125 Stat. 1616), is further amended by striking
14 “2013” and inserting “2014”.

15 **SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM**
16 **AGE AND RETIREMENT TREATMENT FOR**
17 **CERTAIN RETIREES OF THE ARMED FORCES.**

18 (a) INCREASE IN MAXIMUM AGE LIMIT FOR POSI-
19 TIONS SUBJECT TO FERS.—

20 (1) LAW ENFORCEMENT OFFICERS.—Section
21 3307(e) of title 5, United States Code, is amended—

22 (A) in paragraph (1), by inserting “or (3)”
23 after “paragraph (2)”; and

24 (B) by adding at the end the following:

25 “(3) The maximum age limit for an original appoint-
26 ment to a position as a law enforcement officer (as defined

1 in section 8401(17)) shall be 47 years of age, in the case
2 of an individual who on the effective date of such appoint-
3 ment is eligible to receive retired pay or retainer pay for
4 military service, or pension or compensation from the De-
5 partment of Veterans Affairs instead of such retired or
6 retainer pay.”.

7 (2) OTHER POSITIONS.—The maximum age
8 limit for an original appointment to a position as a
9 member of the Capitol Police or Supreme Court Po-
10 lice, nuclear materials courier (as defined under sec-
11 tion 8401(33) of such title), or customs and border
12 protection officer (as defined in section 8401(36) of
13 such title) shall be 47 years of age, in the case of
14 an individual who on the effective date of such ap-
15 pointment is eligible to receive retired pay or re-
16 tainer pay for military service, or pension or com-
17 pensation from the Department of Veterans Affairs
18 instead of such retired or retainer pay.

19 (b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of
20 such title is amended—

21 (1) in paragraph (1), by striking “or” at the
22 end;

23 (2) in paragraph (2), by adding “or” at the
24 end; and

1 (3) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) after becoming 57 years of age and com-
4 pleting 10 years of service as a law enforcement offi-
5 cer, member of the Capitol Police or Supreme Court
6 Police, nuclear materials courier, customs or border
7 protection officer, or any combination of such service
8 totaling 10 years, if such employee—

9 “(A) is originally appointed to a position
10 as a law enforcement officer, member of the
11 Capitol Police or Supreme Court Police, nuclear
12 materials courier, or customs and border pro-
13 tection officer on or after the effective date of
14 this paragraph under section 1104(e) of the
15 National Defense Authorization Act for Fiscal
16 Year 2013, and

17 “(B) on the date that original appointment
18 met the requirements of section 3307(e)(2) of
19 this title or section 1104(a)(2) of the National
20 Defense Authorization Act for Fiscal Year
21 2013,”.

22 (c) MANDATORY SEPARATION.—Section 8425 of such
23 title is amended—

24 (1) in subsection (b)(1), in the first sentence,
25 by inserting “, except that a law enforcement officer,

1 nuclear materials courier, or customs and border
2 protection officer eligible for retirement under sec-
3 tion 8412(d)(3) shall be separated from the service
4 on the last day of the month in which that employee
5 becomes 57 years of age” before the period;

6 (2) in subsection (c), in the first sentence, by
7 inserting “, except that a member of the Capitol Po-
8 lice eligible for retirement under section 8412(d)(3)
9 shall be separated from the service on the last day
10 of the month in which that employee becomes 57
11 years of age” before the period; and

12 (3) in subsection (d), in the first sentence, by
13 inserting “, except that a member of the Supreme
14 Court Police eligible for retirement under section
15 8412(d)(3) shall be separated from the service on
16 the last day of the month in which that employee be-
17 comes 57 years of age” before the period.

18 (d) COMPUTATION OF BASIC ANNUITY.—Section
19 8415(e) of such title is amended—

20 (1) by redesignating paragraphs (1) and (2) as
21 subparagraphs (A) and (B), respectively;

22 (2) by striking “The annuity of an employee”
23 and inserting “(1) Except as provided in paragraph
24 (2), the annuity of an employee”; and

25 (3) by adding at the end the following:

1 “(2)(A) The annuity of an employee retiring under
2 subsection (d) or (e) of section 8412 or under subsection
3 (a), (b), or (c) of section 8425 who is an employee de-
4 scribed in subparagraph (B) is—

5 “(i) 1 7/10 percent of that individual’s average
6 pay multiplied by so much of such individual’s civil-
7 ian service as a law enforcement officer, member of
8 the Capitol Police or Supreme Court Police, nuclear
9 materials courier, customs and border protection of-
10 ficer, or air traffic controller that, in the aggregate,
11 does not exceed 20 years; plus

12 “(ii) 1 percent of that individual’s average pay
13 multiplied by the remainder of such individual’s total
14 service.

15 “(B) An employee described in this subparagraph is
16 an employee who—

17 “(i) is originally appointed to a position as a
18 law enforcement officer, member of the Capitol Po-
19 lice or Supreme Court Police, nuclear materials cou-
20 rier, or customs and border protection officer on or
21 after the effective date of this paragraph under sec-
22 tion 1104(e) of the National Defense Authorization
23 Act for Fiscal Year 2013; and

24 “(ii) on the date that original appointment met
25 the requirements of section 3307(e)(2) of this title

1 or section 1104(a)(2) of the National Defense Au-
2 thorization Act for Fiscal Year 2013.”.

3 (e) EFFECTIVE DATE.—This section (including the
4 amendments made by this section) shall take effect 60
5 days after the date of enactment of this Act and shall
6 apply to appointments made on or after that effective
7 date.

8 **TITLE XII—MATTERS RELATING**
9 **TO FOREIGN NATIONS**
10 **Subtitle A—Assistance and**
11 **Training**

12 **SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CA-**
13 **PACITY OF FOREIGN MILITARY FORCES AND**
14 **MODIFICATION OF NOTICE IN CONNECTION**
15 **WITH INITIATION OF ACTIVITIES.**

16 (a) EXTENSION.—Subsection (g) of section 1206 of
17 the National Defense Authorization Act for Fiscal Year
18 2006 (Public Law 109–163; 119 Stat. 3456), as most re-
19 cent amended by section 1204(c) of the National Defense
20 Authorization Act for Fiscal Year 2012 (Public Law 112–
21 81; 125 Stat. 1622), is further amended—

22 (1) by striking “September 30, 2013” and in-
23 serting “September 30, 2014”; and

1 (2) by striking “fiscal years 2006 through
2 2013” and inserting “fiscal years 2006 through
3 2014”.

4 (b) MODIFICATION OF NOTICE.—

5 (1) IN GENERAL.—Subsection (e)(2) of such
6 section 1206, as amended by section 1206(a) of the
7 John Warner National Defense Authorization Act
8 for Fiscal Year 2007 (Public Law 109–364; 120
9 Stat. 2418), is further amended by adding at the
10 end the following new subparagraph:

11 “(D) Detailed information (including the
12 amount and purpose) on the assistance pro-
13 vided the country during the three preceding
14 fiscal years under each of the following pro-
15 grams or accounts:

16 “(i) A program under this section.

17 “(ii) The Foreign Military Financing
18 program under the Foreign Assistance Act
19 of 1961.

20 “(iii) Peacekeeping Operations.

21 “(iv) The International Narcotics
22 Control and Law Enforcement (INCLE)
23 program under section 481 of the Foreign
24 Assistance Act of 1961 (22 U.S.C. 2291).

1 “(v) Nonproliferation, Anti-Terrorism,
2 Demining, and Related Programs
3 (NADR).”.

4 (2) APPLICABILITY.—The amendment made by
5 paragraph (1) shall take effect on the date of the en-
6 actment of this Act, and shall apply with respect to
7 any country in which activities are initiated under
8 section 1206 of the National Defense Authorization
9 Act for Fiscal Year 2006 on or after that date.

10 **SEC. 1202. EXTENSION OF AUTHORITY FOR NON-RECIP-**
11 **ROCAL EXCHANGE OF DEFENSE PERSONNEL**
12 **BETWEEN THE UNITED STATES AND FOREIGN**
13 **COUNTRIES.**

14 Section 1207(f) of the National Defense Authoriza-
15 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
16 Stat. 2514; 10 U.S.C. 168 note) is amended by striking
17 “September 30, 2012” and inserting “September 30,
18 2017”.

19 **SEC. 1203. AUTHORITY TO BUILD THE CAPACITY OF CER-**
20 **TAIN COUNTERTERRORISM FORCES IN**
21 **YEMEN AND EAST AFRICA.**

22 (a) AUTHORITY.—The Secretary of Defense may,
23 with the concurrence of the Secretary of State, provide
24 assistance as follows:

1 (1) To enhance the ability of the Yemen Min-
2 istry of Interior Counter Terrorism Forces to con-
3 duct counterterrorism operations against al Qaeda in
4 the Arabian Peninsula and its affiliates.

5 (2) To enhance the capacity of the national
6 military forces, security agencies serving a similar
7 defense function, other counterterrorism forces, and
8 border security forces of Djibouti, Ethiopia, and
9 Kenya to conduct counterterrorism operations
10 against al Qaeda, al Qaeda affiliates, and al
11 Shabaab.

12 (3) To enhance the capacity of national military
13 forces participating in the African Union Mission in
14 Somalia to conduct counterterrorism operations
15 against al Qaeda, al Qaeda affiliates, and al
16 Shabaab.

17 (b) TYPES OF ASSISTANCE.—

18 (1) AUTHORIZED ELEMENTS.—Assistance
19 under subsection (a) may include the provision of
20 equipment, supplies, training, and minor military
21 construction.

22 (2) REQUIRED ELEMENTS.—Assistance under
23 subsection (a) shall be provided in a manner that
24 promotes—

1 (A) observance of and respect for human
2 rights and fundamental freedoms; and

3 (B) respect for legitimate civilian authority
4 in the country receiving such assistance.

5 (3) ASSISTANCE OTHERWISE PROHIBITED BY
6 LAW.—The Secretary of Defense may not use the
7 authority in subsection (a) to provide any type of as-
8 sistance described in this subsection that is other-
9 wise prohibited by any other provision of law.

10 (4) LIMITATIONS ON MINOR MILITARY CON-
11 STRUCTION.—The total amount that may be obli-
12 gated and expended on minor military construction
13 under subsection (a) in any fiscal year may not ex-
14 ceed amounts as follows:

15 (A) In the case of minor military construc-
16 tion under paragraph (1) of subsection (a),
17 \$10,000,000.

18 (B) In the case of minor military construc-
19 tion under paragraphs (2) and (3) of subsection
20 (a), \$10,000,000.

21 (c) FUNDING.—

22 (1) IN GENERAL.—Of the amount authorized to
23 be appropriated for a fiscal year for the Department
24 of Defense for operation and maintenance—

1 (A) not more than \$75,000,000 may be
2 used to provide assistance under paragraph (1)
3 of subsection (a); and

4 (B) not more than \$75,000,000 may used
5 to provide assistance under paragraphs (2) and
6 (3) of subsection (a).

7 (2) AVAILABILITY OF FUNDS FOR ASSISTANCE
8 ACROSS FISCAL YEARS.—Amounts available under
9 this subsection for the authority in subsection (a)
10 for a fiscal year may be used for assistance under
11 that authority that begins in such fiscal year but
12 ends in the next fiscal year.

13 (d) NOTICE TO CONGRESS.—

14 (1) IN GENERAL.—Not later than 30 days be-
15 fore providing assistance under subsection (a), the
16 Secretary of Defense shall submit to the committees
17 of Congress specified in paragraph (2) a notice set-
18 ting forth the assistance to be provided, including
19 the types of such assistance, the budget for such as-
20 sistance, and the completion date for the provision
21 of such assistance.

22 (2) COMMITTEES OF CONGRESS.—The commit-
23 tees of Congress specified in this paragraph are—

1 (A) the Committee on Armed Services, the
2 Committee on Foreign Relations, and the Com-
3 mittee on Appropriations of the Senate; and

4 (B) the Committee on Armed Services, the
5 Committee on Foreign Affairs, and the Com-
6 mittee on Appropriations of the House of Rep-
7 resentatives.

8 (e) EXPIRATION.—Except as provided in subsection
9 (c)(2), the authority provided under subsection (a) may
10 not be exercised after the earlier of—

11 (1) the date on which the Global Security Con-
12 tingency Fund achieves full operational capability; or

13 (2) September 30, 2014.

14 **SEC. 1204. LIMITATION ON AVAILABILITY OF FUNDS FOR**
15 **STATE PARTNERSHIP PROGRAM.**

16 (a) LIMITATION.—Of the amounts authorized to be
17 appropriated by this Act and available for the State Part-
18 nership Program, not more than 50 percent may be obli-
19 gated or expended for that Program until the latter of the
20 following:

21 (1) The date on which the Secretary of Defense
22 submits to the appropriate congressional committees
23 the final regulations required by subsection (a) of
24 section 1210 of the National Defense Authorization

1 Act for Fiscal Year 2010 (Public Law 111–84; 123
2 Stat. 2517; 32 U.S.C. 107 note).

3 (2) The date on which the Secretary of Defense
4 certifies to the appropriate congressional committees
5 that appropriate modifications have been made, and
6 appropriate controls have been instituted, to ensure
7 the compliance of the Program with section 1341 of
8 title 31, United States Code (commonly referred to
9 as the “Anti-Deficiency Act”), in the future.

10 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
11 DEFINED.—In this section, the term “appropriate con-
12 gressional committees” has the meaning given that term
13 in subsection (d) of section 1210 of the National Defense
14 Authorization Act for Fiscal Year 2010.

15 **Subtitle B—Matters Relating to**
16 **Iraq, Afghanistan, and Pakistan**

17 **SEC. 1211. COMMANDERS’ EMERGENCY RESPONSE PRO-**
18 **GRAM IN AFGHANISTAN.**

19 (a) ONE-YEAR EXTENSION.—

20 (1) IN GENERAL.—Section 1201 of the Na-
21 tional Defense Authorization Act for Fiscal Year
22 2012 (Public Law 112–81; 125 Stat. 1619) is
23 amended by striking “fiscal year 2012” each place
24 it appears and inserting “fiscal year 2013”.

1 (2) CONFORMING AMENDMENT.—The heading
2 of subsection (a) of such section is amended by
3 striking “FISCAL YEAR 2012” and inserting “FISCAL
4 YEAR 2013”.

5 (b) AMOUNT OF FUNDS AVAILABLE DURING FISCAL
6 YEAR 2013.—Subsection (a) of such section is further
7 amended by striking “\$400,000,000” and inserting
8 “\$200,000,000”.

9 **SEC. 1212. EXTENSION OF AUTHORITY TO SUPPORT OPER-**
10 **ATIONS AND ACTIVITIES OF THE OFFICE OF**
11 **SECURITY COOPERATION IN IRAQ.**

12 (a) LIMITATION ON AMOUNT OF FUNDS FOR FISCAL
13 YEAR 2013.—Subsection (c) of section 1215 of the Na-
14 tional Defense Authorization Act for Fiscal Year 2012
15 (Public Law 112–81; 125 Stat. 1631; 10 U.S.C. 113 note)
16 is amended by striking “in fiscal year 2012” and all that
17 follows and inserting “may not exceed amounts as follows:

18 “(1) In fiscal year 2012, \$524,000,000.

19 “(2) In fiscal year 2013, \$508,000,000.”.

20 (b) SOURCE OF FUNDS.—Subsection (d) of such sec-
21 tion is amended by inserting “or 2013” after “fiscal year
22 2012”.

1 **SEC. 1213. ONE-YEAR EXTENSION AND MODIFICATION OF**
2 **AUTHORITY TO USE FUNDS FOR REINTEGRA-**
3 **TION ACTIVITIES IN AFGHANISTAN.**

4 (a) SENSE OF THE SENATE.—It is the sense of the
5 Senate that—

6 (1) the Senate is deeply concerned with the dra-
7 matic rise in conflict-induced displacement in Af-
8 ghanistan and the corresponding increase in human-
9 itarian need, especially as winter approaches;

10 (2) there have been several reports of children
11 freezing to death in various refugee settlements in
12 Afghanistan during the winter of 2011–12;

13 (3) the Bureau of Population, Refugees, and
14 Migration of the Department of State and the Spe-
15 cial Representative for Afghanistan and Pakistan
16 should jointly develop a comprehensive strategy to
17 address the displacement and human suffering re-
18 ferred to in paragraphs (1) and (2), which shall in-
19 clude—

20 (A) an assessment of the capacity of the
21 Government of Afghanistan—

22 (i) to prevent, mitigate, and respond
23 to forced displacement; and

24 (ii) to provide durable solutions for in-
25 ternally displaced Afghans and Afghan ref-
26 ugees; and

1 (B) a coherent plan to strengthen the ca-
2 capacity of the Government of Afghanistan to ad-
3 dress the causes and consequences of displace-
4 ment within Afghanistan.

5 (b) **EXTENSION OF AUTHORITY.**—Section 1216 of
6 the Ike Skelton National Defense Authorization Act for
7 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392),
8 as amended by section 1216 of the National Defense Au-
9 thorization Act for Fiscal Year 2012 (Public Law 112–
10 81; 125 Stat. 1632), is further amended—

11 (1) in subsection (a)—

12 (A) by striking “\$50,000,000” and insert-
13 ing “\$35,000,000”; and

14 (B) by striking “in each of fiscal years
15 2011 and 2012” and inserting “for fiscal year
16 2013”; and

17 (2) in subsection (e)—

18 (A) by striking “utilize funds” and insert-
19 ing “obligate funds”; and

20 (B) by striking “December 31, 2012” and
21 inserting “December 31, 2013”.

1 **SEC. 1214. ONE-YEAR EXTENSION AND MODIFICATION OF**
2 **AUTHORITY FOR PROGRAM TO DEVELOP AND**
3 **CARRY OUT INFRASTRUCTURE PROJECTS IN**
4 **AFGHANISTAN.**

5 Section 1217(f) of the Ike Skelton National Defense
6 Authorization Act for Fiscal Year 2011 (Public Law 111–
7 383; 124 Stat. 4393), as amended by section 1217(a) of
8 the National Defense Authorization Act for Fiscal Year
9 2012 (Public Law 112–81; 125 Stat. 1632), is further
10 amended—

11 (1) by striking paragraph (1) and inserting the
12 following new paragraph (1):

13 “(1) IN GENERAL.—Subject to paragraph (2),
14 to carry out the program authorized under sub-
15 section (a), the Secretary of Defense may use
16 amounts as follows:

17 “(A) Up to \$400,000,000 made available
18 to the Department of Defense for operation and
19 maintenance for fiscal year 2012.

20 “(B) Up to \$350,000,000 made available
21 to the Department of Defense for operation and
22 maintenance for fiscal year 2013.”;

23 (2) in paragraph (2)—

24 (A) by striking “85 percent” and inserting
25 “50 percent”;

1 (B) by inserting “for a fiscal year after fis-
2 cal year 2011” after “in paragraph (1)”; and

3 (C) by striking “fiscal year 2012.” and in-
4 serting “such fiscal year, including for each
5 project to be initiated during such fiscal year
6 the following:

7 “(A) An estimate of the financial and
8 other requirements necessary to sustain such
9 project on an annual basis after the completion
10 of such project.

11 “(B) An assessment whether the Govern-
12 ment of Afghanistan is committed to and has
13 the capacity to maintain and use such project
14 after its completion.

15 “(C) A description of any arrangements
16 for the sustainment of such project following its
17 completion if the Government of Afghanistan
18 lacks the capacity (in either financial or human
19 resources) to maintain such project.”; and

20 (3) in paragraph (3), by adding at the end the
21 following new subparagraph:

22 “(C) In the case of funds for fiscal year
23 2013, until September 30, 2014.”.

1 **SEC. 1215. EXTENSION OF PAKISTAN COUNTERINSUR-**
2 **GENCY FUND.**

3 (a) EXTENSION.—Section 1224(h) of the National
4 Defense Authorization Act for Fiscal Year 2010 (Public
5 Law 111–84; 123 Stat. 2521), as most recently amended
6 by section 1220(a) of the National Defense Authorization
7 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
8 1633), is further amended by striking “September 30,
9 2012” each place it appears and inserting “September 30,
10 2013”.

11 (b) EXTENSION OF LIMITATION ON FUNDS PENDING
12 REPORT.—Section 1220(b)(1)(A) of the National Defense
13 Authorization Act for Fiscal Year 2012 (125 Stat. 1633)
14 is amended by striking “fiscal year 2013” and inserting
15 “fiscal year 2013”.

16 **SEC. 1216. EXTENSION AND MODIFICATION OF AUTHORITY**
17 **FOR REIMBURSEMENT OF CERTAIN COALI-**
18 **TION NATIONS FOR SUPPORT PROVIDED TO**
19 **UNITED STATES MILITARY OPERATIONS.**

20 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
21 section 1233 of the National Defense Authorization Act
22 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
23 393), as most recently amended by section 1213 of the
24 National Defense Authorization Act for Fiscal Year 2012
25 (Public Law 112–81; 125 Stat. 1630), is further amend-
26 ed—

1 (1) by striking “for fiscal year 2012” and

2 (2) by inserting “, during the period ending on
3 September 30, 2013,” after “Secretary of Defense
4 may”.

5 (b) LIMITATION ON AMOUNTS AVAILABLE.—Sub-
6 section (d) of such section, as so amended, is further
7 amended—

8 (1) by striking “during fiscal year 2012 may
9 not exceed \$1,690,000,000” and inserting “may not
10 exceed \$1,750,000,000 during fiscal year 2013, ex-
11 cept that reimbursements made during fiscal year
12 2013 for support provided by Pakistan before May
13 1, 2011, using funds available for that purpose be-
14 fore fiscal year 2013 shall not count against this
15 limitation”; 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 is fur-
7 ther 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 so amended, until the Secretary of Defense
21 certifies to the congressional defense committees
22 each of the following:

23 (A) That Pakistan has opened and is
24 maintaining security along the ground lines of
25 supply through Pakistan to Afghanistan for the

1 transshipment of equipment and supplies in
2 support of United States military operations in
3 Afghanistan.

4 (B) That Pakistan is not providing support
5 to militant extremists groups (including the
6 Haqqani Network and the Afghan Taliban
7 Quetta Shura) located in Pakistan and con-
8 ducting cross-border attacks against United
9 States, coalition, or Afghanistan security forces,
10 and is taking actions to prevent such groups
11 from basing and operating in Pakistan.

12 (C) That Pakistan is demonstrating a con-
13 tinuing commitment, and is making significant
14 efforts toward the implementation of a strategy,
15 to counter improvised explosive devices, includ-
16 ing efforts to attack improvised explosive device
17 networks, monitor known precursors used in
18 improvised explosive devices, and develop and
19 implement a strict protocol for the manufacture
20 of explosive materials (including calcium ammo-
21 nium nitrate) and accessories and for their sup-
22 ply to legitimate end users.

23 (D) That Pakistan is demonstrably cooper-
24 ating with United States counterterrorism ef-
25 forts, including by not detaining, prosecuting,

1 or imprisoning citizens of Pakistan as a result
2 of their cooperation with such efforts, including
3 Dr. Shakil Afridi.

4 (2) **WAIVER AUTHORITY.**—The Secretary may
5 waive the limitation in paragraph (1) if the Sec-
6 retary certifies to the congressional defense commit-
7 tees in writing that the waiver is in the national se-
8 curity interests of the United States and includes
9 with such certification a justification for the waiver.

10 **SEC. 1217. EXTENSION AND MODIFICATION OF LOGISTICAL**
11 **SUPPORT FOR COALITION FORCES SUP-**
12 **PORTING CERTAIN UNITED STATES MILITARY**
13 **OPERATIONS.**

14 (a) **EXTENSION.**—Section 1234 of the National De-
15 fense Authorization Act for Fiscal Year 2008 (Public Law
16 111–181; 122 Stat. 394), as most recently amended by
17 section 1211 of the National Defense Authorization Act
18 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
19 1629)), is further amended by striking “fiscal year 2012”
20 each place it appears and inserting “fiscal year 2013”.

21 (b) **REPEAL OF AUTHORITY FOR USE OF FUNDS IN**
22 **CONNECTION WITH IRAQ.**—

23 (1) **IN GENERAL.**—Subsection (a) of such sec-
24 tion 1234, as so amended, is further amended by
25 striking “Iraq and”.

1 (2) CONFORMING AMENDMENT.—The heading
2 of such section 1234 is amended by striking “**IRAQ**
3 **AND**”.

4 **SEC. 1218. STRATEGY FOR SUPPORTING THE ACHIEVE-**
5 **MENT OF A SECURE PRESIDENTIAL ELEC-**
6 **TION IN AFGHANISTAN IN 2014.**

7 (a) STRATEGY REQUIRED.—The Secretary of De-
8 fense shall, in consultation with the Secretary of State,
9 develop a strategy to support the Government of Afghani-
10 stan in its efforts to achieve a secure presidential election
11 in Afghanistan in 2014.

12 (b) ELEMENTS.—The strategy shall include support
13 to the Government of Afghanistan for the following:

14 (1) The identification and training of an ade-
15 quate number of personnel within the current exist-
16 ing end strength of the Afghanistan National Secu-
17 rity Forces (ANSF) for security of polling stations,
18 election materials, and protection of election workers
19 and officials.

20 (2) The recruitment and training of an ade-
21 quate number of female personnel in the Afghani-
22 stan National Security Forces to afford equitable ac-
23 cess to polls for women, secure polling stations, and
24 secure locations for counting and storing election
25 materials.

1 enue Code of 1986 and exempt from tax under sec-
2 tion 501(a) of such Code that has recognized creden-
3 tials and expertise in national security and military
4 affairs appropriate for the assessment.

5 (c) ELEMENTS.—The assessment required by sub-
6 section (a) shall include, but not be limited to, the fol-
7 lowing:

8 (1) An assessment of the likely internal and re-
9 gional security environment for Afghanistan over the
10 next decade, including challenges and threats to the
11 security and sovereignty of Afghanistan from state
12 and non-state actors.

13 (2) An assessment of the strength, force struc-
14 ture, force posture, and capabilities required to
15 make the Afghan National Security Forces capable
16 of providing security for their own country so as to
17 prevent Afghanistan from ever again becoming a
18 safe haven for terrorists that threaten Afghanistan,
19 the region, and the world.

20 (3) An assessment of any capability gaps in the
21 Afghan National Security Forces that are likely to
22 persist after 2014 and that will require continued
23 support from the United States and its allies.

24 (4) An assessment whether current proposals
25 for the resourcing of the Afghan National Security

1 Forces after 2014 are adequate to establish and
2 maintain long-term security for the Afghanistan peo-
3 ple, and implications of the under-resourcing of the
4 Afghan National Security Forces for United States
5 national security interests.

6 (d) REPORT.—Not later than one year after the date
7 of the enactment of this Act, the entity selected for the
8 conduct of the assessment required by subsection (a) shall
9 provide to the Secretary and the congressional defense
10 committees a report containing its findings as a result of
11 the assessment. The report shall be submitted in unclassi-
12 fied form, but may include a classified annex.

13 (e) FUNDING.—Of the amounts authorized to be ap-
14 propriated for fiscal year 2013 by section 301 and avail-
15 able for operation and maintenance for Defense-wide ac-
16 tivities as specified in the funding table in section 4301,
17 up to \$1,000,000 shall be made available for the assess-
18 ment required by subsection (a).

19 (f) AFGHAN NATIONAL SECURITY FORCES.—For
20 purposes of this section, the Afghan National Security
21 Forces shall include all forces under the authority of the
22 Afghan Ministry of Defense and Afghan Ministry of Inte-
23 rior, including the Afghan National Army, the Afghan Na-
24 tional Police, the Afghan Border Police, the Afghan Na-
25 tional Civil Order Police, and the Afghan Local Police.

1 **SEC. 1220. REPORT ON AFGHANISTAN PEACE AND RE-**
2 **INTEGRATION PROGRAM.**

3 (a) REPORT REQUIRED.—Not later than 120 days
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall, in consultation with the Secretary of
6 State, submit to the appropriate committees of Congress
7 a report on the Afghanistan Peace and Reintegration Pro-
8 gram (APRP).

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

11 (1) A description of the goals and objectives of
12 the Afghanistan Peace and Reintegration Program.

13 (2) A description of the structure of the Pro-
14 gram at the national and sub-national levels in Af-
15 ghanistan, including the number and types of voca-
16 tional training and other education programs.

17 (3) A description of the activities of the Pro-
18 gram as of the date of the report.

19 (4) A description and assessment of the proce-
20 dures for vetting individuals seeking to participate in
21 the Program, including an assessment of the extent
22 to which biometric identification systems are used
23 and the role of provincial peace councils in such pro-
24 cedures.

25 (5) The amount of funding provided by the
26 United States, and by the international community,

1 to support the Program, and the amount of funds so
2 provided that have been distributed as of the date of
3 the report.

4 (6) An assessment of the individuals who have
5 been reintegrated into the Program, set forth in
6 terms as follows:

7 (A) By geographic distribution by province.

8 (B) By number of each of low-level insur-
9 gent fighters, mid-level commanders, and senior
10 commanders.

11 (C) By number confirmed to have been
12 part of the insurgency.

13 (D) By number who are currently mem-
14 bers of the Afghan Local Police.

15 (E) By number who are participating in or
16 have completed vocational training or other
17 educational programs as part of the Program.

18 (7) A description and assessment of the proce-
19 dures for monitoring the individuals participating in
20 the Program.

21 (8) A description and assessment of the role of
22 women and minority populations in the implementa-
23 tion of the Program.

24 (9) An assessment of the effectiveness of the
25 activities of the Program described under paragraph

1 (3) in achieving the goals and objectives of the Pro-
2 gram.

3 (10) Such recommendations as the Secretary of
4 Defense considers appropriate for improving the im-
5 plementation, oversight, and effectiveness of the Pro-
6 gram.

7 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
8 FINED.—In this section, the term “appropriate commit-
9 tees of Congress” means—

10 (1) the Committee on Armed Services, the
11 Committee on Foreign Relations, and the Committee
12 on Appropriations of the Senate; and

13 (2) the Committee on Armed Services, the
14 Committee on Foreign Affairs, and the Committee
15 on Appropriations of the House of Representatives.

16 **SEC. 1221. COMPLETION OF ACCELERATED TRANSITION OF**
17 **UNITED STATES COMBAT AND MILITARY AND**
18 **SECURITY OPERATIONS TO THE GOVERN-**
19 **MENT OF AFGHANISTAN.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that the President should, in coordination with the
22 Government of Afghanistan, North Atlantic Treaty Orga-
23 nization (NATO) member countries, and other allies in Af-
24 ghanistan, seek to—

1 (1) undertake all appropriate activities to ac-
2 complish the President’s stated goal of transitioning
3 the lead responsibility for security to the Govern-
4 ment of Afghanistan by mid-summer 2013;

5 (2) as part of accomplishing this transition of
6 the lead responsibility for security to the Govern-
7 ment of Afghanistan, draw down United States
8 troops to a level sufficient to meet this goal;

9 (3) as previously announced by the President,
10 continue to draw down United States troop levels at
11 a steady pace through the end of 2014; and

12 (4) end all regular combat operations by United
13 States troops by not later than December 31, 2014,
14 and take all possible steps to end such operations at
15 the earliest date consistent with a safe and orderly
16 draw down of United States troops in Afghanistan.

17 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
18 tion shall be construed to recommend or support any limi-
19 tation or prohibition on any authority of the President—

20 (1) to modify the military strategy, tactics, and
21 operations of United States Armed Forces as such
22 Armed Forces redeploy from Afghanistan;

23 (2) to authorize United States forces in Af-
24 ghanistan to defend themselves whenever they may
25 be threatened;

1 (3) to attack Al Qaeda forces wherever such
2 forces are located;

3 (4) to provide financial support and equipment
4 to the Government of Afghanistan for the training
5 and supply of Afghanistan military and security
6 forces; or

7 (5) to gather, provide, and share intelligence
8 with United States allies operating in Afghanistan
9 and Pakistan.

10 **SEC. 1222. SENSE OF CONGRESS COMMENDING THE EN-**
11 **DURING STRATEGIC PARTNERSHIP AGREE-**
12 **MENT BETWEEN THE UNITED STATES AND**
13 **AFGHANISTAN.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) The United States and Afghanistan have
17 been allies in the conflict against al Qaeda and its
18 affiliates for over a decade, with the shared goal of
19 ensuring that Afghanistan is never again a sanc-
20 tuary for al Qaeda.

21 (2) The United States and Afghanistan are
22 committed to the framework agreed to at the North
23 Atlantic Treaty Organization (NATO) Summit in
24 Lisbon in 2010, and reaffirmed at the NATO Sum-
25 mit in Chicago in 2012, for the transition from coa-

1 lition forces to the Afghan National Security Forces
2 of lead responsibility for security throughout Af-
3 ghanistan by the end of 2014.

4 (3) In June 2011, President Barack Obama
5 said, “What we can do, and will do, is build a part-
6 nership with the Afghan people that endures—one
7 that ensures that we will be able to continue tar-
8 geting terrorists and supporting a sovereign Afghan
9 government.”

10 (4) In November 2011, a traditional loya jirga
11 in Kabul declared that “strategic cooperation with
12 the United States of America, which is a strategic
13 ally of the people and government of Afghanistan, is
14 considered important in order to ensure political,
15 economic, and military security” and also stated,
16 “Signing a strategic cooperation document with the
17 United States conforms with the national interest of
18 Afghanistan and is of significant importance.”

19 (5) On May 2, 2012, President Obama and
20 President Hamid Karzai signed the Enduring Stra-
21 tegic Partnership Agreement Between the United
22 States of America and the Islamic Republic of Af-
23 ghanistan.

24 (6) At the signing of the Enduring Strategic
25 Partnership Agreement, President Obama said,

1 “Today we’re agreeing to be long-term partners in
2 combating terrorism, and training Afghan security
3 forces, strengthening democratic institutions and
4 supporting development, and protecting human
5 rights of all Afghans. With this agreement, the Af-
6 ghan people, and the world, should know that Af-
7 ghanistan has a friend and a partner in the United
8 States.”

9 (7) At a May 20, 2012, bilateral meeting with
10 President Karzai at the NATO Summit in Chicago,
11 President Obama said that the Enduring Strategic
12 Partnership Agreement “reflects a future in which
13 two sovereign nations—the United States and Af-
14 ghanistan—are operating as partners, to the benefit
15 of our countries’ citizens, but also for the benefit of
16 peace and security and stability in the region and
17 around the world”.

18 (8) President Karzai said at the May 20, 2012,
19 bilateral meeting with President Obama, “Mr. Presi-
20 dent, the partnership that we signed a few weeks
21 ago in Kabul has turned a new page in our relations.
22 And the new page is a page of two sovereign coun-
23 tries working together for the mutual interests—
24 peace and security and in all other areas.”

1 (9) On May 26, 2012, the Wolesi Jirga, the
2 lower house of the Afghan parliament, approved the
3 Agreement by a vote of 191–7 with 2 abstentions.

4 (10) On June 3, 2012, the Meshrano Jirga, the
5 upper house of the Afghan parliament, approved the
6 Agreement by a vote of 67–13.

7 (11) On July 8, 2012, at the Tokyo Conference
8 on Afghanistan, the international community and
9 the Government of Afghanistan reaffirmed their
10 partnership in the economic growth and development
11 of Afghanistan through a process of mutual commit-
12 ments and accountability.

13 (12) On July 4, 2012, the Enduring Strategic
14 Partnership Agreement entered into force.

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

17 (1) the members of the United States Armed
18 Forces, intelligence community, and diplomatic and
19 development community of the United States are to
20 be commended for their dedicated efforts and sac-
21 rifices in support of military and stability operations
22 in Afghanistan that have helped strengthen security
23 in Afghanistan, laid the foundation for transition to
24 a long-term partnership between the United States
25 and a sovereign Afghanistan, and supported the

1 Government and people of Afghanistan as they con-
2 tinue to build their capacity to effectively and justly
3 govern;

4 (2) the United States negotiating team for the
5 Enduring Strategic Partnership Agreement, includ-
6 ing the United States Embassy personnel in Kabul
7 under the leadership of Ambassador Ryan Crocker,
8 is to be commended for its committed diplomatic ef-
9 forts;

10 (3) the Governments of the United States and
11 Afghanistan are to be commended for concluding the
12 Enduring Strategic Partnership Agreement;

13 (4) Congress supports the objectives and prin-
14 ciples of the Enduring Strategic Partnership Agree-
15 ment, including protecting and promoting shared
16 democratic values, advancing long-term security, re-
17 inforcing regional security and cooperation, fostering
18 social and economic development, upholding the
19 rights of women and minorities, and strengthening
20 institutions and governance in Afghanistan;

21 (5) it is essential that the Government and peo-
22 ple of Afghanistan fulfill Afghanistan's international
23 commitments as agreed at the Tokyo Conference of
24 July 2012, the Bonn Conference of December 2011,
25 the Kabul Conference of July 2011, and other

1 venues to combat corruption, protect the equal
2 rights of all citizens of Afghanistan and enforce the
3 rule of law, hold free and fair elections in 2014, and
4 build inclusive and effective institutions of demo-
5 cratic governance;

6 (6) a key national security interest of the
7 United States is to maintain a long-term political,
8 economic, and military relationship with Afghani-
9 stan, including a limited presence of United States
10 Armed Forces for the purpose of training, advising,
11 and supporting Afghan National Security Forces
12 and cooperating on shared counterterrorism objec-
13 tives;

14 (7) the negotiation and conclusion of a Bilateral
15 Security Agreement, as called for in the Enduring
16 Strategic Partnership Agreement, will provide a fun-
17 damental framework for the long-term security rela-
18 tionship between the United States and Afghanistan;
19 and

20 (8) Congress has a critical role in continuing to
21 provide the support and assistance necessary to
22 achieve the goals of the Enduring Strategic Partner-
23 ship Agreement.

1 **SEC. 1223. CONGRESSIONAL REVIEW OF BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.**
2

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The Authorization for the Use of Military
6 Force (Public Law 107–40; 115 Stat. 224) author-
7 izes the President to use all necessary and appro-
8 priate force against those nations, organizations, or
9 persons the President determines planned, author-
10 ized, committed, or aided the terrorist attacks that
11 occurred on September 11, 2001, or harbored such
12 organizations or persons, in order to prevent any fu-
13 ture acts of international terrorism against the
14 United States by such nations, organizations, or per-
15 sons.

16 (2) President Barack Obama and Secretary of
17 Defense Leon Panetta have stated that the United
18 States continues to fight in Afghanistan to defeat
19 the al Qaeda threat and the Taliban, which harbored
20 al Qaeda in Afghanistan, where the attacks of Sep-
21 tember 11, 2001, were planned and where the
22 attackers received training.

23 (3) On May 1, 2012, the United States entered
24 into the “Enduring Strategic Partnership Agreement
25 Between the United States of America and the Is-
26 lamic Republic of Afghanistan”, which establishes an

1 enduring strategic partnership between the United
2 States and the Islamic Republic of Afghanistan.

3 (4) The Agreement reaffirms the presence and
4 operations of United States Armed Forces in Af-
5 ghanistan, and establishes long-term commitments
6 between the two countries, including the continued
7 commitment of United States forces and political
8 and financial support to the Government of Afghani-
9 stan.

10 (5) The Agreement also commits the United
11 States to establishing a long-term Bilateral Security
12 Agreement, with the goal of concluding a Bilateral
13 Security Agreement within one year to supersede the
14 present Status of Forces agreements with the Is-
15 lamic Republic of Afghanistan.

16 (6) Congress was not consulted regarding the
17 framework or substance of the Agreement.

18 (7) In the past, Congress has been consulted,
19 and, in some cases, has provided its advice and con-
20 sent to ratification of such agreements, including
21 those where the use of force was not authorized nor
22 required in the country.

23 (b) NOTIFICATION REQUIREMENT.—Not later than
24 30 days before entering into any Bilateral Security Agree-
25 ment or other agreement with the Islamic Republic of Af-

1 ghanistan that will affect the Status of Forces agreements
2 and long-term commitments between the United States
3 and the Islamic Republic of Afghanistan, the President
4 shall submit the agreement to the appropriate congres-
5 sional committees for review. If the President fails to com-
6 ply with such requirement, 50 percent of the unobligated
7 balance of the amounts appropriated or otherwise made
8 available for the Executive Office of the President shall
9 be withheld.

10 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
11 FINED.—In this section, the term “appropriate congres-
12 sional committees” means—

13 (1) the Committee on Armed Services and the
14 Committee on Foreign Relations of the Senate; and

15 (2) the Committee on Armed Services and the
16 Committee on Foreign Affairs of the House of Rep-
17 resentatives.

18 **SEC. 1224. AUTHORITY TO TRANSFER DEFENSE ARTICLES**
19 **AND PROVIDE DEFENSE SERVICES TO THE**
20 **MILITARY AND SECURITY FORCES OF AF-**
21 **GHANISTAN AND CERTAIN OTHER COUN-**
22 **TRIES.**

23 (a) NONEXCESS ARTICLES AND RELATED SERV-
24 ICES.—The Secretary of Defense may, with the concur-
25 rence of the Secretary of State, transfer nonexcess defense

1 articles from the stocks of the Department of Defense,
2 without reimbursement from the government of the recipi-
3 ent country, and provide defense services in connection
4 with the transfer of such defense articles, as follows:

5 (1) To the military and security forces of Af-
6 ghanistan to support the efforts of those forces to
7 restore and maintain peace and security in that
8 country.

9 (2) To the military and security forces of
10 Yemen to support the efforts of those forces to con-
11 duct counterterrorism operations and counter al
12 Qaeda in the Arabian Peninsula.

13 (3) To the military and security forces of Soma-
14 lia and other countries in the East Africa region to
15 support the efforts of those forces to conduct
16 counterterrorism and postconflict stability operations
17 in Somalia.

18 (b) LIMITATIONS.—

19 (1) VALUE.—The aggregate replacement value
20 of all defense articles transferred and defense serv-
21 ices provided in connection with such defense articles
22 under subsection (a) in any fiscal year may not ex-
23 ceed \$250,000,000.

1 (2) SOURCE OF TRANSFERRED ARTICLES.—The
2 authority under subsection (a) may only be used for
3 defense articles that—

4 (A) were present in Afghanistan as of the
5 date of the enactment of this Act;

6 (B) immediately before transfer were in
7 use to support operations in Afghanistan; and

8 (C) are no longer required by United
9 States forces in Afghanistan.

10 (c) APPLICABLE LAW.—Any defense articles trans-
11 ferred or defense services provided under the authority of
12 subsection (a) shall be subject to the authorities and limi-
13 tations applicable to excess defense articles under section
14 516 of the Foreign Assistance Act of 1961 (22 U.S.C.
15 2321j), other than the authorities and limitations in sub-
16 sections (b)(1)(B), (e), (f), and (g) of such section.

17 (d) REPORT REQUIRED BEFORE EXERCISE OF AU-
18 THORITY.—

19 (1) IN GENERAL.—The Secretary of Defense
20 may not exercise the authority under subsection (a)
21 until 15 days after the Secretary submits to the ap-
22 propriate committees of Congress a report on the
23 equipment and other property of the Department of
24 Defense in Afghanistan.

1 (2) ELEMENTS.—The report required under
2 paragraph (1) shall include the following:

3 (A) A description of the process for
4 inventorying equipment and property, including
5 defense articles, in Afghanistan owned by the
6 Department of Defense, including equipment
7 and property owned by the Department and
8 under the control of contractors in Afghanistan.

9 (B) An estimate of the types and quan-
10 tities of equipment and property of the Depart-
11 ment of Defense, including defense articles, an-
12 ticipated to be withdrawn from Afghanistan in
13 connection with the drawdown of United States
14 military forces from Afghanistan between the
15 date of the enactment of this Act and December
16 31, 2014, including equipment and property
17 owned by the Department and under the con-
18 trol of contractors in Afghanistan.

19 (e) NOTICE ON EXERCISE OF AUTHORITY.—

20 (1) IN GENERAL.—The Secretary of Defense
21 may not transfer defense articles or provide defense
22 services under subsection (a) until 15 days after the
23 date on which the Secretary of Defense, with the
24 concurrence of the Secretary of State, submits to the
25 appropriate committees of Congress notice of the

1 proposed transfer of defense articles and provision of
2 defense services.

3 (2) ELEMENTS.—A notice under paragraph (1)
4 shall include the following:

5 (A) A description of the amount and types
6 of defense articles to be transferred and defense
7 services to be provided.

8 (B) A statement describing the current
9 value of the defense articles to be transferred
10 and the estimated replacement value of such ar-
11 ticles.

12 (C) An identification of the element of the
13 military or security force that is the proposed
14 recipient of the defense articles to be trans-
15 ferred and defense service to be provided.

16 (D) An identification of the military de-
17 partment from which the defense articles to be
18 transferred are to be drawn.

19 (E) An assessment of the impact, if any,
20 of the transfer of defense articles on the readi-
21 ness of units from which the defense articles
22 are to be transferred, and the plan, if any, for
23 mitigating such impact or reimbursing the mili-
24 tary department of such units for such defense
25 articles.

1 (F) An assessment of the ability of the re-
2 cipient government to sustain the costs associ-
3 ated with receiving, possessing, and using the
4 defense articles to be transferred.

5 (G) A determination and certification by
6 the Secretary of Defense that—

7 (i) the proposed transfer of the de-
8 fense articles to be transferred and the
9 provision of defense services to be provided
10 in connection with such transfer is in the
11 national interest of the United States;

12 (ii) for the transfer of defense articles
13 under the authority in subsection (a)(1),
14 such defense articles are required by the
15 military and security forces of Afghanistan
16 to build their capacity to restore and main-
17 tain peace and security in that country;

18 (iii) for the transfer of defense articles
19 and provision of defense services under the
20 authority in subsection (a)(2), the transfer
21 of such defense articles and provision of
22 such defense services will contribute sig-
23 nificantly to building key capacities of the
24 military and security forces of Yemen re-
25 quired to conduct counterterrorism oper-

1 ations and counter al Qaeda in the Ara-
2 bian Peninsula; and

3 (iv) for the transfer of defense articles
4 and provision of defense services under the
5 authority in subsection (a)(3), the transfer
6 of such defense articles and provision of
7 such defense services will contribute sig-
8 nificantly to building key capabilities of the
9 military and security forces of the recipient
10 country to conduct counterterrorism and
11 postconflict stability operations in Somalia.

12 (f) QUARTERLY REPORTS.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the first transfer of defense articles and
15 provision of defense services under the authority in
16 subsection (a), and at the end of each calendar quar-
17 ter, if any, thereafter through March 31, 2015, in
18 which the authority in subsection (a) is exercised,
19 the Secretary of Defense shall submit to the appro-
20 priate committees of Congress a report on the imple-
21 mentation of the authority in subsection (a). Each
22 report shall include the replacement value of the de-
23 fense articles transferred pursuant to subsection (a),
24 both in the aggregate and by military department,
25 and defense services provided to recipient countries,

1 during the 90-day period ending on the date of such
2 report.

3 (2) INCLUSION IN OTHER REPORT.—A report
4 required under paragraph (1) may be included in the
5 report required under section 9204 of the Supple-
6 mental Appropriations Act, 2008 (Public Law 110-
7 252; 122 Stat. 2410) or any follow on report to such
8 other report.

9 (g) DEFINITIONS.—In this section:

10 (1) APPROPRIATE COMMITTEES OF CON-
11 GRESS.—The term “appropriate committees of Con-
12 gress” means—

13 (A) the Committee on Armed Services, the
14 Committee on Foreign Relations, and the Com-
15 mittee on Appropriations of the Senate; and

16 (B) the Committee on Armed Services, the
17 Committee on Foreign Affairs, and the Com-
18 mittee on Appropriations of the House of Rep-
19 resentatives.

20 (2) DEFENSE ARTICLES.—The term “defense
21 articles” has the meaning given the term in section
22 644(d) of the Foreign Assistance Act of 1961 (22
23 U.S.C. 2403(d)).

24 (3) DEFENSE SERVICES.—The term “defense
25 services” has the meaning given the term in section

1 644(f) of the Foreign Assistance Act of 1961 (22
2 U.S.C. 2403(f)).

3 (4) MILITARY AND SECURITY FORCES.—The
4 term “military and security forces” means national
5 armies, national air forces, national navies, national
6 guard forces, police forces, and border security
7 forces, but does not include nongovernmental or ir-
8 regular forces (such as private militias).

9 (5) EAST AFRICA REGION.—The term “East
10 Africa region” means Burundi, Djibouti, Ethiopia,
11 Kenya, Somalia, and Uganda.

12 (h) EXPIRATION.—The authority provided in sub-
13 section (a) may not be exercised after December 31, 2014.

14 (i) EXCESS DEFENSE ARTICLES.—

15 (1) ADDITIONAL AUTHORITY.—The authority
16 provided by subsection (a) is in addition to the au-
17 thority provided by section 516 of the Foreign As-
18 sistance Act of 1961.

19 (2) EXEMPTIONS.—(A) During fiscal years
20 2013 and 2014, the value of excess defense articles
21 transferred from the stocks of the Department of
22 Defense in Afghanistan to Afghanistan, Yemen, So-
23 malia, or other countries in the East Africa region
24 pursuant to section 516 of the Foreign Assistance
25 Act of 1961 shall not be counted against the limita-

1 tion on the aggregate value of excess defense articles
 2 transferred contained in subsection (g) of such sec-
 3 tion.

4 (B) During fiscal years 2013 and 2014, any ex-
 5 cess defense articles specified in subparagraph (A)
 6 shall not be subject to the authorities and limitations
 7 applicable to excess defense articles under section
 8 516 of the Foreign Assistance Act of 1961 contained
 9 in subsections (b)(1)(B) and (e) of such section.

10 (3) CONSTRUCTION EQUIPMENT.—Notwith-
 11 standing section 644(g) of the Foreign Assistance
 12 Act of 1961 (22 U.S.C. 2403(g)) and section 2562
 13 of title 10, United States Code, construction equip-
 14 ment from the stocks of the Department of Defense
 15 in Afghanistan may be transferred as excess defense
 16 articles under section 516 of the Foreign Assistance
 17 Act of 1961 and subject to the provisions of this
 18 subsection.

19 **Subtitle C—Reports**

20 **SEC. 1231. REVIEW AND REPORTS ON DEPARTMENT OF DE-**
 21 **FENSE EFFORTS TO BUILD THE CAPACITY OF**
 22 **AND PARTNER WITH FOREIGN SECURITY**
 23 **FORCES.**

24 (a) REVIEW.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the De-
3 fense Policy Board shall conduct a review of the ef-
4 forts of the Department of Defense to build the ca-
5 pacity of, or partner with, foreign security forces in
6 support of national defense and security strategies.

7 (2) ELEMENTS.—The review required by this
8 subsection shall include the following:

9 (A) An examination of the ways in which
10 the efforts of the Department to build the ca-
11 pacity of, or partner with, foreign security
12 forces directly support implementation of cur-
13 rent national defense and security strategies.

14 (B) An assessment of the range of effects
15 that efforts of the Department to build the ca-
16 pacity of, or partner with, foreign security
17 forces are designed to achieve in support of cur-
18 rent national defense and security strategies.

19 (C) An assessment of the criteria used for
20 prioritizing such efforts in support of national
21 defense and security strategies.

22 (D) An identification of the authorities the
23 Department currently uses to implement such
24 efforts, together with an assessment of the ade-
25 quacy of such authorities.

1 (E) An assessment of the capabilities re-
2 quired by the Department to implement such
3 efforts.

4 (F) An assessment of the most effective
5 distribution of the roles and responsibilities for
6 such efforts within the Department, together
7 with an assessment whether the Department
8 military and civilian workforce is appropriately
9 sized and shaped to meet the requirements of
10 such efforts.

11 (G) An evaluation of current measures of
12 the Department for assessing activities of the
13 Department designed to build the capacity of,
14 or partner with, foreign security forces, includ-
15 ing an assessment whether such measures ad-
16 dress the extent to which such activities directly
17 support the priorities of national defense and
18 security strategies.

19 (H) An identification of recommendations
20 for clarifying or improving the guidance and as-
21 sessment measures of the Department relating
22 to its efforts to build the capacity of, or partner
23 with, foreign security forces in support of na-
24 tional defense and security strategies.

1 (3) REPORT.—Not later than 90 days after the
2 completion of the review required by this subsection,
3 the Secretary of Defense shall submit to the con-
4 gressional defense committees a report containing
5 the result of the review.

6 (b) STRATEGIC GUIDANCE ON DEPARTMENT OF DE-
7 FENSE EFFORTS TO BUILD PARTNER CAPACITY AND
8 OTHER PARTNERSHIP INITIATIVES.—Not later than 120
9 days after the completion of the review required by sub-
10 section (a), the Secretary of Defense shall, in coordination
11 with the Chairman of the Joint Chiefs of Staff, submit
12 to the congressional defense committees a report setting
13 forth the following:

14 (1) An assessment, taking into account the rec-
15 ommendations of the Defense Policy Board in the
16 review required by subsection (a), of the efforts of
17 the Department of Defense to build the capacity of,
18 and partner with, foreign military forces in support
19 of national defense and security strategies.

20 (2) Strategic guidance for the Department for
21 its efforts to build the capacity of, and partner with,
22 foreign military forces in support of national defense
23 and security strategies, which guidance shall ad-
24 dress—

1 (A) the ways such efforts directly support
2 the goals and objectives of national defense and
3 security strategies;

4 (B) the criteria to be used for prioritizing
5 activities to implement such efforts in support
6 of national defense and security strategies;

7 (C) the measures to be used to assess the
8 effects achieved by such efforts and the extent
9 to which such effects support the objectives of
10 national defense and security strategies;

11 (D) the appropriate roles and responsibil-
12 ities of the Armed Forces, the Defense Agen-
13 cies, and other components of the Department
14 in conducting such efforts; and

15 (E) the relationship of Department work-
16 force planning with the requirements for such
17 efforts.

18 **SEC. 1232. ADDITIONAL ELEMENTS IN ANNUAL REPORT ON**
19 **MILITARY AND SECURITY DEVELOPMENTS**
20 **INVOLVING THE PEOPLE'S REPUBLIC OF**
21 **CHINA.**

22 Section 1202 of the National Defense Authorization
23 Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amend-
24 ed—

25 (1) in subsection (b)—

1 (A) by amending paragraph (9) to read as
2 follows:

3 “(9) Developments in China’s asymmetric capa-
4 bilities, including efforts to develop and deploy
5 cyberwarfare and electronic warfare capabilities, and
6 associated activities originating or suspected of origi-
7 nating from China. This discussion of these develop-
8 ments shall include—

9 “(A) the nature of China’s cyber activities
10 directed against the Department of Defense and
11 an assessment of the damage inflicted on the
12 Department of Defense by reason thereof, and
13 the potential harms;

14 “(B) a description of China’s strategy for
15 use and potential targets of offensive
16 cyberwarfare and electronic warfare capabilities;

17 “(C) details on the number of malicious
18 cyber incidents emanating from Internet Pro-
19 tocol addresses in China, including a compari-
20 son of the number of incidents during the re-
21 porting period to previous years; and

22 “(D) details regarding the specific People’s
23 Liberation Army; state security; research and
24 academic; state-owned, associated, or other
25 commercial enterprises; and other relevant ac-

1 tors involved in supporting or conducting
2 cyberwarfare and electronic warfare activities
3 and capabilities.”;

4 (B) by redesignating paragraphs (10),
5 (11), and (12) as paragraphs (15), (16), and
6 (17) respectively;

7 (C) by inserting after paragraph (9) the
8 following new paragraphs:

9 “(10) The strategy and capabilities of Chinese
10 space programs, including trends, global and re-
11 gional activities, the involvement of military and ei-
12 vilian organizations, including state-owned enter-
13 prises, academic institutions, and commercial enti-
14 ties, and efforts to develop, acquire, or gain access
15 to advanced technologies that would enhance Chi-
16 nese military capabilities.

17 “(11) Developments in China’s nuclear capabili-
18 ties, which shall include the following:

19 “(A) The size and state of China’s nuclear
20 stockpile.

21 “(B) A description of China’s nuclear
22 strategy and associated doctrines.

23 “(C) A description of the quantity, range,
24 payload features, and location of China’s nu-
25 clear missiles and the quantity and operational

1 status of their associated launchers or plat-
2 forms.

3 “(D) An analysis of China’s efforts to use
4 electromagnetic pulse.

5 “(E) Projections of possible future Chinese
6 nuclear arsenals, their capabilities, and associ-
7 ated doctrines.

8 “(F) A description of China’s fissile mate-
9 rial stockpile and civil and military production
10 capabilities and capacities.

11 “(G) A discussion of any significant uncer-
12 tainties or knowledge gaps surrounding China’s
13 nuclear weapons program and the potential im-
14 plications of any such knowledge gaps for the
15 security of the United States and its allies.

16 “(12) A description of China’s anti-access and
17 area denial capabilities.

18 “(13) A description of China’s command, con-
19 trol, communications, computers, intelligence, sur-
20 veillance, and reconnaissance modernization program
21 and its applications for China’s precision guided
22 weapons.

23 “(14) A description of China’s maritime activi-
24 ties, including—

1 “(A) China’s response to Freedom of Navi-
2 gation activities conducted by the Department
3 of Defense;

4 “(B) an account of each time People’s Lib-
5 eration Army Navy vessels have transited out-
6 side the First Island Chain, including the type
7 of vessels that were involved; and

8 “(C) the role of China’s maritime law en-
9 forcement vessels in maritime incidents, includ-
10 ing details regarding any collaboration between
11 China’s law enforcement vessels and the Peo-
12 ple’s Liberation Army Navy.”; and

13 (D) by adding after paragraph (17), as re-
14 designated by subparagraph (B), the following
15 new paragraphs:

16 “(18) A description of Chinese military-to-mili-
17 tary relationships with other countries, including the
18 size and activity of military attache offices around
19 the world and military education programs con-
20 ducted in China for other countries or in other coun-
21 tries for the Chinese.

22 “(19) A description of any significant sale or
23 transfer of military hardware, expertise, and tech-
24 nology to or from the People’s Republic of China, in-
25 cluding a forecast of possible future sales and trans-

1 fers, and a description of the implications of those
2 sales and transfers for the security of the United
3 States and its friends and allies in Asia. The infor-
4 mation under this paragraph shall include—

5 “(A) the extent of the People’s Republic of
6 China’s knowledge, cooperation, or condoning of
7 sales or transfers of military hardware, exper-
8 tise, or technology to receiving states;

9 “(B) the extent in each selling state of
10 government knowledge, cooperation, or
11 condoning of sales or transfers of military hard-
12 ware, expertise, or technology to the People’s
13 Republic of China;

14 “(C) an itemization of significant sales and
15 transfers of military hardware, expertise, or
16 technology that have taken place during the re-
17 porting period;

18 “(D) significant assistance by any selling
19 state to key research and development pro-
20 grams in China, including programs for devel-
21 opment of weapons of mass destruction and de-
22 livery vehicles for such weapons, programs for
23 development of advanced conventional weapons,
24 and programs for development of unconven-
25 tional weapons;

1 “(E) significant assistance by the People’s
2 Republic of China to the research and develop-
3 ment programs of purchasing or receiving
4 states, including programs for development of
5 weapons of mass destruction and delivery vehi-
6 cles for such weapons, programs for develop-
7 ment of advanced conventional weapons, and
8 programs for development of unconventional
9 weapons;

10 “(F) the extent to which arms sales to or
11 from the People’s Republic of China are a
12 source of funds for military research and devel-
13 opment or procurement programs in China or
14 the selling state;

15 “(G) a discussion of the ability of the Peo-
16 ple’s Liberation Army to assimilate such sales
17 or transfers, mass produce new equipment, and
18 develop doctrine for use; and

19 “(H) a discussion of the potential threat of
20 developments related to such sales on the secu-
21 rity interests of the United States and its
22 friends and allies in Asia.”; and

23 (2) by amending subsection (d) to read as fol-
24 lows:

1 “(d) COMBATANT COMMANDER ASSESSMENT.—The
2 report required under subsection (a) shall include an
3 annex, in classified or unclassified form, that includes an
4 assessment of the Commander of the United States Pacific
5 Command on the following matters:

6 “(1) Any gaps in intelligence that limit the abil-
7 ity of the Commander to address challenges posed
8 by the People’s Republic of China.

9 “(2) Any gaps in the capabilities, capacity, and
10 authorities of the Commander to address challenges
11 posed by the People’s Republic of China to the
12 United States Armed Forces and United States in-
13 terests in the region.

14 “(3) Any other matters the Commander con-
15 siders to be relevant.”.

16 **SEC. 1233. REPORT ON IMPLEMENTATION BY GOVERNMENT**
17 **OF BAHRAIN OF RECOMMENDATIONS IN RE-**
18 **PORT OF THE BAHRAIN INDEPENDENT COM-**
19 **MISSION OF INQUIRY.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of the enactment of this Act, the Secretary of State
22 shall submit to the Committee on Foreign Relations of the
23 Senate and the Committee on Foreign Affairs of the
24 House of Representatives a report on the implementation
25 by the Government of Bahrain of the recommendations

1 contained in the Report of the Bahrain Independent Com-
2 mission of Inquiry.

3 (b) CONTENT.—The report required under subsection
4 (a) shall include the following elements:

5 (1) A description of the specific steps taken by
6 the Government of Bahrain to implement each of the
7 26 recommendations contained in the Report of the
8 Bahrain Independent Commission of Inquiry.

9 (2) An assessment of whether each rec-
10 ommendation has been fully complied with by the
11 Government of Bahrain.

12 (3) An assessment of the impact of the findings
13 of the Report of the Bahrain Independent Commis-
14 sion of Inquiry on progress toward democracy and
15 respect for human rights in Bahrain.

16 **SEC. 1234. REPORTS ON SYRIA.**

17 (a) REPORT ON OPPOSITION GROUPS.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of the enactment of this Act, the Director
20 of National Intelligence and Secretary of State shall
21 submit to Congress a report describing in detail all
22 the known opposition groups, both independent and
23 state-sponsored, inside and outside of Syria, oper-
24 ating directly or indirectly to oppose the Government
25 of Syria.

1 (2) CONTENT.—The report required under
2 paragraph (1) shall include the following elements:

3 (A) An assessment of the current military
4 capacity of opposition forces.

5 (B) An assessment of the ability of opposi-
6 tion forces inside and outside of Syria to estab-
7 lish military and political activities impacting
8 Syria, together with a practicable timetable for
9 accomplishing these objectives.

10 (C) An assessment of the ability of any of
11 the opposition groups to establish effective mili-
12 tary and political control in Syria.

13 (D) A description of the composition and
14 political agenda of each of the known opposition
15 groups inside and outside of Syria, and an as-
16 sessment of the degree to which such groups
17 represent the views of the people of Syria as a
18 whole.

19 (E) A description of the financial resources
20 currently available to opposition groups and
21 known potential sources of continued financing.

22 (F) An assessment of the relationship be-
23 tween each of the Syrian opposition groups and
24 the Muslim Brotherhood, al Qaeda, Hezbollah,
25 Hamas, and any other groups that have pro-

1 moted an agenda that would negatively impact
2 United States national interests.

3 (G) An assessment of the impact of sup-
4 port from the United States and challenges to
5 providing such additional support to opposition
6 forces on the factors discussed in subpara-
7 graphs (A) through (F).

8 (b) REPORT ON WEAPONS STOCKPILES.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of the enactment of this Act, the Director
11 of National Intelligence and Secretary of Defense
12 shall submit to Congress an assessment of the size
13 and security of conventional and non-conventional
14 weapons stockpiles in Syria.

15 (2) CONTENT.—The report required under
16 paragraph (1) shall include the following elements:

17 (A) A description of who has or may have
18 access to the stockpiles.

19 (B) A description of the sources and types
20 of weapons flowing from outside Syria to both
21 government and opposition forces.

22 (C) A description of U.S. and international
23 efforts to prevent the proliferation of conven-
24 tional, biological, chemical, and other types of
25 weapons in Syria.

1 (c) REPORT ON CURRENT ACTIVITIES AND FUTURE
2 PLANS TO PROVIDE ASSISTANCE TO SYRIA'S POLITICAL
3 OPPOSITION.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Secretary
6 of State shall submit to Congress a report on all the
7 support provided to opposition political forces in
8 Syria.

9 (2) CONTENT.—The report required under
10 paragraph (1) shall include the following elements:

11 (A) A full description of the current tech-
12 nical assistance democracy programs conducted
13 by the Department of State and United States
14 Agency for International Development to sup-
15 port the political opposition in Syria.

16 (B) A full summary of the communications
17 equipment that is currently being provided to
18 the political opposition in Syria, including a de-
19 scription of the entities that have received and
20 that will continue to receive such equipment.

21 (C) A description of any additional activi-
22 ties the United States plans to undertake in
23 support of the political opposition in Syria.

1 (D) A description of the funding levels cur-
2 rently dedicated to support the political opposi-
3 tion in Syria.

4 (E) A description of obstacles and chal-
5 lenges to providing additional support to Syria's
6 political opposition.

7 (d) FORM.—The reports required by this section may
8 be submitted in a classified form.

9 **SEC. 1235. REPORT ON MILITARY ACTIVITIES TO DENY OR**
10 **SIGNIFICANTLY DEGRADE THE USE OF AIR**
11 **POWER AGAINST CIVILIAN AND OPPOSITION**
12 **GROUPS IN SYRIA.**

13 (a) REPORT REQUIRED.—Not later than 90 days
14 after the date of the enactment of this Act, the Secretary
15 of Defense shall, in consultation with the Chairman of the
16 Joint Chiefs of Staff, submit to the congressional defense
17 committees a report identifying the limited military activi-
18 ties that could deny or significantly degrade the ability of
19 President Bashar al-Assad of Syria, and forces loyal to
20 him, to use air power against civilians and opposition
21 groups in Syria.

22 (b) NATURE OF MILITARY ACTIVITIES.—

23 (1) PRINCIPAL PURPOSE.—The principal pur-
24 pose of the military activities identified for purposes
25 of the report required by subsection (a) shall be to

1 advance the goals of President Obama of stopping
2 the killing of civilians in Syria and creating condi-
3 tions for a transition to a democratic, pluralistic po-
4 litical system in Syria.

5 (2) ADDITIONAL GOALS.—The military activi-
6 ties identified for purposes of the report shall also
7 meet the goals as follows:

8 (A) That the United States Armed Forces
9 conduct such activities with foreign allies or
10 partners.

11 (B) That United States ground troops not
12 be deployed onto Syrian territory.

13 (C) That the risk to civilians on the
14 ground in Syria be limited.

15 (D) That the risks to United States mili-
16 tary personnel be limited.

17 (E) That the financial costs to the United
18 States be limited.

19 (c) ELEMENTS ON POTENTIAL MILITARY ACTIVI-
20 TIES.—The report required by subsection (a) shall include
21 a comprehensive description, evaluation, and assessment
22 of the potential effectiveness of the following military ac-
23 tivities, as required by subsection (a):

24 (1) The deployment of air defense systems,
25 such as Patriot missile batteries, to neighboring

1 countries for the purpose of denying or significantly
2 degrading the operational capability of Syria air-
3 craft.

4 (2) The establishment of one or more no-fly
5 zones over key population centers in Syria.

6 (3) Limited air strikes to destroy or signifi-
7 cantly degrade Syria aircraft.

8 (4) Such other military activities as the Sec-
9 retary considers appropriate to achieve the goals
10 stated in subsection (b).

11 (d) ELEMENTS IN DESCRIPTION OF POTENTIAL
12 MILITARY ACTIVITIES.—For each military activity that
13 the Secretary identifies in subsection (c), the comprehen-
14 sive description of such activities under that subsection
15 shall include, but not be limited to, the type and the num-
16 ber of United States military personnel and assets to be
17 involved in such activities, the anticipated duration of such
18 activities, and the anticipated cost of such activities. The
19 report shall also identify what elements would be required
20 to maximize the effectiveness of such military activities.

21 (e) NO AUTHORIZATION FOR USE OF MILITARY
22 FORCE.—Nothing in this section shall be construed as a
23 declaration of war or an authorization for the use of force.

24 (f) The report required in subsection (a) shall be de-
25 livered in classified form.

1 **Subtitle D—Other Matters**

2 **SEC. 1241. IMPROVED ADMINISTRATION OF THE AMER-**
3 **ICAN, BRITISH, CANADIAN, AND AUSTRALIAN**
4 **ARMIES' PROGRAM.**

5 (a) **AUTHORITY.**—

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

9 **“§ 168a. American, British, Canadian, and Australian**
10 **Armies' Program: administration; agree-**
11 **ments with other participating countries**

12 “(a) **AUTHORITY.**—As part of the participation by
13 the United States in the land-force program known as the
14 American, British, Canadian, and Australian Armies' Pro-
15 gram (in this section referred to as the 'Program'), the
16 Secretary of Defense may, with the concurrence of the
17 Secretary of State, enter into agreements with the other
18 participating countries in accordance with this section,
19 and the Program shall be managed pursuant to a joint
20 agreement among the participating countries.

21 “(b) **PARTICIPATING COUNTRIES.**—In addition to the
22 United States, the countries participating in the Program
23 are the following:

24 “(1) Australia.

25 “(2) Canada.

1 “(3) New Zealand.

2 “(4) The United Kingdom.

3 “(c) CONTRIBUTIONS BY PARTICIPANTS.—(1) An
4 agreement under subsection (a) shall provide that each
5 participating country shall contribute to the Program—

6 “(A) its equitable share of the full cost for the
7 Program, including the full cost of overhead and ad-
8 ministrative costs related to the Program; and

9 “(B) any amount allocated to it in accordance
10 with the agreement for the cost for monetary claims
11 asserted against any participating country as a re-
12 sult of participation in the Program.

13 “(2) Such an agreement shall also provide that each
14 participating country (including the United States) may
15 provide its contribution for its equitable share under the
16 agreement in funds, in personal property, or in services
17 required for the Program (or in any combination thereof).

18 “(3) Any contribution by the United States to the
19 Program that is provided in funds shall be made from
20 funds available to the Department of Defense for oper-
21 ation and maintenance.

22 “(4) Any contribution received by the United States
23 from another participating country to meet that country’s
24 share of the costs of the Program shall be credited to ap-
25 propriations available to the Department of Defense, as

1 determined by the Secretary of Defense. The amount of
2 a contribution credited to an appropriation account in con-
3 nection with the Program shall be available only for pay-
4 ment of the share of the Program expenses allocated to
5 the participating country making the contribution.
6 Amounts so credited shall be available for the following
7 purposes:

8 “(A) Payments to contractors and other sup-
9 pliers (including the Department of Defense and
10 participating countries acting as suppliers) for nec-
11 essary goods and services of the Program.

12 “(B) Payments for any damages and costs re-
13 sulting from the performance or cancellation of any
14 contract or other obligation in support of the Pro-
15 gram.

16 “(C) Payments for any monetary claim against
17 a participating country as a result of the participa-
18 tion of that country in the Program.

19 “(D) Payments or reimbursements of other
20 Program expenses, including overhead and adminis-
21 trative costs for any administrative office for the
22 Program.

23 “(E) Refunds to other participating countries.

24 “(5) Costs for the operation of any office established
25 to carry out the Program shall be borne jointly by the

1 participating countries as provided for in an agreement
2 referred to in subsection (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 par-
13 ticipation by the United States in the Program, the Sec-
14 retary of Defense may, with respect to any property that
15 is jointly acquired by the countries participating in the
16 Program, agree to the disposal of the property without re-
17 gard to any law of the United States that is otherwise
18 applicable to the disposal of property owned by the United
19 States. Such disposal may include the transfer of the in-
20 terest of the United States in the property to one or more
21 of the other participating countries or the sale of the prop-
22 erty. Reimbursement for the value of the property dis-
23 posed of (including the value of the interest of the United
24 States in the property) shall be made in accordance with
25 an agreement under subsection (a).

1 “(f) SUNSET.—Any agreement entered into by the
 2 United States with another country under subsection (a),
 3 and United States participation in the joint agreement de-
 4 scribed in that subsection, shall expire not later than five
 5 years after the date of the enactment of the National De-
 6 fense Authorization Act for Fiscal Year 2013.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
 8 tions at the beginning of chapter 6 of such title is
 9 amended by adding at the end the following new
 10 item:

“168a. American, British, Canadian, and Australian Armies’ Program: adminis-
 tration; agreements with other participating countries.”.

11 (b) REPORT.—Not later than 60 days before the expi-
 12 ration date for agreements under subsection (a) of section
 13 168a of title 10, United States Code (as added by sub-
 14 section (a) of this section), pursuant to subsection (f) of
 15 such section, the Secretary of Defense shall submit to the
 16 Committees on Armed Services of the Senate and the
 17 House of Representatives a report on the activities, costs,
 18 and accomplishments of the American, British, Canadian,
 19 and Australian Armies’ Program during the five-year pe-
 20 riod ending on the date of such report.

21 **SEC. 1242. UNITED STATES PARTICIPATION IN HEAD-**
 22 **QUARTERS EUROCORPS.**

23 (a) PARTICIPATION AUTHORIZED.—The Secretary of
 24 Defense may, with the concurrence of the Secretary of

1 State, authorize the participation of members of the
2 Armed Forces as members of the staff of Headquarters
3 Eurocorps for the purpose of supporting the North Atlan-
4 tic Treaty Organization (NATO) activities of the NATO
5 Rapid Deployable Corps Eurocorps.

6 (b) MEMORANDUM OF UNDERSTANDING.—

7 (1) REQUIREMENT.—The participation of mem-
8 bers of the Armed Forces as members of the staff
9 of Headquarters Eurocorps shall be in accordance
10 with the terms of one or more memoranda of under-
11 standing entered into by the Secretary of Defense,
12 with the concurrence of the Secretary of State, and
13 Headquarters Eurocorps.

14 (2) COST-SHARING ARRANGEMENTS.—If De-
15 partment of Defense facilities, equipment, or funds
16 are used to support Headquarters Eurocorps, the
17 memoranda of understanding under paragraph (1)
18 shall provide details of any cost-sharing arrangement
19 or other funding arrangement.

20 (c) LIMITATION ON NUMBER OF MEMBERS PARTICI-
21 PATING AS STAFF.—Not more than two members of the
22 Armed Forces may participate as members of the staff
23 of Headquarters Eurocorps, until the Secretary of Defense
24 submits to the Committees on Armed Services of the Sen-

1 ate and the House of Representatives a report setting
2 forth the following:

3 (1) A certification by the Secretary of Defense
4 that the participation of more than two members of
5 the Armed Forces in Headquarters Eurocorps is in
6 the national interests of the United States.

7 (2) A description of the benefits of the partici-
8 pation of the additional members proposed by the
9 Secretary.

10 (3) A description of the plans for the partici-
11 pation of the additional members proposed by the Sec-
12 retary, including the grades and posts to be filled.

13 (4) A description of the costs associated with
14 the participation of the additional members proposed
15 by the Secretary.

16 (d) AVAILABILITY OF APPROPRIATED FUNDS.—

17 (1) AVAILABILITY.—Funds appropriated to the
18 Department of Defense for operation and mainte-
19 nance are available as follows:

20 (A) To pay the United States' share of the
21 operating expenses of Headquarters Eurocorps.

22 (B) To pay the costs of the participation
23 of members of the Armed Forces participating
24 as members of the staff of Headquarters

1 Eurocorps, including the costs of expenses of
2 such participants.

3 (2) LIMITATION.—No funds may be used under
4 this section to fund the pay or salaries of members
5 of the Armed Forces who participate as members of
6 the staff of the Headquarters, North Atlantic Treaty
7 Organization (NATO) Rapid Deployable Corps
8 under this section.

9 (e) HEADQUARTERS EUROCORPS DEFINED.—In this
10 section, the term “Headquarters Eurocorps” refers to the
11 multinational military headquarters, established on Octo-
12 ber 1, 1993, which is one of the High Readiness Forces
13 (Land) associated with the Allied Rapid Reaction Corps
14 of NATO.

15 **SEC. 1243. DEPARTMENT OF DEFENSE PARTICIPATION IN**
16 **EUROPEAN PROGRAM ON MULTILATERAL EX-**
17 **CHANGE OF AIR TRANSPORTATION AND AIR**
18 **REFUELING SERVICES.**

19 (a) PARTICIPATION AUTHORIZED.—

20 (1) IN GENERAL.—The Secretary of Defense
21 may, with the concurrence of the Secretary of State,
22 authorize the participation of the United States in
23 the Air Transport, Air-to-Air Refueling and other
24 Exchanges of Services program (in this section re-

1 ferred to as the “ATARES program”) of the Move-
2 ment Coordination Centre Europe.

3 (2) SCOPE OF PARTICIPATION.—Participation
4 in the ATARES program under paragraph (1) shall
5 be limited to the reciprocal exchange or transfer of
6 air transportation and air refueling services on a re-
7 imbursable basis or by replacement-in-kind or the
8 exchange of air transportation or air refueling serv-
9 ices of an equal value.

10 (3) LIMITATIONS.—The United States’ balance
11 of executed flight hours, whether as credits or deb-
12 its, in participation in the ATARES program under
13 paragraph (1) may not exceed 500 hours. The
14 United States’ balanced of executed flight hours for
15 air refueling in the ATARES program under para-
16 graph (1) may not exceed 200 hours.

17 (b) WRITTEN ARRANGEMENT OR AGREEMENT.—

18 (1) ARRANGEMENT OR AGREEMENT RE-
19 QUIRED.—The participation of the United States in
20 the ATARES program under subsection (a) shall be
21 in accordance with a written arrangement or agree-
22 ment entered into by the Secretary of Defense, with
23 the concurrence of the Secretary of State, and the
24 Movement Coordination Centre Europe.

1 (2) FUNDING ARRANGEMENTS.—If Department
2 of Defense facilities, equipment, or funds are used to
3 support the ATARES program, the written arrange-
4 ment or agreement under paragraph (1) shall specify
5 the details of any equitable cost sharing or other
6 funding arrangement.

7 (3) OTHER ELEMENTS.—Any written arrange-
8 ment or agreement entered into under paragraph (1)
9 shall require that any accrued credits and liabilities
10 resulting from an unequal exchange or transfer of
11 air transportation or air refueling services shall be
12 liquidated, not less than once every five years,
13 through the ATARES program.

14 (c) IMPLEMENTATION.—In carrying out any written
15 arrangement or agreement entered into under subsection
16 (b), the Secretary of Defense may—

17 (1) pay the United States' equitable share of
18 the operating expenses of the Movement Coordina-
19 tion Centre Europe and the ATARES consortium
20 from funds available to the Department of Defense
21 for operation and maintenance; and

22 (2) assign members of the Armed Forces or De-
23 partment of Defense civilian personnel, from among
24 members and personnel within billets authorized for
25 the United States European Command, to duty at

1 the Movement Coordination Centre Europe as nec-
2 essary to fulfill the United States' obligations under
3 that arrangement or agreement.

4 (d) CREDITING OF RECEIPTS.—Any amount received
5 by the United States in carrying out a written arrange-
6 ment or agreement entered into under subsection (b) shall
7 be credited, as elected by the Secretary of Defense, to the
8 following:

9 (1) The appropriation, fund, or account used in
10 incurring the obligation for which such amount is re-
11 ceived.

12 (2) An appropriation, fund, or account cur-
13 rently available for the purposes for which such obli-
14 gation was made.

15 (e) ANNUAL SECRETARY OF DEFENSE REPORTS.—
16 Not later than 30 days after the end of each fiscal year
17 in which the authority provided by this section is in effect,
18 the Secretary of Defense shall submit to Congress a report
19 on United States participation in the ATARES program
20 during such fiscal year. Each report shall include the fol-
21 lowing:

22 (1) The United States balance of executed
23 flight hours at the end of the fiscal year covered by
24 such report.

1 (2) The types of services exchanged or trans-
2 ferred during the fiscal year covered by such report.

3 (3) A description of any United States costs
4 under the written arrangement or agreement under
5 subsection (b)(1) in connection with the use of De-
6 partment of Defense facilities, equipment, or funds
7 to support the ATARES program under that sub-
8 section as provided by subsection (b)(2).

9 (4) A description of the United States' equi-
10 table share of the operating expenses of the Move-
11 ment Coordination Centre Europe and the ATARES
12 consortium paid under subsection (c)(1).

13 (5) A description of any amounts received by
14 the United States in carrying out a written arrange-
15 ment or agreement entered into under subsection
16 (b).

17 (f) COMPTROLLER GENERAL OF UNITED STATES
18 REPORT.—Not later than one year after the date of the
19 enactment of this Act, the Comptroller General of the
20 United States shall submit to the congressional defense
21 committees a report on the ATARES program. The report
22 shall set forth the assessment of the Comptroller General
23 of the program, including the types of services available
24 under the program, whether the program is achieving its
25 intended purposes, and, on the basis of actual cost data

1 from the performance of the program, the cost-effective-
2 ness of the program.

3 (g) EXPIRATION.—The authority provided by this
4 section to participate in the ATARES program shall ex-
5 pire five years after the date on which the Secretary of
6 Defense first enters into a written arrangement or agree-
7 ment under subsection (b). The Secretary shall publish no-
8 tice of such date on a public website of the Department
9 of Defense.

10 **SEC. 1244. AUTHORITY TO ESTABLISH PROGRAM TO PRO-**
11 **VIDE ASSISTANCE TO FOREIGN CIVILIANS**
12 **FOR HARM INCIDENT TO COMBAT OPER-**
13 **ATIONS OF THE ARMED FORCES IN FOREIGN**
14 **COUNTRIES.**

15 (a) AUTHORITY TO ESTABLISH PROGRAM.—The Sec-
16 retary of Defense may establish a program, under such
17 regulations as the Secretary may prescribe, to enable mili-
18 tary commanders at their discretion to provide assistance
19 to foreign civilians for damage, personal injury, or death
20 that is incident to combat operations of the Armed Forces
21 in a foreign country.

22 (b) ELEMENTS.—

23 (1) NATURE OF ASSISTANCE.—Any assistance
24 provided under a program under subsection (a) may
25 be provided only ex gratia, and shall not be consid-

1 ered an admission or acknowledgment of any legal
2 obligation to compensate for any damage, personal
3 injury, or death.

4 (2) TREATMENT WITH OTHER COMPENSA-
5 TION.—In the event compensation for damage, per-
6 sonal injury, or death covered by this section is re-
7 ceived through a separate program operated by the
8 United States Government, receipt of compensation
9 in such amount should be considered by the com-
10 mander or legal advisor determining appropriate as-
11 sistance under a program under subsection (a).

12 (3) AMOUNT OF ASSISTANCE.—If the Secretary
13 of Defense determines a program under subsection
14 (a) to be fitting in a particular setting, the amount
15 of assistance, if any, to be provided to civilians de-
16 termined to have suffered harm incident to combat
17 operations of the Armed Forces under the program
18 should be determined pursuant to regulations pre-
19 scribed by the Secretary and based on an assessment
20 of cultural appropriateness and prevailing economic
21 conditions.

22 (c) RECORDS.—

23 (1) IN GENERAL.—The regulations prescribed
24 by the Secretary of Defense for purposes of any pro-

1 gram under subsection (a) shall include require-
2 ments as follows:

3 (A) That local military commanders main-
4 tain a written record of any assistance offered
5 or denied under such program.

6 (B) That local military commanders sub-
7 mit on a timely basis a report summarizing
8 such written records to the appropriate office in
9 the Department of Defense as specified by the
10 Secretary in such regulations.

11 **SEC. 1245. SUSTAINABILITY REQUIREMENTS FOR CERTAIN**
12 **CAPITAL PROJECTS IN CONNECTION WITH**
13 **OVERSEAS CONTINGENCY OPERATIONS.**

14 (a) LIMITATION.—

15 (1) IN GENERAL.—Commencing 60 days after
16 the date of the enactment of this Act—

17 (A) amounts authorized to be appropriated
18 for the Department of Defense may not be obli-
19 gated or expended for a capital project de-
20 scribed in subsection (b) unless the Secretary of
21 Defense, in consultation with the United States
22 commander of military operations in the coun-
23 try in which the project will be carried out,
24 completes an assessment on the necessity and
25 sustainability of the project;

1 (B) amounts authorized to be appropriated
2 for the Department of State may not be obli-
3 gated or expended for a capital project de-
4 scribed in subsection (b) unless the Secretary of
5 State, in consultation with the Chief of Mission
6 in the country in which the project will be car-
7 ried out, completes an assessment on the neces-
8 sity and sustainability of the project; and

9 (C) amounts authorized to be appropriated
10 for the United States Agency for International
11 Development may not be obligated or expended
12 for a capital project described in subsection (b)
13 unless the Administrator of the United States
14 Agency for International Development, in con-
15 sultation with the Mission Director and the
16 Chief of Mission in the country in which the
17 project will be carried out, completes an assess-
18 ment on the necessity and sustainability of the
19 project.

20 (2) ELEMENTS.—Each assessment on a capital
21 project under this subsection shall include, but not
22 be limited to, the following:

23 (A) An estimate of the total cost of the
24 completed project to the United States.

1 (B) An estimate of the financial and other
2 requirements necessary for the host government
3 to sustain the project on an annual basis after
4 completion of the project.

5 (C) An assessment whether the host gov-
6 ernment has the capacity (in both financial and
7 human resources) to maintain and use the
8 project after completion.

9 (D) A description of any arrangements for
10 the sustainment of the project following its
11 completion if the host government lacks the ca-
12 pacity (in financial or human resources) to
13 maintain the project.

14 (E) An assessment whether the host gov-
15 ernment has requested or expressed its need for
16 the project, and an explanation of the decision
17 to proceed with the project absent such request
18 or need.

19 (F) An assessment by the Secretary of De-
20 fense, where applicable, of the effect of the
21 project on the military mission of the United
22 States in the country concerned

23 (b) COVERED CAPITAL PROJECTS.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), a capital project described in this sub-

1 section is any capital project overseas for an over-
2 seas contingency operation for the benefit of a host
3 country and funded by the Department of Defense,
4 the Department of State, or the United States Agen-
5 cy for International Development, as applicable, if
6 the capital project—

7 (A) in the case of a project that directly
8 supports building the capacity of indigenous se-
9 curity forces in the host country, has an esti-
10 mated value in excess of \$10,000,000;

11 (B) in the case of any project not covered
12 by subparagraph (A) that is to be funded by
13 the Department of State or the United States
14 Agency for International Development, has an
15 estimated value in excess of \$5,000,000; or

16 (C) in the case of any other project, has an
17 estimated value in excess of \$2,000,000.

18 (2) EXCLUSION.—A capital project described in
19 this subsection does not include any project for mili-
20 tary construction (as that term is defined in section
21 114(b) of title 10, United States Code) or a military
22 family housing project under section 2821 of such
23 title.

24 (c) WAIVER.—The Secretary of Defense, the Sec-
25 retary of State, or the Administrator of the United States

1 Agency for International Development, as applicable, may
2 waive the limitation in subsection (a) in order to initiate
3 a capital project if such Secretary or the Administrator,
4 as the case may be, determines that the project is in the
5 national security, diplomatic, or humanitarian interests of
6 the United States. In the first report submitted under sub-
7 section (d) after any waiver under this subsection, such
8 Secretary or the Administrator shall include a detailed jus-
9 tification of such waiver. Not later than 45 days after
10 issuing a waiver under this subsection, such Secretary or
11 the Administrator shall submit to Congress the assess-
12 ment described in subsection (a) with respect to the cap-
13 ital project concerned.

14 (d) SEMI-ANNUAL REPORTS.—

15 (1) IN GENERAL.—Not later than 30 days after
16 the end of each fiscal-year half-year the Secretary of
17 Defense, the Secretary of State, and the Adminis-
18 trator of the United States Agency for International
19 Development shall each submit to the appropriate
20 committees of Congress a report setting forth each
21 assessment conducted under subsection (a) by such
22 Secretary or the Administrator, as the case may be,
23 during such fiscal-year half-year, including the ele-
24 ments of each capital project assessed specified in
25 subsection (a)(2).

1 (2) ADDITIONAL ELEMENTS.—In addition to
2 the matters provided for in paragraph (1), each re-
3 port under that paragraph shall include the fol-
4 lowing:

5 (A) For each capital project covered by
6 such report, an evaluation (other than by
7 amount of funds expended) of the effectiveness
8 of such project, including, at a minimum, the
9 following:

10 (i) The stated goals of the project.

11 (ii) The actions taken to assess and
12 verify whether the project has met the
13 stated goals of the project or is on track
14 to meet such goals when completed.

15 (iii) The current and anticipated levels
16 of involvement of local governments, com-
17 munities, and individuals in the project.

18 (B) For each country or region in which a
19 capital project covered by such report is being
20 carried out, an assessment of the following:

21 (i) The current and anticipated effects
22 of violence in the country or region on all
23 the projects in the country or region cov-
24 ered by such report.

1 (ii) The current and anticipated levels
2 of corruption or fraud in the country or re-
3 gion in the connection with all the projects
4 in the country or region covered by such
5 report, and the current and anticipated
6 risks of corruption or fraud in connection
7 with such projects.

8 (3) FORM.—Each report shall be submitted in
9 unclassified form, but may include a classified
10 annex.

11 (e) DEFINITIONS.—In this section:

12 (1) The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Armed Services, the
15 Committee on Foreign Relations, the Com-
16 mittee on Homeland Security and Govern-
17 mental Affairs, and the Committee on Appro-
18 priations of the Senate; and

19 (B) the Committee on Armed Services, the
20 Committee on Foreign Affairs, the Committee
21 on Oversight and Government Reform, and the
22 Committee on Appropriations of the House of
23 Representatives.

1 (2) The term “capital project” has the meaning
2 given that term in section 308 of the Aid, Trade,
3 and Competitiveness Act of 1992 (22 U.S.C. 2421e).

4 (3) The term “overseas contingency operation”
5 means a military operation outside the United
6 States and its territories and possessions that is a
7 contingency operation (as that term is defined in
8 section 101(a)(13) of title 10, United States Code).

9 **SEC. 1246. EFFORTS TO REMOVE JOSEPH KONY FROM**
10 **POWER AND END ATROCITIES COMMITTED**
11 **BY THE LORD’S RESISTANCE ARMY.**

12 Consistent with the Lord’s Resistance Army Disar-
13 mament and Northern Uganda Recovery Act of 2009
14 (Public Law 111–172), it is the sense of the Senate that—

15 (1) the ongoing United States advise and assist
16 operation to support the regional governments in Af-
17 rica in their ongoing efforts to apprehend or remove
18 Joseph Kony and his top commanders from the bat-
19 tlefield and end atrocities perpetuated by his Lord’s
20 Resistance Army should continue;

21 (2) using amounts authorized to be appro-
22 priated by section 301 and specified in the funding
23 table in section 4301 for Operation and Mainte-
24 nance, Defense-wide for “Additional ISR Support to
25 Operation Observant Compass”, the Secretary of

1 Defense should provide increased intelligence, sur-
2 veillance, and reconnaissance assets to support the
3 ongoing efforts of United States Special Operations
4 Forces to advise and assist regional partners as they
5 conduct operations against the Lord's Resistance
6 Army in Central Africa;

7 (3) United States and regional African forces
8 should increase their operational coordination; and

9 (4) the regional governments should recommit
10 themselves to the operations sanctioned by the Afri-
11 can Union Peace and Security Council resolution.

12 **SEC. 1247. IMPOSITION OF SANCTIONS WITH RESPECT TO**
13 **SUPPORT FOR THE REBEL GROUP KNOWN AS**
14 **M23.**

15 (a) **BLOCKING OF ASSETS.**—The Secretary of the
16 Treasury shall, pursuant to the International Emergency
17 Economic Powers Act (50 U.S.C. 1701 et seq.) or Execu-
18 tive Order 13413 (74 Fed. Reg. 64105; relating to block-
19 ing property of certain persons contributing to the conflict
20 in the Democratic Republic of the Congo), block and pro-
21 hibit all transactions in all property and interests in prop-
22 erty of a person described in subsection (c) if such prop-
23 erty and interests in property are in the United States,
24 come within the United States, or are or come within the
25 possession or control of a United States person.

1 (b) VISA BAN.—The Secretary of State shall deny a
2 visa to, and the Secretary of Homeland Security shall ex-
3 clude from the United States, any alien who is a person
4 described in subsection (c).

5 (c) PERSONS DESCRIBED.—A person described in
6 this subsection is a person that the President determines
7 provides, on or after the date of the enactment of this Act,
8 significant financial, material, or technological support to
9 M23.

10 (d) WAIVER.—The President may waive the applica-
11 tion of this section with respect to a person if the Presi-
12 dent determines and reports to the appropriate congres-
13 sional committees that the waiver is in the national inter-
14 est of the United States.

15 (e) TERMINATION OF SANCTIONS.—The President
16 may terminate sanctions imposed under this section with
17 respect to a person on and after the date on which the
18 President determines and reports to the appropriate con-
19 gressional committees that the person has terminated the
20 provision of significant financial, material, and techno-
21 logical support to M23.

22 (f) TERMINATION OF SECTION.—This section shall
23 terminate on the date on which the President determines
24 that M23 is no longer a significant threat to peace and
25 security in the Democratic Republic of the Congo.

1 (g) DEFINITIONS.—In this section:

2 (1) APPROPRIATE CONGRESSIONAL COMMIT-
3 TEES.—The term “appropriate congressional com-
4 mittees” means—

5 (A) the Committee on Banking, Housing,
6 and Urban Affairs and the Committee on For-
7 eign Relations of the Senate; and

8 (B) the Committee on Financial Services
9 and the Committee on Foreign Affairs of the
10 House of Representatives.

11 (2) M23.—The term “M23” refers to the rebel
12 group known as M23 operating in the Democratic
13 Republic of the Congo that derives its name from
14 the March 23, 2009, agreement between the Govern-
15 ment of the Democratic Republic of the Congo and
16 the National Congress for the Defense of the People
17 (or any successor group).

18 (3) UNITED STATES PERSON.—The term
19 “United States person” means—

20 (A) an individual who is a United States
21 citizen or an alien lawfully admitted for perma-
22 nent residence to the United States; or

23 (B) an entity organized under the laws of
24 the United States or of any jurisdiction within
25 the United States.

1 **SEC. 1248. PROGRAM ON REPAIR, OVERHAUL, AND REFUR-**
2 **BISHMENT OF DEFENSE ARTICLES FOR SALE**
3 **OR TRANSFER TO ELIGIBLE FOREIGN COUN-**
4 **TRIES AND ENTITIES.**

5 (a) PROGRAM AUTHORIZED.—The Secretary of De-
6 fense may carry out a program to repair, overhaul, or re-
7 furbish in-stock defense articles in anticipation of the sale
8 or transfer of such defense articles to eligible foreign coun-
9 tries or international organizations under law.

10 (b) FUND FOR SUPPORT OF PROGRAM AUTHOR-
11 IZED.—The Secretary of Defense may establish and ad-
12 minister a fund to be known as the “Special Defense Re-
13 pair Fund” (in this section referred to as the “Fund”)
14 to support the program authorized by subsection (a).

15 (c) CREDITS TO FUND.—

16 (1) IN GENERAL.—Subject to paragraphs (2)
17 and (3), the following shall be credited to the Fund:

18 (A) Subject to applicable provisions of ap-
19 propriations Acts, such amounts, not to exceed
20 \$48,400,000 per fiscal year, from amounts au-
21 thorized to be appropriated for the Department
22 of Defense for operation and maintenance for
23 the Army as the Secretary of Defense considers
24 appropriate.

25 (B) Notwithstanding section 114(c) of title
26 10, United States Code, any collection from the

1 sale or transfer of defense articles from Depart-
2 ment of Defense stocks repaired, overhauled, or
3 refurbished with amounts from the Fund that
4 are not intended to be replaced which sale or
5 transfer is made pursuant to section
6 21(a)(1)(A) of the Arms Export Control Act
7 (22 U.S.C. 2761(a)(1)(A)), the Foreign Assist-
8 ance Act of 1961 (22 U.S.C. 2151 et seq.), or
9 another provision of law.

10 (C) Notwithstanding section 37(a) of the
11 Arms Export Control Act (22 U.S.C. 2777(a)),
12 any cash payment from the sale or transfer of
13 defense articles from Department of Defense
14 stocks repaired, overhauled, or refurbished with
15 amounts from the Fund that are intended to be
16 replaced.

17 (2) LIMITATION ON AMOUNTS CREDITABLE
18 FROM SALE OR TRANSFER OF ARTICLES.—

19 (A) CREDITS IN CONNECTION WITH ARTI-
20 CLES NOT TO BE REPLACED.—The amount
21 credited to the Fund under paragraph (1)(B) in
22 connection with a collection from the sale or
23 transfer of defense articles may not exceed the
24 cost incurred by the Department of Defense in
25 repairing, overhauling, or refurbishing such de-

1 fense articles under the program authorized by
2 subsection (a).

3 (B) CREDITS IN CONNECTION WITH ARTI-
4 CLES TO BE REPLACED.—The amount credited
5 to the Fund under paragraph (1)(C) in connec-
6 tion with a sale or transfer of defense articles
7 may not exceed the amounts from the Fund
8 used to repair, overhaul, or refurbish such de-
9 fense articles.

10 (3) LIMITATION ON SIZE OF FUND.—The total
11 amount in the Fund at any time may not exceed
12 \$50,000,000.

13 (4) TREATMENT OF AMOUNTS CREDITED.—
14 Amounts credited to the Fund under this subsection
15 shall be merged with amounts in the Fund, and shall
16 remain available until expended.

17 (d) NONAVAILABILITY OF AMOUNTS IN FUND FOR
18 STORAGE, MAINTENANCE, AND RELATED COSTS.—Fol-
19 lowing the repair, overhaul, or refurbishment of defense
20 articles under the program authorized by subsection (a),
21 amounts in the Fund may not be used to pay costs of
22 storage and maintenance of such defense articles or any
23 other costs associated with the preservation or preparation
24 for sale or transfer of such defense articles.

25 (e) SALES OR TRANSFERS OF DEFENSE ARTICLES.—

1 (1) IN GENERAL.—Any sale or transfer of de-
2 fense articles repaired, overhauled, or refurbished
3 under the program authorized by subsection (a)
4 shall be in accordance with—

5 (A) the Arms Export Control Act (22
6 U.S.C. 2751 et seq.);

7 (B) the Foreign Assistance Act of 1961; or

8 (C) another provision of law authorizing
9 such sale or transfer.

10 (2) SECRETARY OF STATE CONCURRENCE RE-
11 QUIRED FOR CERTAIN SALES OR TRANSFERS TO
12 FOREIGN COUNTRIES.—If the sale or transfer of de-
13 fense articles occurs in accordance with a provision
14 of law referred to in paragraph (1)(C) that does not
15 otherwise require the concurrence of the Secretary of
16 State for the sale or transfer, the sale or transfer
17 may be made only with the concurrence of the Sec-
18 retary of State.

19 (f) TRANSFERS OF AMOUNTS.—

20 (1) TRANSFER TO OTHER DEPARTMENT OF DE-
21 FENSE ACCOUNTS.—Amounts in the Fund may be
22 transferred to any Department of Defense account
23 used to carry out the program authorized by sub-
24 section (a). Any amount so transferred shall be
25 merged with amounts in the account to which trans-

1 ferred, and shall be available for the same purposes
2 and the same time period as amounts in the account
3 to which transferred.

4 (2) TRANSFER FROM OTHER DEPARTMENT OF
5 DEFENSE ACCOUNTS.—Upon a determination by the
6 Secretary of Defense with respect to an amount
7 transferred under paragraph (1) that all or part of
8 such transfer is not necessary for the purposes
9 transferred, such amount may be transferred back
10 to the Fund. Any amount so transferred shall be
11 merged with amounts in the Fund, and shall remain
12 available until expended.

13 (g) CERTAIN EXCESS PROCEEDS TO BE CREDITED
14 TO SPECIAL DEFENSE ACQUISITION FUND.—Any collec-
15 tion from the sale or transfer of defense articles that are
16 not intended to be replaced in excess of the amount cred-
17 itable to the Fund under subsection (c)(2)(A) shall be
18 credited to the Special Defense Acquisition Fund estab-
19 lished pursuant to chapter 5 of the Arms Export Control
20 Act (22 U.S.C. 2795 et seq.).

21 (h) REPORTS.—

22 (1) ANNUAL REPORT.—Not later than 45 days
23 after the end of each fiscal year through the date of
24 expiration specified in subsection (j), the Secretary
25 of Defense shall submit to the congressional defense

1 committees a report on the authorities under this
2 section during such fiscal year. Each report shall in-
3 clude, for the fiscal year covered by such report, the
4 following:

5 (A) The types and quantities of defense ar-
6 ticles repaired, overhauled, or refurbished under
7 the program authorized by subsection (a).

8 (B) The value of the repair, overhaul, or
9 refurbishment performed under the program.

10 (C) The amount of operation and mainte-
11 nance funds credited to the Fund under sub-
12 section (c)(1)(A).

13 (D) The amount of any collections from
14 the sale or transfer of defense articles repaired,
15 overhauled, or refurbished under the program
16 that was credited to the Fund under subsection
17 (c)(1)(B).

18 (E) The amount of any cash payments
19 from the sale or transfer of defense articles re-
20 paired, overhauled, or refurbished under the
21 program that was credited to the Fund under
22 subsection (c)(1)(C).

23 (2) ASSESSMENT REPORT.—Not later than
24 February 1, 2015, the Secretary of Defense shall
25 submit to the congressional defense committees a re-

1 port on the operation of the authorities in this sec-
2 tion. The report shall include an assessment of the
3 effectiveness of the authorities in meeting the objec-
4 tives of the program authorized by subsection (a).

5 (i) DEFENSE ARTICLE DEFINED.—In this section,
6 the term “defense article” has the meaning given that
7 term in section 47(3) of the Arms Export Control Act (22
8 U.S.C. 2794(3)).

9 (j) EXPIRATION OF AUTHORITY.—The authority to
10 carry out the program authorized by subsection (a), and
11 to use amounts in the Fund in support of the program,
12 shall expire on September 30, 2015.

13 (k) FUNDING FOR FISCAL YEAR 2013.—Of the
14 amounts authorized to be appropriated for fiscal year
15 2013 by section 1504 for Overseas Contingency Oper-
16 ations and available for operation and maintenance for the
17 Army as specified in funding table in section 4302,
18 \$48,400,000 shall be available for deposit in the Fund
19 pursuant to subsection (c)(1)(A), with the amount of the
20 deposit to be attributable to amounts otherwise so avail-
21 able for the YMQ–18A unmanned aerial vehicle, which has
22 been cancelled.

1 **SEC. 1249. PLAN FOR PROMOTING THE SECURITY OF AF-**
2 **GHAN WOMEN AND GIRLS DURING THE SECU-**
3 **RITY TRANSITION PROCESS.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) According to the Department of Defense’s
7 April 2012 Report on Progress Toward Security and
8 Stability in Afghanistan:

9 (A) “U.S. and coalition forces will continue
10 to degrade the Taliban-led insurgency in order
11 to provide time and space to increase the capac-
12 ity of the Afghan National Security Forces and
13 the Afghan Government so they can assume full
14 responsibility for Afghanistan’s security by the
15 end of 2014.”

16 (B) “Transition to Afghan security lead
17 began in July 2011 and transition to full Af-
18 ghan security responsibility will be complete
19 country-wide by the end of 2014.”

20 (C) “The security of the Afghan people
21 and the stability of the government are used to
22 judge provincial readiness to move to each suc-
23 cessive stage of transition implementation.”

24 (D) For each area designated for transi-
25 tion, a transition implementation plan is devel-
26 oped by the Government of Afghanistan,

1 NATO, and ISAF and approved by the Joint
2 Afghan-NATO Inteqal Board (JANIB). JANIB
3 is also responsible for recommending areas to
4 enter and exit the transition process.

5 (2) According to a 2002 study on Women,
6 Peace and Security submitted by the Secretary-Gen-
7 eral of the United Nations pursuant to Security
8 Council resolution 1325 (2000), “the suspension of
9 or restriction on women’s enjoyment of their human
10 rights” can act as an early-warning indicator of im-
11 pending or renewed conflict. In Afghanistan, restric-
12 tions on women’s mobility and rights can signal the
13 presence of extremist or insurgent elements in a
14 community.

15 (3) The security of Afghan women and girls in
16 areas undergoing security transitions will be an im-
17 portant gauge of the transition strategy’s success.
18 Indicators by which to measure women’s security in-
19 clude the mobility of women and girls, the participa-
20 tion of women in local government bodies, the rate
21 of school attendance for girls, women’s access to
22 government services, and the prevalence of violence
23 against women.

24 (4) Maintaining and improving physical security
25 for Afghan women and girls throughout the country

1 is critical in order for women and girls to take ad-
2 vantage of opportunities in education, commerce,
3 politics, and other areas of public life, which in turn
4 is essential for the future stability and prosperity of
5 Afghanistan.

6 (5) Women who serve as public officials at all
7 levels of the Government of Afghanistan face serious
8 threats to their personal security and that of their
9 families. Many female officials have been the victims
10 of violent crimes, but they are generally not afforded
11 official protection by the Government of Afghanistan
12 or security forces.

13 (6) Protecting the security and human rights of
14 Afghan women and girls requires the involvement of
15 Afghan men and boys through education about the
16 important benefits of women's full participation in
17 social, economic, and political life. Male officials and
18 security personnel can play a particularly important
19 role in supporting and protecting women and girls.

20 (7) The Chicago Summit Declaration issued by
21 NATO in May 2012 states: "As the Afghan Na-
22 tional Police further develop and professionalize,
23 they will evolve towards a sustainable, credible, and
24 accountable civilian law enforcement force that will
25 shoulder the main responsibility for domestic secu-

1 rity. This force should be capable of providing policie-
2 ing services to the Afghan population as part of the
3 broader Afghan rule of law system.”

4 (8) Women face significant barriers to full par-
5 ticipation in the ANA and ANP, including a dis-
6 criminatory or hostile work environment and the
7 lack of separate facilities designed for female per-
8 sonnel.

9 (9) As of September 2012, female recruitment
10 and retention rates for the Afghan National Security
11 Forces are far below published targets, as follows:

12 (A) Approximately 1,700 women serve in
13 the Afghan National Security Forces, or less
14 than half of one percent of the total force.

15 (B) In 2010, President Hamid Karzai an-
16 nounced plans to recruit and train 5,000
17 women in the Afghan National Police, or ap-
18 proximately 3 percent of the force, by 2014.
19 Currently, there are approximately 1,370
20 women in the ANP, or 0.87 percent of the po-
21 lice force.

22 (C) Approximately 350 women currently
23 serve in the Afghan National Army, rep-
24 resenting only 0.17 percent of the force. The
25 Government of Afghanistan has said that its

1 goal is to achieve a force that is 10 percent fe-
2 male. As of May 2012, approximately 3 percent
3 of new ANA recruits were women.

4 (10) Male security personnel often do not re-
5 spond to threats or incidences of violence against
6 women, particularly at the local level. They largely
7 lack the training and understanding needed to re-
8 spond appropriately and effectively to situations in-
9 volving women. According to the Department of De-
10 fense’s April 2012 Report on Progress Toward Secu-
11 rity and Stability in Afghanistan:

12 (A) The Afghan Ministry of Defense
13 “lacks the combination of policies, procedures,
14 and execution to promote opportunity and fair
15 and respectful treatment of women in the
16 force”.

17 (B) The Afghan Ministry of Interior “faces
18 significant challenges in fully integrating and
19 protecting women in the ANP workforce, espe-
20 cially among operational units at the provincial
21 and district levels”.

22 (C) In the Afghan National Police, “Many
23 Provincial Headquarters Commanders do not
24 accept policewomen, as they prefer male can-

1 didates and lack adequate facilities to support
2 females.”

3 (D) “While women are greatly needed to
4 support police operations, a combination of cul-
5 tural impediments, weak recruitment, and un-
6 even application of policies hinder significant
7 progress.”

8 (E) “Although stronger documentation,
9 implementation, and enforcement of policies,
10 procedures, and guidance to better integrate
11 women will help, time will be needed to change
12 the cultural mores that form the basis of many
13 of the current impediments.”

14 (11) The United States, the North American
15 Treaty Organization, and United States coalition
16 partners have made firm commitments to support
17 the human rights of the women and girls of Afghani-
18 stan, as evidenced by the following actions:

19 (A) According to the United States Na-
20 tional Action Plan on Women, Peace and Secu-
21 rity, “integrating women and gender consider-
22 ations into peace-building processes helps pro-
23 mote democratic governance and long-term sta-
24 bility,” which are key United States strategic
25 goals in Afghanistan.

1 (B) The National Action Plan also states
2 that “the engagement and protection of women
3 as agents of peace and stability will be central
4 to United States efforts to promote security,
5 prevent, respond to, and resolve conflict, and
6 rebuild societies.” This policy applies to United
7 States Government efforts in Afghanistan,
8 where addressing the security vulnerabilities of
9 Afghan women and girls during the period of
10 security transition is an essential step toward
11 long-term stability.

12 (C) The Chicago Summit Declaration
13 issued by NATO in May 2012 states: “We em-
14 phasize the importance of full participation of
15 all Afghan women in the reconstruction, polit-
16 ical, peace and reconciliation processes in Af-
17 ghanistan and the need to respect the institu-
18 tional arrangements protecting their rights. We
19 remain committed to the implementation of
20 United Nations Security Council Resolution
21 (UNSCR) 1325 on women, peace and security.
22 We recognize also the need for the protection of
23 children from the damaging effects of armed
24 conflict as required in relevant UNSCRs.”

1 (12) The Strategic Partnership Agreement
2 signed between the United States and Afghanistan
3 by President Obama and President Karzai in June
4 2012 states, “Consistent with its Constitution and
5 international obligations, Afghanistan shall ensure
6 and advance the essential role of women in society,
7 so that they may fully enjoy their economic, social,
8 political, civil and cultural rights.”

9 (b) PLAN TO PROMOTE SECURITY OF AFGHAN
10 WOMEN.—

11 (1) IN GENERAL.—Not later than 120 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Defense, in concurrence with the Secretary
14 of State, shall submit to the appropriate congres-
15 sional committees a plan to promote the security of
16 Afghan women during the security transition proc-
17 ess.

18 (2) ELEMENTS.—The plan required under
19 paragraph (1) shall include the following elements:

20 (A) A plan to monitor and respond to
21 changes in women’s security conditions in areas
22 undergoing transition, including the following
23 actions:

24 (i) Seeking to designate a Civilian Im-
25 pact Advisor on the Joint Afghan-NATO

1 Integral Board (JANIB) to assess the im-
2 pact of transition on male and female civil-
3 ians and ensure that efforts to protect
4 women’s rights and security are included
5 in each area’s transition implementation
6 plan.

7 (ii) Reviewing existing indicators
8 against which sex-disaggregated data is
9 collected and, if necessary, developing addi-
10 tional indicators, to ensure the availability
11 of data that can be used to measure wom-
12 en’s security, such as—

13 (I) the mobility of women and
14 girls;

15 (II) the participation of women
16 in local government bodies;

17 (III) the rate of school attend-
18 ance for girls;

19 (IV) women’s access to govern-
20 ment services; and

21 (V) the prevalence of violence
22 against women; and incorporating
23 those indicators into ongoing efforts
24 to assess overall security conditions
25 during the transition period.

1 (iii) Integrating assessments of wom-
2 en's security into current procedures used
3 to determine an area's readiness to proceed
4 through the transition process.

5 (iv) Working with Afghan partners,
6 coalition partners, and relevant United
7 States Government departments and agen-
8 cies to take concrete action to support
9 women's rights and security in cases of de-
10 terioration in women's security conditions
11 during the transition period.

12 (B) A plan to increase gender awareness
13 and responsiveness among Afghan National
14 Army and Afghan National Police personnel, in-
15 cluding the following actions:

16 (i) Working with Afghan and coalition
17 partners to utilize training curricula and
18 programming that addresses the human
19 rights of women and girls, appropriate re-
20 sponses to threats against women and
21 girls, and appropriate behavior toward fe-
22 male colleagues and members of the com-
23 munity; assessing the quality and consist-
24 ency of this training across regional com-

1 mands; and assessing the impact of this
2 training on trainee behavior.

3 (ii) Working with national and local
4 ANA and ANP leaders to develop and uti-
5 lize enforcement and accountability mecha-
6 nisms for ANA and ANP personnel who
7 violate codes of conduct related to the
8 human rights of women and girls.

9 (iii) Working with Afghan and coaliti-
10 on partners to implement the above tools
11 and develop uniform methods and stand-
12 ards for training and enforcement among
13 coalition partners and across regions.

14 (C) A plan to increase the number of fe-
15 male members of the ANA and ANP, including
16 the following actions:

17 (i) Providing, through consultation
18 with Afghan partners, realistic and achiev-
19 able objectives for the recruitment and re-
20 tention of women to the ANA and ANP by
21 the end of the security transition period in
22 2014.

23 (ii) Working with national and local
24 ANA and ANP leaders and coalition part-
25 ners to address physical and cultural chal-

1 lenges to the recruitment and retention of
2 female ANA and ANP personnel, including
3 through targeted recruitment campaigns,
4 expanded training and mentorship oppor-
5 tunities, parity in pay and promotion rates
6 with male counterparts, and availability of
7 facilities for female personnel.

8 (iii) Working with national and local
9 ANA and ANP leaders to increase under-
10 standing about the unique ways in which
11 women members of the security forces im-
12 prove the force's overall effectiveness.

13 (iv) Working with national and local
14 ANA and ANP leaders to develop a plan
15 for maintaining and increasing the recruit-
16 ment and retention of women in the ANA
17 and ANP following the completion of the
18 security transition.

19 (3) REPORT.—The Secretary of Defense shall
20 include in each report on progress toward security
21 and stability in Afghanistan that is submitted to
22 Congress under sections 1230 and 1231 of the Na-
23 tional Defense Authorization Act for Fiscal Year
24 2008 (Public Law 110–181; 122 Stat. 385, 390) a

1 section describing actions taken to implement the
2 plan required under this subsection.

3 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “appropriate congres-
5 sional 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. 1250. SENSE OF CONGRESS ON THE ISRAELI IRON**

12 **DOME DEFENSIVE WEAPON SYSTEM.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) The citizens of Israel have suffered under a
16 continual barrage of missiles, rockets, and mortar
17 shells from the Hamas-controlled Gaza Strip.

18 (2) Hamas has been designated by the Sec-
19 retary of State as a Foreign Terrorist Organization.

20 (3) Hamas and other terrorist groups in Gaza
21 have routinely used human shields and launched
22 rockets from civilian areas.

23 (4) Israel has gone to extraordinary lengths to
24 avoid Palestinian civilian casualties, including
25 aborting attacks on military targets because of the

1 presence of civilians, alerting civilians to leave areas
2 of potential conflict, and allowing the importation of
3 medical and other supplies into Gaza.

4 (5) Israel faces additional rocket and missile
5 threats from Lebanon and Syria.

6 (6) The Government of Iran has supplied
7 Hamas with advanced longer range missiles such as
8 the Fajar-5.

9 (7) Hamas has deployed these weapons to be
10 fired from within their own civilian population.

11 (8) The Government of Israel, taking seriously
12 the threat of short range rockets and mortars, de-
13 signed, developed, and produced the Iron Dome sys-
14 tem to address those threats.

15 (9) The Iron Dome system has successfully
16 intercepted hundreds of rockets targeting population
17 centers in Israel.

18 (10) The Iron Dome system has maintained a
19 success rate of close to 90 percent.

20 (11) The Government of Israel currently main-
21 tains 5 Iron Dome batteries, a number insufficient
22 to protect all of Israel.

23 (12) It appears that approximately 10 addi-
24 tional Iron Dome batteries are needed to protect all
25 of Israel.

1 (13) The United States Government, recog-
2 nizing the threat to Israeli citizens and desirous of
3 promoting peace, approved funding to assist the
4 Government of Israel in procuring Iron Dome bat-
5 teries.

6 (14) Israel maintains a significant inventory of
7 Iron Dome interceptors which has been reduced due
8 to attacks from Gaza.

9 (15) Israel used a significant number of preci-
10 sion-guided munitions in order to destroy military
11 targets while minimizing civilian casualties in its re-
12 cent defensive effort in Gaza.

13 (16) President Barack Obama has expressed
14 his intention to seek additional funding for Iron
15 Dome and other United States-Israel missile defense
16 systems.

17 (b) SENSE OF CONGRESS.—Congress—

18 (1) reaffirms its commitment to the security of
19 our ally and strategic partner, Israel;

20 (2) fully supports Israel's right to defend itself
21 against acts of terrorism;

22 (3) sympathizes with the families of Israelis
23 who have come under the indiscriminate rocket fire
24 from Hamas-controlled Gaza;

1 (4) recognizes the exceptional success of the
2 Iron Dome Missile Defense system in defending the
3 population of Israel;

4 (5) desires to help ensure that Israel has the
5 means to defend itself against terrorist attacks, in-
6 cluding through the acquisition of additional Iron
7 Dome batteries and interceptors; and

8 (6) urges the Departments of Defense and
9 State to explore with their Israeli counterparts and
10 alert Congress of any needs the Israeli Defense
11 Force may have for additional Iron Dome batteries,
12 interceptors, or other equipment depleted during the
13 current conflict.

14 **SEC. 1251. SENSE OF THE SENATE ON THE SITUATION IN**
15 **THE SENKAKU ISLANDS.**

16 It is the sense of the Senate that—

17 (1) the East China Sea is a vital part of the
18 maritime commons of Asia, including critical sea
19 lanes of communication and commerce that benefit
20 all nations of the Asia-Pacific region;

21 (2) the peaceful settlement of territorial and ju-
22 risdictional disputes in the East China Sea requires
23 the exercise of self-restraint by all parties in the con-
24 duct of activities that would complicate or escalate
25 disputes and destabilize the region, and differences

1 should be handled in a constructive manner con-
2 sistent with universally recognized principles of cus-
3 tomary international law;

4 (3) while the United States takes no position on
5 the ultimate sovereignty of the Senkaku islands, the
6 United States acknowledges the administration of
7 Japan over the Senkaku Islands;

8 (4) The unilateral action of a third party will
9 not affect the United States' acknowledgment of the
10 administration of Japan over the Senkaku Islands;

11 (5) the United States has national interests in
12 freedom of navigation, the maintenance of peace and
13 stability, respect for international law, and
14 unimpeded lawful commerce;

15 (6) the United States supports a collaborative
16 diplomatic process by claimants to resolve territorial
17 disputes without coercion, and opposes efforts at co-
18 ercion, the threat of use of force, or use of force by
19 any claimant in seeking to resolve sovereignty and
20 territorial issues in the East China Sea; and

21 (7) the United States reaffirms its commitment
22 to the Government of Japan under Article V of the
23 Treaty of Mutual Cooperation and Security that
24 “[e]ach Party recognizes that an armed attack
25 against either Party in the territories under the ad-

1 ministration of Japan would be dangerous to its own
2 peace and safety and declares that it would act to
3 meet the common danger in accordance with its con-
4 stitutional provisions and processes”.

5 **SEC. 1252. BILATERAL DEFENSE TRADE RELATIONSHIP**
6 **WITH INDIA.**

7 (a) REPORT.—

8 (1) IN GENERAL.—Not later than 180 days
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 that articulates the vi-
12 sion of the Department of Defense for defense trade
13 relations between the United States and India within
14 the context of the overall bilateral defense relation-
15 ship.

16 (2) CONTENT.—The report required under
17 paragraph (1) shall include the following elements:

18 (A) A description of the Department’s ap-
19 proach for normalizing defense trade.

20 (B) An assessment of the defense capabili-
21 ties that could enhance cooperation and coordi-
22 nation between the Governments of the United
23 States and India on matters of shared security
24 interests.

25 (b) COMPREHENSIVE POLICY REVIEW.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall lead a comprehensive policy review to examine
3 the feasibility of engaging in co-production and co-
4 development defense projects with India.

5 (2) SCOPE.—The policy review should—

6 (A) examine the parameters and require-
7 ments for United States-India cooperation as
8 well as the terms and conditions India must ful-
9 fill to broach such cooperation; and

10 (B) consider potential areas of cooperation,
11 including the possibility of co-producing a train-
12 ing aircraft and co-developing counter-IED
13 technology or individual soldier capabilities.

14 (c) SENSE OF CONGRESS ON INTERNATIONAL INITIA-
15 TIVES.—It is the sense of Congress that the Department
16 of Defense, in coordination with the Department State,
17 should—

18 (1) conduct a review of all United States–India
19 bilateral working groups dealing with high tech-
20 nology transfers, including technology security and
21 licensing for dual-use and munitions licenses, and
22 determine the feasibility of establishing a single
23 United States Government working group dedicated
24 to strategic technology trade;

1 (2) engage counterparts in the Government of
2 India in an intensified dialogue on the current chal-
3 lenges related to the compatibility of the Foreign
4 Military Sales and direct commercial sales programs
5 with the Indian Defense Procurement Procedure
6 (DPP), and steps to improve compatibility;

7 (3) engage counterparts in the Government of
8 India in a dialogue about the elements of an effec-
9 tive defense industrial base, including personnel
10 training, quality assurance, and manufacturing pro-
11 cedures;

12 (4) consider the establishment of orientation
13 programs for new defense officials in the Govern-
14 ment of India about the procedures for United
15 States defense sales, including licensing processes;
16 and

17 (5) continue and deepen ongoing efforts to as-
18 sist the Government of India in developing its de-
19 fense acquisition expertise by assisting with the de-
20 velopment of training institutions and human cap-
21 ital.

22 **Subtitle E—Iran Sanctions**

23 **SEC. 1261. SHORT TITLE.**

24 This subtitle may be cited as the “Iran Freedom and
25 Counter-Proliferation Act of 2012”.

1 **SEC. 1262. DEFINITIONS.**

2 (a) IN GENERAL.—In this subtitle:

3 (1) AGRICULTURAL COMMODITY.—The term
4 “agricultural commodity” has the meaning given
5 that term in section 102 of the Agricultural Trade
6 Act of 1978 (7 U.S.C. 5602).

7 (2) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” has the meaning given that term in section
10 14 of the Iran Sanctions Act of 1996 (Public Law
11 104–172; 50 U.S.C. 1701 note).

12 (3) COAL.—The term “coal” means metallur-
13 gical coal, coking coal, or fuel coke.

14 (4) CORRESPONDENT ACCOUNT; PAYABLE-
15 THROUGH ACCOUNT.—The terms “correspondent ac-
16 count” and “payable-through account” have the
17 meanings given those terms in section 5318A of title
18 31, United States Code.

19 (5) FOREIGN FINANCIAL INSTITUTION.—The
20 term “foreign financial institution” has the meaning
21 of that term as determined by the Secretary of the
22 Treasury pursuant to section 104(i) of the Com-
23 prehensive Iran Sanctions, Accountability, and Di-
24 vestment Act of 2010 (22 U.S.C. 8513(i)).

25 (6) IRANIAN FINANCIAL INSTITUTION.—The
26 term “Iranian financial institution” has the meaning

1 given that term in section 104A(d) of the Com-
2 prehensive Iran Sanctions, Accountability, and Di-
3 vestment Act of 2010 (22 U.S.C. 8513b(d)).

4 (7) IRANIAN PERSON.—The term “Iranian per-
5 son” means—

6 (A) an individual who is a citizen or na-
7 tional of Iran; and

8 (B) an entity organized under the laws of
9 Iran or otherwise subject to the jurisdiction of
10 the Government of Iran.

11 (8) KNOWINGLY.—The term “knowingly”, with
12 respect to conduct, a circumstance, or a result,
13 means that a person has actual knowledge, or should
14 have known, of the conduct, the circumstance, or the
15 result.

16 (9) MEDICAL DEVICE.—The term “medical de-
17 vice” has the meaning given the term “device” in
18 section 201 of the Federal Food, Drug, and Cos-
19 metic Act (21 U.S.C. 321).

20 (10) MEDICINE.—The term “medicine” has the
21 meaning given the term “drug” in section 201 of the
22 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
23 321).

1 (11) SHIPPING.—The term “shipping” refers to
2 the transportation of goods by a vessel and related
3 activities.

4 (12) UNITED STATES PERSON.—The term
5 “United States person” has the meaning given that
6 term in section 101 of the Comprehensive Iran
7 Sanctions, Accountability, and Divestment Act of
8 2010 (22 U.S.C. 8511).

9 (13) VESSEL.—The term “vessel” has the
10 meaning given that term in section 3 of title 1,
11 United States Code.

12 (b) DETERMINATIONS OF SIGNIFICANCE.—For pur-
13 poses of this subtitle, in determining if financial trans-
14 actions or financial services are significant, the President
15 may consider the totality of the facts and circumstances,
16 including factors similar to the factors set forth in section
17 561.404 of title 31, Code of Federal Regulations (or any
18 corresponding similar regulation or ruling).

19 **SEC. 1263. DECLARATION OF POLICY ON HUMAN RIGHTS.**

20 (a) FINDING.—Congress finds that the interests of
21 the United States and international peace are threatened
22 by the ongoing and destabilizing actions of the Govern-
23 ment of Iran, including its massive, systematic, and ex-
24 traordinary violations of the human rights of its own citi-
25 zens.

1 (b) DECLARATION OF POLICY.—It shall be the policy
2 of the United States—

3 (1) to deny the Government of Iran the ability
4 to continue to oppress the people of Iran and to use
5 violence and executions against pro-democracy
6 protestors and regime opponents;

7 (2) to fully and publicly support efforts made
8 by the people of Iran to promote the establishment
9 of basic freedoms that build the foundation for the
10 emergence of a freely elected, open, and democratic
11 political system;

12 (3) to help the people of Iran produce, access,
13 and share information freely and safely via the
14 Internet and through other media; and

15 (4) to defeat all attempts by the Government of
16 Iran to jam or otherwise obstruct international sat-
17 ellite broadcast signals.

18 **SEC. 1264. IMPOSITION OF SANCTIONS WITH RESPECT TO**
19 **THE ENERGY, SHIPPING, AND SHIPBUILDING**
20 **SECTORS OF IRAN.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Iran's energy, shipping, and shipbuilding
24 sectors and Iran's ports are facilitating the Govern-

1 ment of Iran’s nuclear proliferation activities by pro-
2 viding revenue to support proliferation activities.

3 (2) The United Nations Security Council and
4 the United States Government have expressed con-
5 cern about the proliferation risks presented by the
6 Iranian nuclear program.

7 (3) The Director General of the International
8 Atomic Energy Agency (in this section referred to as
9 the “IAEA”) has in successive reports (GOV/2012/
10 37 and GOV/2011/65) identified possible military di-
11 mensions of Iran’s nuclear program.

12 (4) The Government of Iran continues to defy
13 the requirements and obligations contained in rel-
14 evant IAEA Board of Governors and United Nations
15 Security Council resolutions, including by continuing
16 and expanding uranium enrichment activities in
17 Iran, as reported in IAEA Report GOV/2012/37.

18 (5) United Nations Security Council Resolution
19 1929 (2010) recognizes the “potential connection be-
20 tween Iran’s revenues derived from its energy sector
21 and the funding of Iran’s proliferation sensitive nu-
22 clear activities”.

23 (6) The National Iranian Tanker Company is
24 the main carrier for the Iranian Revolutionary
25 Guard Corps-designated National Iranian Oil Com-

1 pany and a key element in the petroleum supply
2 chain responsible for generating energy revenues
3 that support the illicit nuclear proliferation activities
4 of the Government of Iran.

5 (b) DESIGNATION OF PORTS AND ENTITIES IN THE
6 ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF
7 IRAN AS ENTITIES OF PROLIFERATION CONCERN.—Enti-
8 ties that operate ports in Iran and entities in the energy,
9 shipping, and shipbuilding sectors of Iran, including the
10 National Iranian Oil Company, the National Iranian
11 Tanker Company, the Islamic Republic of Iran Shipping
12 Lines, and their affiliates, play an important role in Iran’s
13 nuclear proliferation efforts and all such entities are here-
14 by designated as entities of proliferation concern.

15 (c) BLOCKING OF PROPERTY OF ENTITIES IN EN-
16 ERGY, SHIPPING, AND SHIPBUILDING SECTORS.—

17 (1) IN GENERAL.—On and after the date that
18 is 90 days after the date of the enactment of this
19 Act, the President shall block and prohibit all trans-
20 actions in all property and interests in property of
21 any person described in paragraph (2) if such prop-
22 erty and interests in property are in the United
23 States, come within the United States, or are or
24 come within the possession or control of a United
25 States person.

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 90 days
4 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.—Except as provided in this
17 section, the President shall impose 5 or more of the
18 sanctions described in section 6(a) of the Iran Sanc-
19 tions Act of 1996 (Public Law 104–172; 50 U.S.C.
20 1701 note) with respect to a person if the President
21 determines that the person knowingly, on or after
22 the date that is 90 days after the date of the enact-
23 ment of this Act, sells, supplies, or transfers to or
24 from Iran significant goods or services described in
25 paragraph (3).

1 (2) FACILITATION OF CERTAIN TRANS-
2 ACTIONS.—Except as provided in this section, the
3 President shall prohibit the opening, and prohibit or
4 impose strict conditions on the maintaining, in the
5 United States of a correspondent account or a pay-
6 able-through account by a foreign financial institu-
7 tion that the President determines knowingly, on or
8 after the date that is 90 days after the date of the
9 enactment of this Act, conducts or facilitates a sig-
10 nificant financial transaction for the sale, supply, or
11 transfer to or from Iran of goods or services de-
12 scribed in paragraph (3).

13 (3) GOODS AND SERVICES DESCRIBED.—Goods
14 or services described in this paragraph are goods or
15 services used in connection with the energy, ship-
16 ping, or shipbuilding sectors of Iran, including the
17 National Iranian Oil Company, the National Iranian
18 Tanker Company, and the Islamic Republic of Iran
19 Shipping Lines.

20 (4) APPLICATION OF CERTAIN PROVISIONS OF
21 IRAN SANCTIONS ACT OF 1996.—The following provi-
22 sions of the Iran Sanctions Act of 1996 (Public Law
23 104–172; 50 U.S.C. 1701 note) shall apply with re-
24 spect to the imposition of sanctions under paragraph
25 (1) to the same extent that such provisions apply

1 with respect to the imposition of sanctions under
2 section 5(a) of that Act:

3 (A) Subsections (c), (d), and (f) of section
4 5 (except for paragraphs (3) and (4)(C) of such
5 subsection (f)).

6 (B) Sections 8, 11, and 12.

7 (e) HUMANITARIAN EXCEPTION.—The President
8 may not impose sanctions under this section with respect
9 to any person for conducting or facilitating a transaction
10 for the sale of agricultural commodities, food, medicine,
11 or medical devices to Iran or for the provision of humani-
12 tarian assistance to the people of Iran.

13 (f) APPLICABILITY OF SANCTIONS TO PETROLEUM
14 AND PETROLEUM PRODUCTS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), this section shall apply with respect to
17 the purchase of petroleum or petroleum products
18 from Iran only if, at the time of the purchase, a de-
19 termination of the President under section
20 1245(d)(4)(B) of the National Defense Authoriza-
21 tion Act for Fiscal Year 2012 (22 U.S.C.
22 8513a(d)(4)(B)) that the price and supply of petro-
23 leum and petroleum products produced in countries
24 other than Iran is sufficient to permit purchasers of
25 petroleum and petroleum products from Iran to re-

1 duce significantly their purchases from Iran is in ef-
2 fect.

3 (2) EXCEPTION FOR CERTAIN COUNTRIES.—

4 (A) EXPORTATION.—This section shall not
5 apply with respect to the exportation of petro-
6 leum or petroleum products from Iran to a
7 country to which the exception under section
8 1245(d)(4)(D)(i) of the National Defense Au-
9 thorization Act for Fiscal Year 2012 (22 U.S.C.
10 8513a(d)(4)(D)(i)) applies at the time of the
11 exportation of the petroleum or petroleum prod-
12 ucts.

13 (B) FINANCIAL TRANSACTIONS.—

14 (i) IN GENERAL.—This section shall
15 not apply with respect to a financial trans-
16 action described in clause (ii) conducted or
17 facilitated by a foreign financial institution
18 if, at the time of the transaction, the ex-
19 ception under section 1245(d)(4)(D)(i) of
20 the National Defense Authorization Act for
21 Fiscal Year 2012 (22 U.S.C.
22 8513a(d)(4)(D)(i)) applies to the country
23 with primary jurisdiction over the foreign
24 financial institution.

1 (ii) FINANCIAL TRANSACTIONS DE-
2 SCRIBED.—A financial transaction con-
3 ducted or facilitated by a foreign financial
4 institution is described in this clause if—

5 (I) the financial transaction is for
6 the purchase of purchase of petroleum
7 or petroleum products from Iran;

8 (II) the financial transaction is
9 only for trade in goods or services—

10 (aa) not otherwise subject to
11 sanctions under the law of the
12 United States; and

13 (bb) between the country
14 with primary jurisdiction over the
15 foreign financial institution and
16 Iran; and

17 (III) any funds owed to Iran as
18 a result of such trade are credited to
19 an account located in the country with
20 primary jurisdiction over the foreign
21 financial institution.

22 (g) APPLICABILITY OF SANCTIONS TO NATURAL
23 GAS.—

24 (1) SALE, SUPPLY, OR TRANSFER.—Except as
25 provided in paragraph (2), this section shall not

1 apply to the sale, supply, or transfer to or from Iran
2 of natural gas.

3 (2) FINANCIAL TRANSACTIONS.—This section
4 shall apply to a foreign financial institution that
5 conducts or facilitates a financial transaction for the
6 sale, supply, or transfer to or from Iran of natural
7 gas unless—

8 (A) the financial transaction is only for
9 trade in goods or services—

10 (i) not otherwise subject to sanctions
11 under the law of the United States; and

12 (ii) between the country with primary
13 jurisdiction over the foreign financial insti-
14 tution and Iran; and

15 (B) any funds owed to Iran as a result of
16 such trade are credited to an account located in
17 the country with primary jurisdiction over the
18 foreign financial institution.

19 (h) WAIVER.—

20 (1) IN GENERAL.—The President may waive
21 the imposition of sanctions under this section for a
22 period of not more than 120 days, and may renew
23 that waiver for additional periods of not more than
24 120 days, if the President—

1 (A) determines that such a waiver is vital
2 to the national security of the United States;
3 and

4 (B) submits to the appropriate congress-
5 sional committees a report providing a justifica-
6 tion for the waiver.

7 (2) FORM OF REPORT.—Each report submitted
8 under paragraph (1)(B) shall be submitted in un-
9 classified form, but may include a classified annex.

10 **SEC. 1265. IMPOSITION OF SANCTIONS WITH RESPECT TO**
11 **THE SALE, SUPPLY, OR TRANSFER OF CER-**
12 **TAIN MATERIALS TO OR FROM IRAN.**

13 (a) SALE, SUPPLY, OR TRANSFER OF CERTAIN MA-
14 TERIALS.—The President shall impose 5 or more of the
15 sanctions described in section 6(a) of the Iran Sanctions
16 Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note)
17 with respect to a person if the President determines that
18 the person knowingly, on or after the date that is 90 days
19 after the date of the enactment of this Act, sells, supplies,
20 or transfers, directly or indirectly, to or from Iran—

21 (1) a precious metal;

22 (2) a material described in subsection (c) deter-
23 mined pursuant to subsection (d)(1) to be used by
24 Iran as described in that subsection;

1 (3) any other material described in subsection

2 (c) if—

3 (A) the material is—

4 (i) to be used in connection with the
5 energy, shipping, or shipbuilding sectors of
6 Iran or any sector of the economy of Iran
7 controlled directly or indirectly by Iran’s
8 Revolutionary Guard Corps;

9 (ii) sold, supplied, or transferred to or
10 from an Iranian person included on the list
11 of specially designated nationals and
12 blocked persons maintained by the Office
13 of Foreign Assets Control of the Depart-
14 ment of the Treasury; or

15 (iii) relevant to the nuclear, military,
16 or ballistic missile programs of Iran; or

17 (B) the material is resold, retransferred, or
18 otherwise supplied—

19 (i) to an end-user in a sector de-
20 scribed in clause (i) of subparagraph (A);

21 (ii) to a person described in clause (ii)
22 of that subparagraph; or

23 (iii) for a program described in clause
24 (iii) of that subparagraph.

1 (b) FACILITATION OF CERTAIN TRANSACTIONS.—

2 The President shall prohibit the opening, and prohibit or
3 impose strict conditions on the maintaining, in the United
4 States of a correspondent account or a payable-through
5 account by a foreign financial institution that the Presi-
6 dent determines knowingly, on or after the date that is
7 90 days after the date of the enactment of this Act, con-
8 ducts or facilitates a significant financial transaction for
9 the sale, supply, or transfer to or from Iran of materials
10 the sale, supply, or transfer of which would subject a per-
11 son to sanctions under subsection (a).

12 (c) MATERIALS DESCRIBED.—Materials described in
13 this subsection are graphite, raw or semi-finished metals
14 such as aluminum and steel, coal, and software for inte-
15 grating industrial processes.

16 (d) DETERMINATION WITH RESPECT TO USE OF MA-
17 TERIALS.—Not later than 90 days after the date of the
18 enactment of this Act, and every 90 days thereafter, the
19 President shall submit to the appropriate congressional
20 committees and publish in the Federal Register a report
21 that contains the determination of the President with re-
22 spect to—

23 (1) whether Iran is—

1 (A) using any of the materials described in
2 subsection (c) as a medium for barter, swap, or
3 any other exchange or transaction; or

4 (B) listing any of such materials as assets
5 of the Government of Iran for purposes of the
6 national balance sheet of Iran;

7 (2) which sectors of the economy of Iran are
8 controlled directly or indirectly by Iran's Revolu-
9 tionary Guard Corps; and

10 (3) which of the materials described in sub-
11 section (c) are relevant to the nuclear, military, or
12 ballistic missile programs of Iran.

13 (e) EXCEPTION FOR PERSONS EXERCISING DUE
14 DILIGENCE.—The President may not impose sanctions
15 under subsection (a) or (b) with respect to a person if
16 the President determines that the person has exercised
17 due diligence in establishing and enforcing official policies,
18 procedures, and controls to ensure that the person does
19 not sell, supply, or transfer to or from Iran materials the
20 sale, supply, or transfer of which would subject a person
21 to sanctions under subsection (a) or conduct or facilitate
22 a financial transaction for such a sale, supply, or transfer.

23 (f) WAIVER.—

24 (1) IN GENERAL.—The President may waive
25 the imposition of sanctions under this section for a

1 period of not more than 120 days, and may renew
2 that waiver for additional periods of not more than
3 120 days, if the President—

4 (A) determines that such a waiver is vital
5 to the national security of the United States;
6 and

7 (B) submits to the appropriate congres-
8 sional committees a report providing a justifica-
9 tion for the waiver.

10 (2) FORM OF REPORT.—Each report submitted
11 under paragraph (1)(B) shall be submitted in un-
12 classified form, but may include a classified annex.

13 (g) NATIONAL BALANCE SHEET OF IRAN DE-
14 FINED.—For purposes of this section, the term “national
15 balance sheet of Iran” refers to the ratio of the assets
16 of the Government of Iran to the liabilities of that Govern-
17 ment.

18 **SEC. 1266. IMPOSITION OF SANCTIONS WITH RESPECT TO**
19 **THE PROVISION OF UNDERWRITING SERV-**
20 **ICES OR INSURANCE OR REINSURANCE FOR**
21 **ACTIVITIES OR PERSONS WITH RESPECT TO**
22 **WHICH SANCTIONS HAVE BEEN IMPOSED.**

23 (a) IN GENERAL.—Except as provided in subsection
24 (b), the President shall impose 5 or more of the sanctions
25 described in section 6(a) of the Iran Sanctions Act of 1996

1 (Public Law 104–172; 50 U.S.C. 1701 note) with respect
2 to a person if the President determines that the person
3 knowingly, on or after the date that is 90 days after the
4 date of the enactment of this Act, provides underwriting
5 services or insurance or reinsurance—

6 (1) for any activity with respect to Iran for
7 which sanctions have been imposed under this sub-
8 title, the International Emergency Economic Powers
9 Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act
10 of 1996, the Comprehensive Iran Sanctions, Ac-
11 countability, and Divestment Act of 2010 (22 U.S.C.
12 8501 et seq.), the Iran Threat Reduction and Syria
13 Human Rights Act of 2012 (22 U.S.C. 8701 et
14 seq.), the Iran, North Korea, and Syria Non-
15 proliferation Act (Public Law 106–178; 50 U.S.C.
16 1701 note), or any other provision of law relating to
17 the imposition of sanctions with respect to Iran;

18 (2) to or for any person—

19 (A) with respect to, or for the benefit of
20 any activity in the energy, shipping, or ship-
21 building sectors of Iran for which sanctions are
22 imposed under this subtitle;

23 (B) for the sale, supply, or transfer to or
24 from Iran of materials described in section
25 1255(c); or

1 (C) designated for the imposition of sanc-
2 tions pursuant to the International Emergency
3 Economic Powers Act (50 U.S.C. 1701 et seq.)
4 in connection with—

5 (i) Iran's proliferation of weapons of
6 mass destruction or delivery systems for
7 weapons of mass destruction; or

8 (ii) Iran's support for international
9 terrorism; or

10 (3) to or for any Iranian person included on the
11 list of specially designated nationals and blocked
12 persons maintained by the Office of Foreign Assets
13 Control of the Department of the Treasury (other
14 than an Iranian financial institution described in
15 subsection (b)).

16 (b) IRANIAN FINANCIAL INSTITUTIONS DE-
17 SCRIBED.—An Iranian financial institution described in
18 this subsection is an Iranian financial institution that has
19 not been designated for the imposition of sanctions in con-
20 nection with—

21 (1) Iran's proliferation of weapons of mass de-
22 struction or delivery systems for weapons of mass
23 destruction;

24 (2) Iran's support for international terrorism;
25 or

1 (3) Iran’s abuses of human rights.

2 (c) HUMANITARIAN EXCEPTION.—The President
3 may not impose sanctions under subsection (a) for the
4 provision of underwriting services or insurance or reinsur-
5 ance for a transaction for the sale of agricultural commod-
6 ities, food, medicine, or medical devices to Iran or for the
7 provision of humanitarian assistance to the people of Iran.

8 (d) EXCEPTION FOR UNDERWRITERS AND INSUR-
9 ANCE PROVIDERS EXERCISING DUE DILIGENCE.—The
10 President may not impose sanctions under paragraph (1)
11 or (3) or subparagraph (A) or (B) of paragraph (2) of
12 subsection (a) with respect to a person that provides un-
13 derwriting services or insurance or reinsurance if the
14 President determines that the person has exercised due
15 diligence in establishing and enforcing official policies,
16 procedures, and controls to ensure that the person does
17 not underwrite or enter into a contract to provide insur-
18 ance or reinsurance for an activity described in paragraph
19 (1) of that subsection or to or for any person described
20 in paragraph (3) or subparagraph (A) or (B) of paragraph
21 (2) of that subsection.

22 (e) WAIVER.—

23 (1) IN GENERAL.—The President may waive
24 the imposition of sanctions under subsection (a) for
25 a period of not more than 120 days, and may renew

1 that waiver for additional periods of not more than
2 120 days, if the President—

3 (A) determines that such a waiver is vital
4 to the national security of the United States;
5 and

6 (B) submits to the appropriate congress-
7 sional committees a report providing a justifica-
8 tion for the waiver.

9 (2) FORM OF REPORT.—Each report submitted
10 under paragraph (1)(B) shall be submitted in un-
11 classified form, but may include a classified annex.

12 (f) APPLICATION OF CERTAIN PROVISIONS OF IRAN
13 SANCTIONS ACT OF 1996.—The following provisions of
14 the Iran Sanctions Act of 1996 (Public Law 104–172; 50
15 U.S.C. 1701 note) shall apply with respect to the imposi-
16 tion of sanctions under subsection (a) to the same extent
17 that such provisions apply with respect to the imposition
18 of sanctions under section 5(a) of that Act:

19 (1) Subsections (c), (d), and (f) of section 5
20 (except for paragraphs (3) and (4)(C) of such sub-
21 section (f)).

22 (2) Sections 8, 11, and 12.

1 **SEC. 1267. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **FOREIGN FINANCIAL INSTITUTIONS THAT FA-**
3 **CILITATE FINANCIAL TRANSACTIONS ON BE-**
4 **HALF OF SPECIALLY DESIGNATED NATION-**
5 **ALS.**

6 (a) IN GENERAL.—Except as provided in this section,
7 the President shall prohibit the opening, and prohibit or
8 impose strict conditions on the maintaining, in the United
9 States of a correspondent account or a payable-through
10 account by a foreign financial institution that the Presi-
11 dent determines has, on or after the date that is 90 days
12 after the date of the enactment of this Act, knowingly fa-
13 cilitated a significant financial transaction on behalf of
14 any Iranian person included on the list of specially des-
15 ignated nationals and blocked persons maintained by the
16 Office of Foreign Assets Control of the Department of the
17 Treasury (other than an Iranian financial institution de-
18 scribed in subsection (b)).

19 (b) IRANIAN FINANCIAL INSTITUTIONS DE-
20 SCRIBED.—An Iranian financial institution described in
21 this subsection is an Iranian financial institution that has
22 not been designated for the imposition of sanctions in con-
23 nection with—

24 (1) Iran's proliferation of weapons of mass de-
25 struction or delivery systems for weapons of mass
26 destruction;

1 (2) Iran’s support for international terrorism;

2 or

3 (3) Iran’s abuses of human rights.

4 (c) HUMANITARIAN EXCEPTION.—The President
5 may not impose sanctions under subsection (a) with re-
6 spect to any person for conducting or facilitating a trans-
7 action for the sale of agricultural commodities, food, medi-
8 cine, or medical devices to Iran or for the provision of hu-
9 manitarian assistance to the people of Iran.

10 (d) APPLICABILITY OF SANCTIONS TO PETROLEUM
11 AND PETROLEUM PRODUCTS.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), subsection (a) shall apply with respect to
14 a financial transaction for the purchase of petroleum
15 or petroleum products from Iran only if, at the time
16 of the transaction, a determination of the President
17 under section 1245(d)(4)(B) of the National Defense
18 Authorization Act for Fiscal Year 2012 (22 U.S.C.
19 8513a(d)(4)(B)) that the price and supply of petro-
20 leum and petroleum products produced in countries
21 other than Iran is sufficient to permit purchasers of
22 petroleum and petroleum products from Iran to re-
23 duce significantly their purchases from Iran is in ef-
24 fect.

25 (2) EXCEPTION FOR CERTAIN COUNTRIES.—

1 (A) IN GENERAL.—Subsection (a) shall not
2 apply with respect to a financial transaction de-
3 scribed in subparagraph (B) conducted or facili-
4 tated by a foreign financial institution for if, at
5 the time of the transaction, the exception under
6 section 1245(d)(4)(D)(i) of the National De-
7 fense Authorization Act for Fiscal Year 2012
8 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the
9 country with primary jurisdiction over the for-
10 eign financial institution.

11 (B) FINANCIAL TRANSACTIONS DE-
12 SCRIBED.—A financial transaction conducted or
13 facilitated by a foreign financial institution is
14 described in this subparagraph if—

15 (i) the financial transaction is for the
16 purchase of purchase of petroleum or pe-
17 troleum products from Iran;

18 (ii) the financial transaction is only
19 for trade in goods or services—

20 (I) not otherwise subject to sanc-
21 tions under the law of the United
22 States; and

23 (II) between the country with
24 primary jurisdiction over the foreign
25 financial institution and Iran; and

1 (iii) any funds owed to Iran as a re-
2 sult of such trade are credited to an ac-
3 count located in the country with primary
4 jurisdiction over the foreign financial insti-
5 tution.

6 (e) APPLICABILITY OF SANCTIONS TO NATURAL
7 GAS.—Subsection (a) shall apply to a foreign financial in-
8 stitution that conducts or facilitates a financial trans-
9 action for the sale, supply, or transfer to or from Iran
10 of natural gas unless—

11 (1) the financial transaction is only for trade in
12 goods or services—

13 (A) not otherwise subject to sanctions
14 under the law of the United States; and

15 (B) between the country with primary ju-
16 risdiction over the foreign financial institution
17 and Iran; and

18 (2) any funds owed to Iran as a result of such
19 trade are credited to an account located in the coun-
20 try with primary jurisdiction over the foreign finan-
21 cial institution.

22 (f) WAIVER.—

23 (1) IN GENERAL.—The President may waive
24 the imposition of sanctions under subsection (a) for
25 a period of not more than 120 days, and may renew

1 that waiver for additional periods of not more than
2 120 days, if the President—

3 (A) determines that such a waiver is vital
4 to the national security of the United States;
5 and

6 (B) submits to the appropriate congress-
7 sional committees a report providing a justifica-
8 tion for the waiver.

9 (2) FORM OF REPORT.—Each report submitted
10 under paragraph (1)(B) shall be submitted in un-
11 classified form, but may include a classified annex.

12 **SEC. 1268. INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN**
13 **BROADCASTING ON THE LIST OF HUMAN**
14 **RIGHTS ABUSERS.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) The Islamic Republic of Iran Broadcasting
18 has contributed to the infringement of individuals'
19 human rights by broadcasting forced televised con-
20 fession and show trials.

21 (2) In March 2012, the European Council im-
22 posed sanctions on the President of the Islamic Re-
23 public of Iran Broadcasting, Ezzatollah Zargami, for
24 broadcasting forced confessions of detainees and a
25 series of “show trials” in August 2009 and Decem-

1 ber 2011 that constituted a clear violation of inter-
2 national law with respect to the right to a fair trial
3 and due process.

4 (b) **INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN**
5 **BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUS-**
6 **ERS.**—The President shall include the Islamic Republic of
7 Iran Broadcasting and the President of the Islamic Re-
8 public of Iran Broadcasting, Ezzatollah Zargami, in the
9 first update to the list of persons complicit in, or respon-
10 sible for ordering, controlling, or otherwise directing, the
11 commission of serious human rights abuses against citi-
12 zens of Iran or their family members submitted under sec-
13 tion 105 of the Comprehensive Iran Sanctions, Account-
14 ability, and Divestment Act of 2010 (22 U.S.C. 8514)
15 after the date of the enactment of this Act.

16 **SEC. 1269. 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) IN GENERAL.—The President shall impose sanc-
5 tions described in section 105(c) with respect to each per-
6 son on the list required by subsection (b).

7 “(b) LIST OF PERSONS WHO ENGAGE IN DIVER-
8 SION.—

9 “(1) IN GENERAL.—As relevant information be-
10 comes available, the President shall submit to the
11 appropriate congressional committees a list of per-
12 sons that the President determines have, on or after
13 such date of enactment, engaged in corruption or
14 other activities relating to—

15 “(A) the diversion of goods, including agri-
16 cultural commodities, food, medicine, and med-
17 ical devices, intended for the people of Iran; or

18 “(B) the misappropriation of proceeds
19 from the sale or resale of such goods.

20 “(2) FORM OF REPORT; PUBLIC AVAIL-
21 ABILITY.—

22 “(A) FORM.—The list required by para-
23 graph (1) shall be submitted in unclassified
24 form but may contain a classified annex.

25 “(B) PUBLIC AVAILABILITY.—The unclas-
26 sified portion of the list required by paragraph

1 (1) shall be made available to the public and
 2 posted on the websites of the Department of the
 3 Treasury and the Department of State.”.

4 (b) WAIVER.—Section 401(b)(1) of the Comprehen-
 5 sive Iran Sanctions, Accountability, and Divestment Act
 6 of 2010 (22 U.S.C. 8551(b)(1)) is amended—

7 (1) by striking “or 105B(a)” and inserting
 8 “105B(a), or 105C(a)”;

9 (2) by striking “or 105B(b)” and inserting
 10 “105B(b), or 105C(b)”.

11 (c) CLERICAL AMENDMENT.—The table of contents
 12 for the Comprehensive Iran Sanctions, Accountability, and
 13 Divestment Act of 2010 is amended by inserting after the
 14 item relating to section 105B the following:

“Sec. 105C. Imposition of sanctions with respect to persons engaged in the di-
 version of goods intended for the people of Iran.”.

15 **SEC. 1270. WAIVER REQUIREMENT RELATED TO EXCEP-**
 16 **TIONAL CIRCUMSTANCES PREVENTING SIG-**
 17 **NIFICANT REDUCTIONS IN CRUDE OIL PUR-**
 18 **CHASES.**

19 Section 1245(d)(5)(B) of the National Defense Au-
 20 thorization Act for Fiscal Year 2012 (22 U.S.C.
 21 8513a(d)(5)(B)) is amended—

22 (1) in clause (i), by striking “; and” and insert-
 23 ing a semicolon;

1 (2) by redesignating clause (ii) as clause (iii);

2 and

3 (3) by inserting after clause (i) the following

4 new clause:

5 “(ii) certifying that the country with
6 primary jurisdiction over the foreign finan-
7 cial institution otherwise subject to the
8 sanctions faced exceptional circumstances
9 that prevented the country from being able
10 to significantly reduce its volume of crude
11 oil purchases; and”.

12 **SEC. 1271. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS**
13 **REGARDING TERRORIST ACTS.**

14 (a) **IN GENERAL.**—Section 2335 of title 18, United
15 States Code, is amended—

16 (1) in subsection (a), by striking “4 years” and
17 inserting “10 years”; and

18 (2) in subsection (b), by striking “4-year pe-
19 riod” and inserting “10-year period”.

20 (b) **EFFECTIVE DATE.**—The amendments made by
21 this section shall apply to—

22 (1) proceedings under section 2333 of title 18,
23 United States Code, pending in any form on the
24 date of the enactment of this Act;

1 have landed during the period specified in subsection
2 (b).

3 (b) PERIOD SPECIFIED.—The period specified in this
4 subsection is—

5 (1) in the case of the first report submitted
6 under subsection (a), the 180-day period preceding
7 the submission of the report; and

8 (2) in the case of any subsequent report sub-
9 mitted under that subsection, the year preceding the
10 submission of the report.

11 (c) FORM OF REPORT.—Each report required by sub-
12 section (a) shall be submitted in unclassified form, but
13 may include a classified annex.

14 **SEC. 1273. IMPLEMENTATION; PENALTIES.**

15 (a) IMPLEMENTATION.—The President may exercise
16 all authorities provided under sections 203 and 205 of the
17 International Emergency Economic Powers Act (50
18 U.S.C. 1702 and 1704) to carry out this subtitle.

19 (b) PENALTIES.—The penalties provided for in sub-
20 sections (b) and (c) of section 206 of the International
21 Emergency Economic Powers Act (50 U.S. C. 1705) shall
22 apply to a person that violates, attempts to violate, con-
23 spires to violate, or causes a violation of this subtitle or
24 regulations prescribed under this subtitle to the same ex-

1 tent that such penalties apply to a person that commits
2 an unlawful act described in section 206(a) of that Act.

3 **SEC. 1274. APPLICABILITY TO CERTAIN NATURAL GAS**
4 **PROJECTS.**

5 Nothing in this subtitle or the amendments made by
6 this subtitle shall apply with respect to any activity relat-
7 ing to a project described in subsection (a) of section 603
8 of the Iran Threat Reduction and Syria Human Rights
9 Act of 2012 (22 U.S.C. 8783) to which the exception
10 under that section applies at the time of the activity.

11 **SEC. 1275. RULE OF CONSTRUCTION.**

12 Nothing in this subtitle or the amendments made by
13 this subtitle shall be construed to limit sanctions imposed
14 with respect to Iran under any other provision of law or
15 to limit the authority of the President to impose additional
16 sanctions with respect to Iran.

17 **TITLE XIII—COOPERATIVE**
18 **THREAT REDUCTION**

19 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
20 **DUCTION PROGRAMS AND FUNDS.**

21 (a) SPECIFICATION OF COOPERATIVE THREAT RE-
22 Duction Programs.—For purposes of section 301 and
23 other provisions of this Act, Cooperative Threat Reduction
24 programs are the programs specified in section 1501 of

1 the National Defense Authorization Act for Fiscal Year
2 1997 (50 U.S.C. 2632 note).

3 (b) FISCAL YEAR 2013 COOPERATIVE THREAT RE-
4 Duction FUNDS DEFINED.—As used in this title, the
5 term “fiscal year 2013 Cooperative Threat Reduction
6 funds” means the funds appropriated pursuant to the au-
7 thorization of appropriations in section 301 and made
8 available by the funding table in section 4301 for Coopera-
9 tive Threat Reduction programs.

10 (c) AVAILABILITY OF FUNDS.—Funds appropriated
11 pursuant to the authorization of appropriations in section
12 301 and made available by the funding table in section
13 4301 for Cooperative Threat Reduction programs shall be
14 available for obligation for fiscal years 2013, 2014, and
15 2015.

16 **SEC. 1302. FUNDING ALLOCATIONS.**

17 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
18 \$519,100,000 authorized to be appropriated to the De-
19 partment of Defense for fiscal year 2013 in section 301
20 and made available by the funding table in section 4301
21 for Cooperative Threat Reduction programs, the following
22 amounts may be obligated for the purposes specified:

23 (1) For strategic offensive arms elimination,
24 \$68,300,000.

1 (2) For chemical weapons destruction,
2 \$14,600,000.

3 (3) For global nuclear security, \$99,800,000.

4 (4) For cooperative biological engagement,
5 \$276,400,000.

6 (5) For proliferation prevention, \$32,400,000.

7 (6) For threat reduction engagement,
8 \$2,400,000.

9 (7) For other assessments/administrative sup-
10 port, \$25,200,000.

11 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
12 FUNDS FOR OTHER PURPOSES.—No fiscal year 2013 Co-
13 operative Threat Reduction funds may be obligated or ex-
14 pended for a purpose other than a purpose listed in para-
15 graphs (1) through (7) of subsection (a) until 15 days
16 after the date that the Secretary of Defense submits to
17 Congress a report on the purpose for which the funds will
18 be obligated or expended and the amount of funds to be
19 obligated or expended. Nothing in the preceding sentence
20 shall be construed as authorizing the obligation or expend-
21 iture of fiscal year 2013 Cooperative Threat Reduction
22 funds for a purpose for which the obligation or expendi-
23 ture of such funds is specifically prohibited under this title
24 or any other provision of law.

1 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
2 AMOUNTS.—

3 (1) IN GENERAL.—Subject to paragraph (2), in
4 any case in which the Secretary of Defense deter-
5 mines that it is necessary to do so in the national
6 interest, the Secretary may obligate amounts appro-
7 priated for fiscal year 2013 for a purpose listed in
8 paragraphs (1) through (7) of subsection (a) in ex-
9 cess of the specific amount authorized for that pur-
10 pose.

11 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
12 tion of funds for a purpose stated in paragraphs (1)
13 through (7) of subsection (a) in excess of the specific
14 amount authorized for such purpose may be made
15 using the authority provided in paragraph (1) only
16 after—

17 (A) the Secretary submits to Congress no-
18 tification of the intent to do so together with a
19 complete discussion of the justification for
20 doing so; and

21 (B) 15 days have elapsed following the
22 date of the notification.

1 **TITLE XIV—OTHER**
2 **AUTHORIZATIONS**
3 **Subtitle A—Military Programs**

4 **SEC. 1401. WORKING CAPITAL FUNDS.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2013 for the use of the Armed Forces and other
7 activities and agencies of the Department of Defense for
8 providing capital for working capital and revolving funds,
9 as specified in the funding table in section 4501.

10 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2013 for the National Defense Sealift Fund,
13 as specified in the funding table in section 4501.

14 **SEC. 1403. DEFENSE HEALTH PROGRAM.**

15 Funds are hereby authorized to be appropriated for
16 the Department of Defense for fiscal year 2013 for ex-
17 penses, not otherwise provided for, for the Defense Health
18 Program, as specified in the funding table in section 4501.

19 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
20 **TION, DEFENSE.**

21 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
22 are hereby authorized to be appropriated for the Depart-
23 ment of Defense for fiscal year 2013 for expenses, not oth-
24 erwise provided for, for Chemical Agents and Munitions

1 Destruction, Defense, as specified in the funding table in
2 section 4501.

3 (b) USE.—Amounts authorized to be appropriated
4 under subsection (a) are authorized for—

5 (1) the destruction of lethal chemical agents
6 and munitions in accordance with section 1412 of
7 the Department of Defense Authorization Act, 1986
8 (50 U.S.C. 1521); and

9 (2) the destruction of chemical warfare materiel
10 of the United States that is not covered by section
11 1412 of such Act.

12 **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**
13 **TIVITIES, DEFENSE-WIDE.**

14 Funds are hereby authorized to be appropriated for
15 the Department of Defense for fiscal year 2013 for ex-
16 penses, not otherwise provided for, for Drug Interdiction
17 and Counter-Drug Activities, Defense-wide, as specified in
18 the funding table in section 4501.

19 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

20 Funds are hereby authorized to be appropriated for
21 the Department of Defense for fiscal year 2013 for ex-
22 penses, not otherwise provided for, for the Office of the
23 Inspector General of the Department of Defense, as speci-
24 fied in the funding table in section 4501.

1 **Subtitle B—National Defense**
2 **Stockpile**

3 **SEC. 1411. RELEASE OF MATERIALS NEEDED FOR NA-**
4 **TIONAL DEFENSE PURPOSES FROM THE**
5 **STRATEGIC AND CRITICAL MATERIALS**
6 **STOCKPILE.**

7 (a) AUTHORITY FOR PRESIDENT TO DELEGATE SPE-
8 CIAL DISPOSAL AUTHORITY OF PRESIDENT FOR RELEASE
9 FOR NATIONAL DEFENSE PURPOSES.—Section 7(a) of
10 the Strategic and Critical Materials Stock Piling Act (50
11 U.S.C. 98f(a)) is amended—

12 (1) in paragraph (1), by striking “and” at the
13 end;

14 (2) in paragraph (2), by striking the period at
15 the end and inserting “; and”; and

16 (3) by adding at the end the following new
17 paragraph:

18 “(3) on the order of the Under Secretary of De-
19 fense for Acquisition, Technology, and Logistics, if
20 the President has designated the Under Secretary to
21 have authority to issue release orders under this
22 subsection and, in the case of any such order, if the
23 Under Secretary determines that the release of such
24 materials is required for use, manufacture, or pro-
25 duction for purposes of national defense.”.

1 (b) EXCLUSION FROM DELEGATION LIMITATION.—
 2 Section 16 of such Act (50 U.S.C. 98h-7) is amended by
 3 striking “sections 7 and 13” each place it appears and
 4 inserting “sections 7(a)(1) and 13”.

5 **Subtitle C—Chemical**
 6 **Demilitarization Matters**

7 **SEC. 1421. SUPPLEMENTAL CHEMICAL AGENT AND MUNI-**
 8 **TIONS DESTRUCTION TECHNOLOGIES AT**
 9 **PUEBLO CHEMICAL DEPOT, COLORADO, AND**
 10 **BLUE GRASS ARMY DEPOT, KENTUCKY.**

11 (a) SUPPLEMENTAL DESTRUCTION TECH-
 12 NOLOGIES.—Section 1412 of the Department of Defense
 13 Authorization Act, 1986 (50 U.S.C. 1521) is amended—

14 (1) by redesignating subsection (o) as sub-
 15 section (p); and

16 (2) by inserting after subsection (n) the fol-
 17 lowing new subsection (o):

18 “(o) SUPPLEMENTAL DESTRUCTION TECH-
 19 NOLOGIES.—In determining the technologies to supple-
 20 ment the neutralization destruction of the stockpile of le-
 21 thal chemical agents and munitions at Pueblo Chemical
 22 Depot, Colorado, and Blue Grass Army Depot, Kentucky,
 23 the Secretary of Defense may consider the following:

24 “(1) Explosive Destruction Technologies.

1 “(2) Any technologies developed for treatment
2 and disposal of agent or energetic hydrolysates, if
3 problems with the current on-site treatment of hy-
4 drolysates are encountered.”.

5 (b) REPEAL OF SUPERSEDED PROVISION.—Section
6 151 of the Floyd D. Spence National Defense Authoriza-
7 tion Act for Fiscal Year 2001 (as enacted into law by Pub-
8 lic Law 106–398; 114 Stat. 1645A–30) is repealed.

9 **Subtitle D—Other Matters**

10 **SEC. 1431. AUTHORIZATION OF APPROPRIATIONS FOR** 11 **ARMED FORCES RETIREMENT HOME.**

12 There is hereby authorized to be appropriated for fis-
13 cal year 2013 from the Armed Forces Retirement Home
14 Trust Fund the sum of \$67,590,000 for the operation of
15 the Armed Forces Retirement Home.

16 **SEC. 1432. ADDITIONAL WEAPONS OF MASS DESTRUCTION** 17 **CIVIL SUPPORT TEAMS.**

18 (a) IN GENERAL.—Section 1403 of the Bob Stump
19 National Defense Authorization Act for Fiscal Year 2003
20 (Public Law 107–314; 116 Stat. 2676; 10 U.S.C. 12310
21 note) is amended—

22 (1) by striking subsection (b);

23 (2) by redesignating subsection (c) as sub-
24 section (d); and

1 (3) by inserting after subsection (a) the fol-
2 lowing new subsections (b) and (c):

3 “(b) ESTABLISHMENT OF FURTHER ADDITIONAL
4 TEAMS.—The Secretary of Defense is authorized to have
5 established two additional teams designated as Weapons
6 of Mass Destruction Civil Support teams, beyond the 55
7 teams required in subsection (a), if—

8 “(1) the Secretary of Defense has made the cer-
9 tification provided for in section 12310(c)(5) of title
10 10, United States Code, with respect to each of such
11 additional teams before December 31, 2011; and

12 “(2) the establishment of such additional teams
13 does not require an increase in authorized personnel
14 levels above the numbers authorized as of the date
15 of the enactment of the National Defense Authoriza-
16 tion Act for Fiscal Year 2013.

17 “(c) LIMITATION OF ESTABLISHMENT OF FURTHER
18 TEAMS.—No Weapons of Mass Destruction Civil Support
19 Team may be established beyond the number authorized
20 by subsections (a) and (b) unless—

21 “(1) the Secretary submits to Congress a re-
22 quest for authority to establish such team, including
23 a detailed justification for their establishment; and

24 “(2) the establishment of such team is specifi-
25 cally authorized by a law enacted after the date of

1 the enactment of the National Defense Authoriza-
2 tion Act for Fiscal Year 2013.”.

3 (b) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary of Defense
5 shall submit to the congressional defense committees a re-
6 port on the Weapons of Mass Destruction Civil Support
7 Teams. The report shall include the following:

8 (1) A detailed description of risk management
9 criteria and considerations to be used in determining
10 the optimal number and location of Weapons of
11 Mass Destruction Civil Support Teams.

12 (2) A description of the operational and train-
13 ing activities conducted by the Weapons of Mass De-
14 struction Civil Support Teams during each of fiscal
15 years 2010, 2011, and 2012.

16 (3) An assessment of the optimal number and
17 location of Weapons of Mass Destruction Civil Sup-
18 port Teams in light of the information under para-
19 graphs (1) and (2).

20 (4) A comparative analysis of the cost of estab-
21 lishing Weapons of Mass Destruction Civil Support
22 Teams in the reserve components of the Armed
23 Forces (other than the National Guard) with the
24 cost of establishing Weapons of Mass Destruction
25 Civil Support Teams in the National Guard.

1 (5) A description of the portion of the costs of
2 Weapons of Mass Destruction Civil Support Teams
3 that is currently borne by the States.

4 **SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT**
5 **TO A DOMESTIC SUPPLY OF CRITICAL AND**
6 **ESSENTIAL MINERALS.**

7 (a) POLICY OF THE UNITED STATES.—It is the pol-
8 icy of the United States to promote the development of
9 an adequate, reliable, and stable supply of critical and es-
10 sential minerals in the United States in order to strength-
11 en and sustain the military readiness, national security,
12 and critical infrastructure of the United States.

13 (b) COORDINATION OF DEVELOPMENT OF SUPPLY
14 OF CRITICAL AND ESSENTIAL MINERALS.—To implement
15 the policy described in subsection (a), the President shall,
16 acting through the Executive Office of the President, co-
17 ordinate the actions of the appropriate federal agencies
18 to identify opportunities for and to facilitate the develop-
19 ment of resources in the United States to meet the critical
20 and essential mineral needs of the United States.

1 **TITLE XV—AUTHORIZATION OF**
2 **APPROPRIATIONS FOR OVER-**
3 **SEAS CONTINGENCY OPER-**
4 **ATIONS**

5 **Subtitle A—Authorization of**
6 **Appropriations**

7 **SEC. 1501. PURPOSE.**

8 The purpose of this subtitle is to authorize appropria-
9 tions for the Department of Defense for fiscal year 2013
10 to provide additional funds for overseas contingency oper-
11 ations being carried out by the Armed Forces.

12 **SEC. 1502. PROCUREMENT.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2013 for procurement accounts for the Army,
15 the Navy and the Marine Corps, the Air Force, and De-
16 fense-wide activities, as specified in the funding table in
17 section 4102.

18 **SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
19 **TION.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2013 for the use of the Department of Defense
22 for research, development, test, and evaluation, as speci-
23 fied in the funding table in section 4202.

1 **SEC. 1504. OPERATION AND MAINTENANCE.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2013 for the use of the Armed Forces and other
4 activities and agencies of the Department of Defense for
5 expenses, not otherwise provided for, for operation and
6 maintenance, as specified in the funding table in section
7 4302.

8 **SEC. 1505. MILITARY PERSONNEL.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2013 for the use of the Armed Forces and other
11 activities and agencies of the Department of Defense for
12 expenses, not otherwise provided for, for military per-
13 sonnel, as specified in the funding table in section 4402.

14 **SEC. 1506. WORKING CAPITAL FUNDS.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2013 for the use of the Armed Forces and other
17 activities and agencies of the Department of Defense for
18 providing capital for working capital and revolving funds,
19 as specified in the funding table in section 4502.

20 **SEC. 1507. DEFENSE HEALTH PROGRAM.**

21 Funds are hereby authorized to be appropriated for
22 the Department of Defense for fiscal year 2013 for ex-
23 penses, not otherwise provided for, for the Defense Health
24 Program, as specified in the funding table in section 4502.

1 **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG AC-**
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for
4 the Department of Defense for fiscal year 2013 for ex-
5 penses, not otherwise provided for, for Drug Interdiction
6 and Counter-Drug Activities, Defense-wide, as specified in
7 the funding table in section 4502.

8 **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for
10 the Department of Defense for fiscal year 2013 for ex-
11 penses, not otherwise provided for, for the Office of the
12 Inspector General of the Department of Defense, as speci-
13 fied in the funding table in section 4502.

14 **Subtitle B—Financial Matters**

15 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

16 The amounts authorized to be appropriated by this
17 title are in addition to amounts otherwise authorized to
18 be appropriated by this Act.

19 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

20 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

21 (1) **AUTHORITY.—**Upon determination by the
22 Secretary of Defense that such action is necessary in
23 the national interest, the Secretary may transfer
24 amounts of authorizations made available to the De-
25 partment of Defense in this title for fiscal year 2013
26 between any such authorizations for that fiscal year

1 (or any subdivisions thereof). Amounts of authoriza-
2 tions so transferred shall be merged with and be
3 available for the same purposes as the authorization
4 to which transferred.

5 (2) LIMITATION.—The total amount of author-
6 izations that the Secretary may transfer under the
7 authority of this subsection may not exceed
8 \$4,000,000,000.

9 (b) TERMS AND CONDITIONS.—Transfers under this
10 section shall be subject to the same terms and conditions
11 as transfers under section 1001.

12 (c) ADDITIONAL AUTHORITY.—The transfer author-
13 ity provided by this section is in addition to the transfer
14 authority provided under section 1001.

15 **Subtitle C—Limitations and Other** 16 **Matters**

17 **SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.**

18 (a) CONTINUATION OF EXISTING LIMITATIONS.—
19 Funds available to the Department of Defense for the Af-
20 ghanistan Security Forces Fund for fiscal year 2013 shall
21 be subject to the conditions contained in subsections (b)
22 through (g) of section 1513 of the National Defense Au-
23 thorization Act for Fiscal Year 2008 (Public Law 110-
24 181; 122 Stat. 428), as amended by section 1531(b) of

1 the Ike Skelton National Defense Authorization Act for
2 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

3 (b) AVAILABILITY FOR SUPPORT OF TRAINING OF
4 AFGHAN PUBLIC PROTECTION FORCE.—Assistance pro-
5 vided during fiscal year 2013 utilizing funds in the Af-
6 ghanistan Security Forces Fund may be used to increase
7 the capacity of the Government of Afghanistan to recruit,
8 vet, train, and manage the Afghan Public Protection
9 Force within the Afghanistan Ministry of Interior, includ-
10 ing activities in connection with the following:

11 (1) Expanding the capacity of the Force to
12 train and qualify recruits for static security, convoy
13 security, and personal detail security.

14 (2) Improving the infrastructure of the Afghan
15 Public Protection Force Training Center or other fa-
16 cilities for training Force personnel.

17 (3) Increasing the capacity of the Afghanistan
18 Ministry of Interior to manage the Force.

19 (4) Improving procedures for recruiting and
20 vetting Force personnel.

21 (5) Establishing or implementing requirements
22 for qualifications, training, and accountability con-
23 sistent with the purposes of section 862 of the Na-
24 tional Defense Authorization Act for Fiscal Year
25 2008 (10 U.S.C. 2302 note), to the extent feasible.

1 (c) PLAN FOR USE OF AFGHANISTAN SECURITY
2 FORCES FUND THROUGH 2017.—No later than 90 days
3 after the date of the enactment of this Act, the Secretary
4 of Defense shall submit to the congressional defense com-
5 mittees a plan for using funds available to the Department
6 of Defense to provide assistance to the security forces of
7 Afghanistan through the Afghanistan Security Forces
8 Fund through September 30, 2017.

9 **SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
10 **FUND.**

11 (a) USE AND TRANSFER OF FUNDS.—Subsections
12 (b) and (c) of section 1514 of the John Warner National
13 Defense Authorization Act for Fiscal Year 2007 (Public
14 Law 109–364; 120 Stat. 2439), as in effect before the
15 amendments made by section 1503 of the Duncan Hunter
16 National Defense Authorization Act for Fiscal Year 2009
17 (Public Law 110–417; 122 Stat. 4649), shall apply to the
18 funds made available to the Department of Defense for
19 the Joint Improvised Explosive Device Defeat Fund for
20 fiscal year 2013.

21 (b) AVAILABILITY OF CERTAIN FISCAL YEAR 2013
22 FUNDS.—

23 (1) IN GENERAL.—Of the funds made available
24 to the Department of Defense for the Joint Impro-
25 vised Explosive Device Defeat Fund for fiscal year

1 2013, \$15,000,000 may be available to the Secretary
2 of Defense to provide training, equipment, supplies,
3 and services to ministries and other entities of the
4 Government of Pakistan that the Secretary has iden-
5 tified as critical for countering the flow of impro-
6 vised explosive device precursor chemicals from
7 Pakistan to locations in Afghanistan.

8 (2) PROVISION THROUGH OTHER US AGEN-
9 CIES.—If jointly agreed upon by the Secretary of
10 Defense and the head of another department or
11 agency of the United States Government, the Sec-
12 retary of Defense may transfer funds available
13 under paragraph (1) to such department or agency
14 for the provision of training, equipment, supplies,
15 and services to ministries and other entities of the
16 Government of Pakistan as described in that para-
17 graph by such department or agency.

18 (3) NOTICE TO CONGRESS.—Funds may not be
19 used under the authority in paragraph (1) until 15
20 days after the date on which the Secretary of De-
21 fense submits to the congressional defense commit-
22 tees a notice on the training, equipment, supplies,
23 and services to be provided using such funds.

24 (c) EXPIRATION.—This section shall cease to be ef-
25 fective on December 31, 2013.

1 **SEC. 1533. PLAN FOR TRANSITION IN FUNDING OF UNITED**
2 **STATES SPECIAL OPERATIONS COMMAND**
3 **FROM SUPPLEMENTAL FUNDING FOR OVER-**
4 **SEAS CONTINGENCY OPERATIONS TO RECUR-**
5 **RING FUNDING UNDER THE FUTURE-YEARS**
6 **DEFENSE PROGRAM.**

7 The Secretary of Defense shall submit to the congres-
8 sional defense committees, at the same time as the budget
9 of the President for fiscal year 2014 is submitted to Con-
10 gress pursuant to section 1105(a) of title 31, United
11 States Code, a plan for the transition of funding of the
12 United States Special Operations Command from funds
13 authorized to be appropriated for overseas contingency op-
14 erations (commonly referred to as the “overseas contin-
15 gency operations budget”) to funds authorized to be ap-
16 propriated for recurring operations of the Department of
17 Defense in accordance with applicable future-years defense
18 programs under section 221 of title 10, United States
19 Code (commonly referred to as the “base budget”).

20 **SEC. 1534. EXTENSION OF AUTHORITY ON TASK FORCE FOR**
21 **BUSINESS AND STABILITY OPERATIONS IN**
22 **AFGHANISTAN.**

23 Section 1535(a) of the Ike Skelton National Defense
24 Authorization Act for Fiscal Year 2011 (Public Law 111–
25 383; 124 Stat. 4426), as amended by section 1534 of the
26 National Defense Authorization Act for Fiscal Year 2012

1 (Public Law 112–81; 125 Stat. 1658), is further amend-
2 ed—

3 (1) in the second sentence of paragraph (4)—

4 (A) by striking “The amount of funds
5 used” and inserting “The amount of fund obli-
6 gated”;

7 (B) by inserting “and \$93,000,000 for fis-
8 cal year 2013” after “fiscal year 2012”; and

9 (C) by inserting “for fiscal year 2012”
10 after “except that”;

11 (2) in paragraph (6), by striking “October 31,
12 2011, and October 31, 2012” and inserting “Octo-
13 ber 31 of each of 2011, 2012, and 2013”; and

14 (3) in paragraph (7)—

15 (A) by striking “provided in” and inserting
16 “to obligate funds for projects under”; and

17 (B) by striking “September 30, 2012” and
18 inserting “September 30, 2013”.

19 **SEC. 1535. ASSESSMENTS OF TRAINING ACTIVITIES AND IN-**
20 **TELLIGENCE ACTIVITIES OF THE JOINT IM-**
21 **PROVIDED EXPLOSIVE DEVICE DEFEAT OR-**
22 **GANIZATION.**

23 (a) TRAINING ACTIVITIES.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, the Sec-

1 retary of Defense shall, in consultation with the
2 Chairman of Joint Chiefs of Staff and the other
3 chiefs of staff of the Armed Forces, submit to the
4 congressional defense committees a report setting
5 forth an assessment of the training-related activities
6 of the Joint Improvised Explosive Device Defeat Or-
7 ganization (JIEDDO).

8 (2) ELEMENTS.—The assessment required by
9 paragraph (1) shall—

10 (A) include all training programs and func-
11 tions executed by the Joint Improvised Explo-
12 sive Device Defeat Organization in support of
13 the United States Armed Forces or coalition
14 partners;

15 (B) identify any program or function
16 which is duplicated elsewhere within the De-
17 partment of Defense; and

18 (C) assess the value of maintaining such
19 duplication.

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

23 (4) LIMITATION.—No training-related program
24 may be initiated by the Joint Improvised Explosive
25 Device Defeat Organization between the date of the

1 enactment of this Act and the date of the submittal
2 of the report required by paragraph (1).

3 (b) INTELLIGENCE ACTIVITIES.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary of Defense shall, in consultation with the Di-
7 rector of National Intelligence, submit to the con-
8 gressional defense committees a report setting forth
9 an assessment of the activities of the Counter-Im-
10 proved-Explosive-Device Operations Integration
11 Center of the Joint Improvised Explosive Device De-
12 feat Organization.

13 (2) ELEMENTS.—The assessment required by
14 paragraph (1) shall—

15 (A) include all intelligence analysis pro-
16 grams and functions executed by the Counter-
17 Improvised-Explosive-Device Operations Inte-
18 gration Center in support of the United States
19 Government or coalition partners;

20 (B) identify any program or function
21 which is duplicated elsewhere within the De-
22 partment of Defense, including the intelligence
23 components of the Department, or the intel-
24 ligence community of the United States; and

1 (C) assess the value of maintaining such
2 duplication.

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

6 **SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESS-**
7 **MENTS ON CHANGES IN UNITED STATES**
8 **TROOP LEVELS IN AFGHANISTAN.**

9 (a) SUBMITTAL REQUIRED.—Not later than 30 days
10 after a decision by the President to change the levels of
11 United States Armed Forces deployed in Afghanistan, the
12 Chairman of the Joint Chiefs of Staff shall, through the
13 Secretary of Defense, submit to the congressional defense
14 committees a detailed assessment of the risk to the United
15 States mission and interests in Afghanistan as the change
16 in levels is implemented.

17 (b) ELEMENTS.—The risk assessment under sub-
18 section (a) on a change in levels of United States Armed
19 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 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 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 levels.

10 (5) An identification and assessment of any ca-
11 pability gaps within the Afghanistan security forces
12 that will impact their ability to conduct operations
13 following such change in levels.

14 (6) An identification and assessment of the risk
15 associated with the transition of combat responsibil-
16 ities to the Afghanistan security forces following
17 such change in levels.

18 (7) An assessment of the impact of such change
19 in levels on coalition military contributions to the
20 mission in Afghanistan.

21 (8) A description of the assumptions to be in
22 force regarding the security situation in Afghanistan
23 following such change in levels.

24 (9) Such other matters regarding such change
25 in levels as the Chairman considers appropriate.

1 **SEC. 1537. REPORT ON INSIDER ATTACKS IN AFGHANISTAN**
2 **AND THEIR EFFECT ON THE UNITED STATES**
3 **TRANSITION STRATEGY FOR AFGHANISTAN.**

4 (a) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary of Defense
6 shall, in consultation with the Secretary of State and the
7 Commander of North Atlantic Treaty Organization/Inter-
8 national Security Assistance Force forces in Afghanistan,
9 submit to Congress a report on the attacks and associated
10 threats by Afghanistan National Security Forces per-
11 sonnel, Afghanistan National Security Forces imperson-
12 ators, and private security contractors against United
13 States, Afghanistan, and coalition military and civilian
14 personnel (“insider attacks”) in Afghanistan, and the ef-
15 fect of these attacks on the overall transition strategy in
16 Afghanistan.

17 (b) ELEMENTS.—The report required by subsection
18 (a) shall include the following:

19 (1) A description of the nature and proximate
20 causes of the attacks described in subsection (a), in-
21 cluding the following:

22 (A) An estimate of the number of such at-
23 tacks on United States, Afghanistan, and coaliti-
24 on 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.

10 (E) A description of trends in the preva-
11 lence of such attacks, including where such at-
12 tacks occur, the political and ethnic affiliation
13 of attackers, and the targets of attackers.

14 (2) A description of the restrictions and other
15 actions taken by the United States and North Atlan-
16 tic Treaty Organization/International Security As-
17 sistance Force forces to protect military and civilian
18 personnel from future insider attacks, including
19 measures in predeployment training.

20 (3) A description of the actions taken by the
21 Government of Afghanistan to prevent and respond
22 to insider attacks, including improved vetting prac-
23 tices.

24 (4) A description of the insider threat-related
25 factors that will influence the size and scope of the

1 post-2014 training mission for the Afghanistan Na-
2 tional Security Forces.

3 (5) An assessment of the impact of the insider
4 attacks in Afghanistan in 2012 on the overall transi-
5 tion strategy in Afghanistan and its prospects for
6 success, including an assessment how such insider
7 attacks impact—

8 (A) partner operations between North At-
9 lantic Treaty Organization/International Secu-
10 rity Assistance Force forces and Afghanistan
11 National Security Forces;

12 (B) training programs for the Afghanistan
13 National Security Forces, including proposed
14 training plans to be executed during the post-
15 2014 training mission for the Afghanistan Na-
16 tional Security Forces;

17 (C) United States Special Forces training
18 of the Afghan Local Police and its integration
19 into the Afghanistan National Security Forces;
20 and

21 (D) the willingness of North Atlantic Trea-
22 ty Organization/International Security Assist-
23 ance Force allies to maintain forces in Afghani-
24 stan or commit to the post-2014 training mis-

1 sion for the Afghanistan National Security
2 Forces.

3 (6) An assessment of the impact that a reduc-
4 tion in training and partnering would have on the
5 independent capabilities of the Afghanistan National
6 Security Forces, and whether the training of the Af-
7 ghanistan National Security Forces should remain a
8 key component of the United States and North At-
9 lantic Treaty Organization strategy in Afghanistan.

10 (c) UNCLASSIFIED EXECUTIVE SUMMARY.—The re-
11 port submitted under subsection (b) shall include an exec-
12 utive summary of the contents of the report in unclassified
13 form.

14 **TITLE XVI—MILITARY COM-**
15 **PENSATION AND RETIRE-**
16 **MENT MODERNIZATION COM-**
17 **MISSION**

18 **SEC. 1601. SHORT TITLE.**

19 This title may be cited as the “Military Compensation
20 and Retirement Modernization Commission Act of 2012”.

21 **SEC. 1602. PURPOSE.**

22 The purpose of this title is to establish a Commission
23 to review and make recommendations to modernize the
24 military compensation and retirement systems in order
25 to—

1 (1) ensure the long-term viability of the All-Vol-
2 unteer Force;

3 (2) enable the quality of life for members of the
4 Armed Forces and the other uniformed services and
5 their families in a manner that fosters successful re-
6 cruitment, retention, and careers for members of the
7 Armed Forces and the other uniformed services; and

8 (3) modernize and achieve fiscal sustainability
9 for the compensation and retirements systems for
10 the Armed Forces and the other uniformed services
11 for the 21st century.

12 **SEC. 1603. DEFINITIONS.**

13 In this title:

14 (1) The term “military compensation and re-
15 tirement systems” means the military compensation
16 system and the military retirement system.

17 (2) The term “military compensation system”
18 means provisions of law providing eligibility for and
19 the computation of military compensation, including
20 regular military compensation, special and incentive
21 pays and allowances, medical and dental care, edu-
22 cational assistance and related benefits, and com-
23 missary and exchange benefits and related benefits
24 and activities.

1 (3) The term “military retirement system”
2 means retirement benefits, including retired pay
3 based upon service in the uniformed services and
4 survivor annuities based upon such service.

5 (4) The term “Armed Forces” has the meaning
6 given the term “armed forces” in section 101(a)(4)
7 of title 10, United States Code.

8 (5) The term “uniformed services” has the
9 meaning given that term in section 101(a)(5) of title
10 10, United States Code.

11 (6) The term “Secretary” means the Secretary
12 of Defense.

13 (7) The term “Commission” means the commis-
14 sion established under section 1604.

15 (8) The term “Commission establishment date”
16 means the first day of the first month beginning on
17 or after the date of the enactment of this Act.

18 (9) The terms “veterans service organization”
19 and “military-related advocacy group or association”
20 mean an organization the primary purpose of which
21 is to advocate for veterans, military personnel, mili-
22 tary retirees, or military families.

1 **SEC. 1604. MILITARY COMPENSATION AND RETIREMENT**
2 **MODERNIZATION COMMISSION.**

3 (a) ESTABLISHMENT.—There is established in the ex-
4 ecutive branch an independent commission to be known
5 as the Military Compensation and Retirement Moderniza-
6 tion Commission. The Commission shall be considered an
7 independent establishment of the Federal Government as
8 defined by section 104 of title 5, United States Code, and
9 a temporary organization under section 3161 of such title.

10 (b) APPOINTMENT.—

11 (1) IN GENERAL.—

12 (A) MEMBERS.—The Commission shall be
13 composed of nine members appointed by the
14 President, in consultation with—

15 (i) the Chairman and Ranking Mem-
16 ber of the Committee on Armed Services of
17 the Senate; and

18 (ii) the Chairman and Ranking Mem-
19 ber of the Committee on Armed Services of
20 the House of Representatives.

21 (B) DEADLINE FOR APPOINTMENT.—The
22 President shall make appointments to the Com-
23 mission not later than six months after the
24 Commission establishment date.

25 (C) TERMINATION FOR LACK OF APPOINT-
26 MENT.—If the President does not make all ap-

1 pointments to the Commission on or before the
2 date specified in subparagraph (B), the Com-
3 mission shall be terminated.

4 (2) QUALIFICATIONS OF INDIVIDUALS AP-
5 POINTED.—In appointing individuals to the Commis-
6 sion, the President shall—

7 (A) ensure that—

8 (i) there are members with significant
9 expertise in Federal compensation and re-
10 tirement systems, including the military
11 compensation and retirement systems, pri-
12 vate sector compensation, retirement, or
13 human resource systems, and actuarial
14 science;

15 (ii) at least five members have active-
16 duty military experience, including—

17 (I) at least one of whom has ac-
18 tive-duty experience as an enlisted
19 member; and

20 (II) at least one of whom has ex-
21 perience as a member of a reserve
22 component; and

23 (iii) at least one member was the
24 spouse of a member of the Armed Forces,
25 or, in the sole determination of the Presi-

1 dent, has significant experience in military
2 family matters; and

3 (B) select individuals who are knowledge-
4 able and experienced with the uniformed serv-
5 ices and military compensation and retirement
6 issues.

7 (3) LIMITATION.—The President may not ap-
8 point to the Commission 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.

12 (4) CHAIR.—At the time the President appoints
13 the members of the Commission, the President shall
14 designate one of the members to be Chair of the
15 Commission. The individual designated as Chair of
16 the Commission shall be a person who has expertise
17 in the military compensation and retirement sys-
18 tems. The Chair, or the designee of the Chair, shall
19 preside over meetings of the Commission and be re-
20 sponsible for establishing the agenda of Commission
21 meetings and hearings.

22 (c) TERMS.—Members shall be appointed for the life
23 of the Commission (subject to subsection (b)(3)). A va-
24 cancy in the Commission shall not affect its powers, and

1 shall be filled in the same manner as the original appoint-
2 ment was made.

3 (d) STATUS AS FEDERAL EMPLOYEES.—Notwith-
4 standing the requirements of section 2105 of title 5,
5 United States Code, including the required supervision
6 under subsection (a)(3) of such section, the members of
7 the Commission shall be deemed Federal employees.

8 **SEC. 1605. COMMISSION HEARINGS AND MEETINGS.**

9 (a) IN GENERAL.—The Commission shall conduct
10 hearings on the recommendations it is taking under con-
11 sideration. Any such hearing, except a hearing in which
12 classified information is to be considered, shall be open
13 to the public. Any hearing open to the public shall be an-
14 nounced on a Federal website at least 14 days in advance.
15 For all hearings open to the public, the Commission shall
16 release an agenda and a listing of materials relevant to
17 the topics to be discussed.

18 (b) MEETINGS.—

19 (1) INITIAL MEETING.—The Commission shall
20 hold its initial meeting not later than 30 days after
21 the date as of which all members have been ap-
22 pointed.

23 (2) SUBSEQUENT MEETINGS.—After its initial
24 meeting, the Commission shall meet upon the call of
25 the Chair or a majority of its members.

1 (3) PUBLIC MEETINGS.—Each meeting of the
2 Commission shall be held in public unless any mem-
3 ber objects.

4 (c) QUORUM.—Five members of the Commission
5 shall constitute a quorum, but a lesser number may hold
6 hearings.

7 (d) PUBLIC COMMENTS.—

8 (1) IN GENERAL.—The Commission shall seek
9 written comments from the general public and inter-
10 ested parties on measures to modernize the military
11 compensation and retirement systems. Comments
12 shall be requested through a solicitation in the Fed-
13 eral Register and announcement on the Internet
14 website of the Commission.

15 (2) PERIOD FOR SUBMITTAL.—The period for
16 the submittal of comments pursuant to the solicita-
17 tion under paragraph (1) shall end not earlier than
18 30 days after the date of the solicitation and shall
19 end on or before the date on which the Secretary
20 transmits the recommendations of the Secretary to
21 the Commission under section 1606(b).

22 (3) USE BY COMMISSION.—The Commission
23 shall consider the comments submitted under this
24 subsection when developing its recommendations.

1 **SEC. 1606. PRINCIPLES AND PROCEDURE FOR COMMISSION**
2 **RECOMMENDATIONS.**

3 (a) PRINCIPLES.—

4 (1) CONTEXT OF COMMISSION REVIEW.—The
5 Commission shall conduct a review of the military
6 compensation and retirement systems in the context
7 of all elements of the current military compensation
8 and retirement systems, force management objec-
9 tives, and changes in life expectancy and the labor
10 force.

11 (2) DEVELOPMENT OF COMMISSION REC-
12 OMMENDATIONS.—

13 (A) CONSISTENCY WITH PRESIDENTIAL
14 PRINCIPLES.—The Commission shall develop
15 recommendations for modernizing the military
16 compensation and retirement systems that are
17 consistent with principles established by the
18 President under paragraph (3).

19 (B) GRANDFATHERING.—The rec-
20 ommendations of the Commission may not
21 apply to any person who first becomes a mem-
22 ber of a uniformed service before the date of
23 the enactment of a military compensation and
24 retirement modernization Act pursuant to this
25 title (except that such recommendations may in-
26 clude provisions allowing for such a member to

1 make a voluntary election to be covered by some
2 or all of the provisions of such recommenda-
3 tions).

4 (3) PRESIDENTIAL PRINCIPLES.—Not later
5 than five months after the Commission establish-
6 ment date, the President shall establish and trans-
7 mit to the Commission and Congress principles for
8 modernizing the military compensation and retire-
9 ment systems. The principles established by the
10 President shall address the following:

11 (A) Maintaining recruitment and retention
12 of the best military personnel.

13 (B) Modernizing the active and reserve
14 military compensation and retirement systems.

15 (C) Differentiating between active and re-
16 serve military service.

17 (D) Differentiating between service in the
18 Armed Forces and service in the other uni-
19 formed services.

20 (E) Assisting with force management.

21 (F) Ensuring the fiscal sustainability of
22 the military compensation and retirement sys-
23 tems.

24 (b) SECRETARY OF DEFENSE RECOMMENDATIONS.—

1 (1) IN GENERAL.—Not later than nine months
2 after the Commission establishment date, the Sec-
3 retary shall transmit to the Commission the rec-
4 ommendations of the Secretary for military com-
5 pensation and retirement modernization. The Sec-
6 retary shall concurrently transmit the recommenda-
7 tions to Congress.

8 (2) DEVELOPMENT OF RECOMMENDATIONS.—
9 The Secretary shall develop the recommendations of
10 the Secretary under paragraph (1)—

11 (A) on the basis of the principles estab-
12 lished by the President pursuant to subsection
13 (a)(3);

14 (B) in consultation with the Secretary of
15 Homeland Security, with respect to rec-
16 ommendations concerning members of the
17 Coast Guard;

18 (C) in consultation with the Secretary of
19 Health and Human Services, with respect to
20 recommendations concerning members of the
21 Public Health Service;

22 (D) in consultation with the Secretary of
23 Commerce, with respect to recommendations
24 concerning members of the National Oceanic
25 and Atmospheric Administration; and

1 (E) in consultation with the Director of
2 the Office of Management and Budget.

3 (3) JUSTIFICATION.—The Secretary shall in-
4 clude with the recommendations under paragraph
5 (1) the justification of the Secretary for each rec-
6 ommendation.

7 (4) AVAILABILITY OF INFORMATION.—The Sec-
8 retary shall make available to the Commission and
9 to Congress the information used by the Secretary
10 to prepare the recommendations of the Secretary
11 under paragraph (1).

12 (c) COMMISSION HEARINGS ON RECOMMENDATIONS
13 OF SECRETARY.—After receiving from the Secretary the
14 recommendations of the Secretary for military compensa-
15 tion and retirement modernization pursuant to subsection
16 (b), the Commission shall conduct public hearings on the
17 recommendations.

18 (d) COMMISSION REPORT AND RECOMMENDA-
19 TIONS.—

20 (1) REPORT.—Not later than 15 months after
21 the Commission establishment date, the Commission
22 shall transmit to the President a report containing
23 the findings and conclusions of the Commission, to-
24 gether with the recommendations of the Commission
25 for the modernization of the military compensation

1 and retirement systems. The Commission shall in-
2 clude in the report legislative language to implement
3 the recommendations of the Commission. The find-
4 ings and conclusions in the report shall be based on
5 the review and analysis by the Commission of the
6 recommendations of the Secretary.

7 (2) REQUIREMENT FOR APPROVAL.—The rec-
8 ommendations of the Commission must be approved
9 by at least five members of the Commission before
10 the recommendations may be transmitted to the
11 President under paragraph (1).

12 (3) PROCEDURES FOR CHANGING REC-
13 OMMENDATIONS OF SECRETARY.—The Commission
14 may make a change described in paragraph (4) in
15 the recommendations made by the Secretary only if
16 the Commission—

17 (A) determines that the change is con-
18 sistent with the principles established by the
19 President under subsection (a)(3);

20 (B) publishes a notice of the proposed
21 change not less than 45 days before transmit-
22 ting its recommendations to the President pur-
23 suant to paragraph (1); and

24 (C) conducts a public hearing on the pro-
25 posed change.

1 (4) COVERED CHANGES.—Paragraph (3) ap-
2 plies to a change by the Commission in the rec-
3 ommendations of the Secretary that would—

4 (A) add a new recommendation;

5 (B) delete a recommendation; or

6 (C) substantially change a recommenda-
7 tion.

8 (5) EXPLANATION AND JUSTIFICATION FOR
9 CHANGES.—The Commission shall explain and jus-
10 tify in its report submitted to the President under
11 paragraph (1) any recommendation made by the
12 Commission that is different from the recommenda-
13 tions made by the Secretary pursuant to subsection
14 (b).

15 (6) TRANSMITTAL TO CONGRESS.—The Com-
16 mission shall transmit a copy of its report to Con-
17 gress on the same date on which it transmits its re-
18 port to the President under paragraph (1).

19 **SEC. 1607. CONSIDERATION OF COMMISSION REC-**
20 **COMMENDATIONS BY THE PRESIDENT AND**
21 **CONGRESS.**

22 (a) REVIEW BY THE PRESIDENT.—

23 (1) REPORT OF PRESIDENTIAL APPROVAL OR
24 DISAPPROVAL.—Not later than 60 days after the
25 date on which the Commission transmits its report

1 to the President under section 1606(d), the Presi-
2 dent shall transmit to the Commission and to Con-
3 gress a report containing the approval or disapproval
4 by the President of the recommendations of the
5 Commission in the report.

6 (2) PRESIDENTIAL APPROVAL.—If in the report
7 under paragraph (1) the President approves all the
8 recommendations of the Commission, the President
9 shall include with the report the following:

10 (A) A copy of the recommendations of the
11 Commission.

12 (B) The certification by the President of
13 the approval of the President of each rec-
14 ommendation.

15 (C) The legislative language transmitted
16 by the Commission to the President as part of
17 the report of the Commission under section
18 1606(d)(1).

19 (3) PRESIDENTIAL DISAPPROVAL.—

20 (A) REASONS FOR DISAPPROVAL.—If in
21 the report under paragraph (1) the President
22 disapproves the recommendations of the Com-
23 mission, in whole or in part, the President shall
24 include in the report the reasons for that dis-
25 approval.

1 (B) REVISED RECOMMENDATIONS FROM
2 COMMISSION.—The Commission shall then
3 transmit to the President, not later one month
4 after the date of the report of the President
5 under paragraph (1), revised recommendations
6 for the modernization of the military compensa-
7 tion and retirement systems, together with re-
8 vised legislative language to implement the re-
9 vised recommendations of the Commission.

10 (4) ACTION ON REVISED RECOMMENDATIONS.—
11 If the President approves all of the revised rec-
12 ommendations of the Commission transmitted pur-
13 suant to paragraph (3)(B), the President shall
14 transmit to Congress, not later than one month after
15 receiving the revised recommendations, the following:

16 (A) A copy of the revised recommenda-
17 tions.

18 (B) The certification by the President of
19 the approval of the President of each rec-
20 ommendation as so revised.

21 (C) The revised legislative language trans-
22 mitted to the President under paragraph
23 (3)(B).

24 (5) TERMINATION OF COMMISSION.—If the
25 President does not transmit to Congress an approval

1 and certification described in paragraph (2) or (4)
2 in accordance with the applicable deadline under
3 such paragraph, the Commission shall be terminated
4 not later than one month after the expiration of the
5 period for transmittal of a report under paragraph
6 (4).

7 (b) CONSIDERATION BY CONGRESS.—

8 (1) RULEMAKING.—The provisions of this sub-
9 section are enacted by Congress—

10 (A) as an exercise of the rulemaking power
11 of the Senate and the House of Representa-
12 tives, respectively, and as such they shall be
13 considered as part of the rules of each House,
14 respectively, or of that House to which they
15 specifically apply, and such rules supersede
16 other rules only to the extent that they are in-
17 consistent therewith; and

18 (B) with full recognition of the constitu-
19 tional right of either House to change such
20 rules (so far as relating to the procedure of that
21 House) at any time, in the same manner and
22 to the same extent as in the case of any other
23 rule of that House.

24 (2) MILITARY COMPENSATION AND RETIRE-
25 MENT MODERNIZATION BILL.—For the purpose of

1 this subsection, the term “military compensation and
2 retirement modernization bill” means only a bill con-
3 sisting of the proposed legislative language rec-
4 ommended by the Commission and submitted to
5 Congress by the President pursuant to subsection
6 (a).

7 (3) INTRODUCTION OF LEGISLATIVE PROPOSAL
8 IN HOUSE AND SENATE.—If the President transmits
9 to Congress under subsection (a) a copy of the rec-
10 ommendations of the Commission (including the leg-
11 islative language recommended by the Commission),
12 together with a certification of the approval of the
13 President of the recommendations, the proposed leg-
14 islative language recommended by the Commission
15 and submitted to Congress by the President pursu-
16 ant to that subsection—

17 (A) shall be introduced in the Senate (by
18 request) on the next day on which the Senate
19 is in session by the chairman of the Committee
20 on Armed Services of the Senate; and

21 (B) shall be introduced in the House of
22 Representatives (by request) on the next legisla-
23 tive day by the chair of the Committee on
24 Armed Services of the House of Representa-
25 tives.

1 (4) CONSIDERATION IN THE HOUSE OF REP-
2 REPRESENTATIVES.—

3 (A) REFERRAL AND REPORTING.—Any
4 committee of the House of Representatives to
5 which the military compensation and retirement
6 modernization bill is referred shall report it to
7 the House without amendment not later than
8 the end of the 60-day period beginning on the
9 date on which the bill is introduced. If a com-
10 mittee fails to report the bill to the House with-
11 in that period, it shall be in order to move that
12 the House discharge the committee from fur-
13 ther consideration of the bill. Such a motion
14 shall not be in order after the last committee
15 authorized to consider the bill reports it to the
16 House or after the House has disposed of a mo-
17 tion to discharge the bill. The previous question
18 shall be considered as ordered on the motion to
19 its adoption without intervening motion except
20 20 minutes of debate equally divided and con-
21 trolled by the proponent and an opponent. If
22 such a motion is adopted, the House shall pro-
23 ceed immediately to consider the Commission
24 bill in accordance with subparagraphs (B) and

1 (C). A motion to reconsider the vote by which
2 the motion is disposed of shall not be in order.

3 (B) PROCEEDING TO CONSIDERATION.—

4 After the last committee authorized to consider
5 a military compensation and retirement mod-
6 ernization bill reports it to the House or has
7 been discharged (other than by motion) from its
8 consideration, it shall be in order to move to
9 proceed to consider the military compensation
10 and retirement modernization bill in the House.
11 Such a motion shall not be in order after the
12 House has disposed of a motion to proceed with
13 respect to the military compensation and retire-
14 ment modernization bill. The previous question
15 shall be considered as ordered on the motion to
16 its adoption without intervening motion. A mo-
17 tion to reconsider the vote by which the motion
18 is disposed of shall not be in order.

19 (C) CONSIDERATION.—The military com-
20 pensation and retirement modernization bill
21 shall be considered as read. All points of order
22 against the bill and against its consideration
23 are waived. The previous question shall be con-
24 sidered as ordered on the bill to its passage
25 without intervening motion except 2 hours of

1 debate equally divided and controlled by the
2 proponent and an opponent and one motion to
3 limit debate on the bill. A motion to reconsider
4 the vote on passage of the bill shall not be in
5 order.

6 (D) VOTE ON PASSAGE.—The vote on pas-
7 sage of the military compensation and retire-
8 ment modernization bill shall occur not later
9 than the end of the 90-day period beginning on
10 the date on which the bill is introduced.

11 (5) EXPEDITED PROCEDURE IN THE SENATE.—

12 (A) COMMITTEE CONSIDERATION.—A mili-
13 tary compensation and retirement moderniza-
14 tion bill introduced in the Senate under sub-
15 section (a) shall be jointly referred to the com-
16 mittee or committees of jurisdiction, which com-
17 mittees shall report the bill without any revision
18 and with a favorable recommendation, an unfa-
19 vorable recommendation, or without rec-
20 ommendation, not later than the end of the 60-
21 day period beginning on the date on which the
22 bill is introduced. If any committee fails to re-
23 port the bill within that period, that committee
24 shall be automatically discharged from consider-

1 ation of the bill, and the bill shall be placed on
2 the appropriate calendar.

3 (B) MOTION TO PROCEED.—Notwith-
4 standing Rule XXII of the Standing Rules of
5 the Senate, it is in order, not later than 2 days
6 of session after the date on which a military
7 compensation and retirement modernization bill
8 is reported or discharged from all committees to
9 which it was referred, for the majority leader of
10 the Senate or the majority leader’s designee to
11 move to proceed to the consideration of the
12 military compensation and retirement mod-
13 ernization bill. It shall also be in order for any
14 Member of the Senate to move to proceed to the
15 consideration of the military compensation and
16 retirement modernization bill at any time after
17 the conclusion of such 2-day period. A motion
18 to proceed is in order even though a previous
19 motion to the same effect has been disagreed
20 to. All points of order against the motion to
21 proceed to the military compensation and retire-
22 ment modernization bill are waived. The motion
23 to proceed is not debatable. The motion is not
24 subject to a motion to postpone. A motion to
25 reconsider the vote by which the motion is

1 agreed to or disagreed to shall not be in order.
2 If a motion to proceed to the consideration of
3 the military compensation and retirement mod-
4 ernization bill is agreed to, the military com-
5 pensation and retirement modernization bill
6 shall remain the unfinished business until dis-
7 posed of.

8 (C) CONSIDERATION.—All points of order,
9 other than budget points of order, against the
10 military compensation and retirement mod-
11 ernization bill and against consideration of the
12 bill are waived. Consideration of the bill and of
13 all debatable motions and appeals in connection
14 therewith shall not exceed a total of 10 hours
15 which shall be divided equally between the ma-
16 jority and minority leaders or their designees. A
17 motion further to limit debate on the bill is in
18 order, shall require an affirmative vote of three-
19 fifths of the Members duly chosen and sworn,
20 and is not debatable. Any debatable motion or
21 appeal is debatable for not to exceed 1 hour, to
22 be divided equally between those favoring and
23 those opposing the motion or appeal. All time
24 used for consideration of the bill, including time
25 used for quorum calls and voting, shall be

1 counted against the total 10 hours of consider-
2 ation.

3 (D) NO AMENDMENTS.—An amendment to
4 the Commission bill, or a motion to postpone,
5 or a motion to proceed to the consideration of
6 other business, or a motion to recommit the
7 Commission bill, is not in order.

8 (E) VOTE ON PASSAGE.—If the Senate has
9 voted to proceed to the military compensation
10 and retirement modernization bill, the vote on
11 passage of the bill shall occur immediately fol-
12 lowing the conclusion of the debate on a mili-
13 tary compensation and retirement moderniza-
14 tion bill, and a single quorum call at the conclu-
15 sion of the debate if requested. The vote on
16 passage of the bill shall occur not later the end
17 of the 90-day period beginning on the date on
18 which the bill is introduced.

19 (F) RULINGS OF THE CHAIR ON PROCE-
20 DURE.—Appeals from the decisions of the Chair
21 relating to the application of the rules of the
22 Senate, as the case may be, to the procedure re-
23 lating to a military compensation and retire-
24 ment modernization bill shall be decided with-
25 out debate.

1 (6) AMENDMENT.—The military compensation
2 and retirement modernization bill shall not be sub-
3 ject to amendment in either the House of Represent-
4 atives or the Senate.

5 (7) CONSIDERATION BY THE OTHER HOUSE.—
6 If, before passing the military compensation and re-
7 tirement modernization bill, one House receives from
8 the other a military compensation and retirement
9 modernization bill—

10 (A) the military compensation and retire-
11 ment modernization bill of the other House
12 shall not be referred to a committee; and

13 (B) the procedure in the receiving House
14 shall be the same as if no military compensa-
15 tion and retirement modernization bill had been
16 received from the other House until the vote on
17 passage, when the military compensation and
18 retirement modernization bill received from the
19 other House shall supplant the military com-
20 pensation and retirement modernization bill of
21 the receiving House.

22 **SEC. 1608. PAY FOR MEMBERS OF THE COMMISSION.**

23 (a) IN GENERAL.—Each member, other than the
24 Chair, of the Commission shall be paid at a rate equal
25 to the daily equivalent of the annual rate of basic pay pay-

1 able for level IV of the Executive Schedule under section
2 5315 of title 5, United States Code, for each day (includ-
3 ing travel time) during which the member is engaged in
4 the actual performance of duties vested in the Commis-
5 sion.

6 (b) CHAIR.—The Chair of the Commission shall be
7 paid at a rate equal to the daily equivalent of the annual
8 rate of basic pay payable for level III of the Executive
9 Schedule under section 5314, of title 5, United States
10 Code, for each day (including travel time) during which
11 the member is engaged in the actual performance of duties
12 vested in the Commission.

13 **SEC. 1609. EXECUTIVE DIRECTOR.**

14 (a) APPOINTMENT.—The Commission shall appoint
15 and fix the rate of basic pay for an Executive Director
16 in accordance with section 3161 of title 5, United States
17 Code.

18 (b) LIMITATIONS.—The Executive Director may not
19 have served on active duty in the Armed Forces or as a
20 civilian employee of the Department of Defense during the
21 one-year period preceding the date of such appointment
22 and may not have been employed by a veterans service
23 organization or a military-related advocacy group or asso-
24 ciation during that one-year period.

1 **SEC. 1610. STAFF.**

2 (a) IN GENERAL.—Subject to subsections (b) and (c),
3 the Executive Director, with the approval of the Commis-
4 sion, may appoint and fix the rate of basic pay for addi-
5 tional personnel as staff of the Commission in accordance
6 with section 3161 of title 5, United States Code.

7 (b) LIMITATIONS ON STAFF.—

8 (1) NUMBER OF DETAILEES FROM DEPART-
9 MENT OF DEFENSE.—Not more than one-third of
10 the personnel employed by or detailed to the Com-
11 mission may be on detail from the Department of
12 Defense.

13 (2) PRIOR DUTIES WITHIN DEPARTMENT OF
14 DEFENSE.—A person may not be detailed from the
15 Department of Defense to the Commission if, in the
16 year before the detail is to begin, that person par-
17 ticipated personally and substantially in any matter
18 within the Department concerning the preparation of
19 recommendations for military compensation and re-
20 tirement modernization.

21 (3) NUMBER OF DETAILEES ELIGIBLE FOR
22 MILITARY RETIRED PAY.—Not more than one-fourth
23 of the personnel employed by or detailed to the Com-
24 mission may be persons eligible for or receiving mili-
25 tary retired pay.

1 (4) PRIOR EMPLOYMENT WITH CERTAIN ORGA-
2 NIZATIONS.—A person may not be employed by or
3 detailed to the Commission if, in the year before the
4 employment or detail is to begin, that person was
5 employed by a veterans service organization or a
6 military-related advocacy group or association.

7 (c) LIMITATIONS ON PERFORMANCE REVIEWS.—No
8 member of the Armed Forces, and no officer or employee
9 of the Department of Defense, may—

10 (1) prepare any report concerning the effective-
11 ness, fitness, or efficiency of the performance of the
12 staff of the Commission or any person detailed from
13 the Department to that staff;

14 (2) review the preparation of such a report; or

15 (3) approve or disapprove such a report.

16 **SEC. 1611. CONTRACTING AUTHORITY.**

17 The Commission may lease space and acquire per-
18 sonal property to the extent funds are available.

19 **SEC. 1612. JUDICIAL REVIEW PRECLUDED.**

20 The following shall not be subject to judicial review:

21 (1) Actions of the President, the Secretary, and
22 the Commission under section 1606.

23 (2) Actions of the President under section
24 1607(a).

1 **SEC. 1613. TERMINATION.**

2 Except as otherwise provided in this title, the Com-
3 mission shall terminate not later than 26 months after the
4 Commission establishment date.

5 **SEC. 1614. FUNDING.**

6 Of the amounts authorized to be appropriated by this
7 division for the Department of Defense for fiscal year
8 2013, up to \$10,000,000 shall be available to the Commis-
9 sion to carry out its duties under this title. Funds avail-
10 able to the Commission under the preceding sentence shall
11 remain available until expended.

12 **TITLE XVII—NATIONAL COMMIS-**
13 **SION ON THE STRUCTURE OF**
14 **THE AIR FORCE**

15 **SEC. 1701. SHORT TITLE.**

16 This title may be cited as the “National Commission
17 on the Structure of the Air Force Act of 2012”.

18 **SEC. 1702. ESTABLISHMENT OF COMMISSION.**

19 (a) **ESTABLISHMENT.**—There is established the Na-
20 tional Commission on the Structure of the Air Force (in
21 this title referred to as the “Commission”).

22 (b) **MEMBERSHIP.**—

23 (1) **COMPOSITION.**—The Commission shall be
24 composed of eight members, of whom—

1 (A) four shall be appointed by the Presi-
2 dent, of whom one shall be the Chairman of the
3 Reserve Forces Policy Board;

4 (B) one shall be appointed by the Chair-
5 man of the Committee on Armed Services of
6 the Senate;

7 (C) one shall be appointed by the Ranking
8 Member of the Committee on Armed Services of
9 the Senate;

10 (D) one shall be appointed by the Chair-
11 man of the Committee on Armed Services of
12 the House of Representatives; and

13 (E) one shall be appointed by the Ranking
14 Member of the Committee on Armed Services of
15 the House of Representatives.

16 (2) APPOINTMENT DATE.—The appointments of
17 the members of the Commission shall be made not
18 later than 90 days after the date of the enactment
19 of this Act.

20 (3) EFFECT OF LACK OF APPOINTMENT BY AP-
21 POINTMENT DATE.—If one or more appointments
22 under subparagraph (A) of paragraph (1) is not
23 made by the appointment date specified in para-
24 graph (2), the authority to make such appointment
25 or appointments shall expire, and the number of

1 members of the Commission shall be reduced by the
2 number equal to the number of appointments so not
3 made. If an appointment under subparagraph (B),
4 (C), (D), or (E) of paragraph (1) is not made by the
5 appointment date specified in paragraph (2), the au-
6 thority to make an appointment under such subpara-
7 graph shall expire, and the number of members of
8 the Commission shall be reduced by the number
9 equal to the number otherwise appointable under
10 such subparagraph.

11 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
12 bers shall be appointed for the life of the Commission. Any
13 vacancy in the Commission shall not affect its powers, but
14 shall be filled in the same manner as the original appoint-
15 ment.

16 (d) INITIAL MEETING.—Not later than 30 days after
17 the date on which all members of the Commission have
18 been appointed, the Commission shall hold its first meet-
19 ing.

20 (e) MEETINGS.—The Commission shall meet at the
21 call of the Chair.

22 (f) QUORUM.—A majority of the members of the
23 Commission shall constitute a quorum, but a lesser num-
24 ber of members may hold hearings.

1 (g) CHAIR AND VICE CHAIRMAN.—The Commission
2 shall select a Chair and Vice Chair from among its mem-
3 bers.

4 **SEC. 1703. DUTIES OF THE COMMISSION.**

5 (a) STUDY.—

6 (1) IN GENERAL.—The Commission shall un-
7 dertake a comprehensive study of the current struc-
8 ture of the Air Force to determine whether, and
9 how, the structure should be modified to best fulfill
10 current and anticipated mission requirements for the
11 Air Force in a manner consistent with available re-
12 sources.

13 (2) CONSIDERATIONS.—In considering an alter-
14 native structure for the Air Force, the Commission
15 shall give particular consideration to identifying a
16 structure that—

17 (A) meets current and anticipated require-
18 ments of the combatant commands;

19 (B) achieves an appropriate balance be-
20 tween the regular and reserve components of
21 the Air Force, taking advantage of the unique
22 strengths and capabilities of each;

23 (C) ensures that the reserve components of
24 the Air Force have the capacity needed to sup-
25 port current and anticipated homeland defense

1 and disaster assistance missions in the United
2 States;

3 (D) provides for sufficient numbers of reg-
4 ular members of the Air Force to provide a
5 base of trained personnel from which the per-
6 sonnel of the reserve components of the Air
7 Force could be recruited;

8 (E) maintains a peacetime rotation force
9 to avoid exceeding operational tempo goals of
10 1:2 for regular members of the Air Forces and
11 1:5 for members of the reserve components of
12 the Air Force; and

13 (F) maximizes achievable costs savings.

14 (b) REPORT.—Not later than March 31, 2014, the
15 Commission shall submit to the President and the con-
16 gressional defense committees a report which shall contain
17 a detailed statement of the findings and conclusions of the
18 Commission as a result of the study required by subsection
19 (a), together with its recommendations for such legislation
20 and administrative actions as it considers appropriate in
21 light of the results of the study.

22 **SEC. 1704. POWERS OF THE COMMISSION.**

23 (a) HEARINGS.—The Commission may hold such
24 hearings, sit and act at such times and places, take such

1 testimony, and receive such evidence as the Commission
2 considers advisable to carry out this title.

3 (b) INFORMATION FROM FEDERAL AGENCIES.—The
4 Commission may secure directly from any Federal depart-
5 ment or agency such information as the Commission con-
6 siders necessary to carry out this title. Upon request of
7 the Chair of the Commission, the head of such department
8 or agency shall furnish such information to the Commis-
9 sion.

10 (c) POSTAL SERVICES.—The Commission may use
11 the United States mails in the same manner and under
12 the same conditions as other departments and agencies of
13 the Federal Government.

14 (d) GIFTS.—The Commission may accept, use, and
15 dispose of gifts or donations of services or property.

16 **SEC. 1705. COMMISSION PERSONNEL MATTERS.**

17 (a) COMPENSATION OF MEMBERS.—Each member of
18 the Commission who is not an officer or employee of the
19 Federal Government shall be compensated at a rate equal
20 to the daily equivalent of the annual rate of basic pay pre-
21 scribed for level IV of the Executive Schedule under sec-
22 tion 5315 of title 5, United States Code, for each day (in-
23 cluding travel time) during which such member is engaged
24 in the performance of the duties of the Commission. All
25 members of the Commission who are officers or employees

1 of the United States shall serve without compensation in
2 addition to that received for their services as officers or
3 employees of the United States.

4 (b) TRAVEL EXPENSES.—The members of the Com-
5 mission shall be allowed travel expenses, including per
6 diem in lieu of subsistence, at rates authorized for employ-
7 ees of agencies under subchapter I of chapter 57 of title
8 5, United States Code, while away from their homes or
9 regular places of business in the performance of services
10 for the Commission.

11 (c) STAFF.—

12 (1) IN GENERAL.—The Chair of the Commis-
13 sion may, without regard to the civil service laws
14 and regulations, appoint and terminate an executive
15 director and such other additional personnel as may
16 be necessary to enable the Commission to perform
17 its duties. The employment of an executive director
18 shall be subject to confirmation by the Commission.

19 (2) COMPENSATION.—The Chair of the Com-
20 mission may fix the compensation of the executive
21 director and other personnel without regard to chap-
22 ter 51 and subchapter III of chapter 53 of title 5,
23 United States Code, relating to classification of posi-
24 tions and General Schedule pay rates, except that
25 the rate of pay for the executive director and other

1 personnel may not exceed the rate payable for level
2 V of the Executive Schedule under section 5316 of
3 such title.

4 (d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any
5 Federal Government employee may be detailed to the
6 Commission without reimbursement, and such detail shall
7 be without interruption or loss of civil service status or
8 privilege.

9 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
10 **TENT SERVICES.**—The Chair of the Commission may pro-
11 cure temporary and intermittent services under section
12 3109(b) of title 5, United States Code, at rates for individ-
13 uals which do not exceed the daily equivalent of the annual
14 rate of basic pay prescribed for level V of the Executive
15 Schedule under section 5316 of such title.

16 **SEC. 1706. TERMINATION OF THE COMMISSION.**

17 The Commission shall terminate 90 days after the
18 date on which the Commission submits its report under
19 section 1703.

20 **SEC. 1707. FUNDING.**

21 Amounts authorized to be appropriated for fiscal year
22 2013 and available for operation and maintenance for the
23 Air Force as specified in the funding table in section 4301
24 may be available for the activities of the Commission
25 under this title.

1 **SEC. 1708. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **REDUCTIONS TO THE AIR NATIONAL GUARD**
3 **AND THE AIR FORCE RESERVE.**

4 (a) IN GENERAL.—None of the funds authorized to
5 be appropriated by this Act or otherwise made available
6 for fiscal year 2013 for the Air Force may be used to di-
7 vest, retire, or transfer, or prepare to divest, retire, or
8 transfer, any aircraft of the Air Force assigned to units
9 of the Air National Guard or Air Force Reserve as of May
10 31, 2012.

11 (b) EXCEPTION.—The Secretary of the Air Force
12 may divest or retire, or prepare to divest or retire, C-5A
13 aircraft if the Secretary replaces such aircraft through a
14 transfer of C-5B, C-5M, or C-17 mobility aircraft so as
15 to maintain all Air National Guard and Air Force Reserve
16 units impacted by such divestment or retirement at cur-
17 rent or higher assigned manpower levels to operate the
18 aircraft so transferred.

19 **SEC. 1709. FUNDING FOR MAINTENANCE OF FORCE STRUC-**
20 **TURE OF THE AIR FORCE PENDING COMMIS-**
21 **SION RECOMMENDATIONS.**

22 There is hereby authorized to be appropriated to the
23 Department of Defense for fiscal year 2013,
24 \$1,400,000,000 for the force structure of the Air Force.
25 The amount authorized to be appropriated by this section

1 is in addition to any other amounts authorized to be ap-
2 propriated by this Act.

3 **SEC. 1710. RETENTION OF CORE FUNCTIONS OF THE ELEC-**
4 **TRONIC SYSTEMS CENTER AT HANSCOM AIR**
5 **FORCE BASE PENDING FUTURE STRUCTURE**
6 **STUDY.**

7 The Secretary of the Air Force shall retain the cur-
8 rent leadership rank and core functions of the Electronic
9 Systems Center at Hanscom Air Force Base with the
10 same integrated mission elements, responsibilities, and ca-
11 pabilities as existed as of November 1, 2011, until 180
12 days after the National Commission on the Structure of
13 the Air Force submits to the congressional defense com-
14 mittees the report required under section 1703.

15 **SEC. 1711. AIR FORCE ASSESSMENTS OF THE EFFECTS OF**
16 **PROPOSED MOVEMENTS OF AIRFRAMES ON**
17 **JOINT READINESS TRAINING.**

18 The Secretary of the Air Force shall—

19 (1) undertake an assessment of the effects of
20 currently-proposed movements of Air Force air-
21 frames on Green Flag East and Green Flag West
22 joint readiness training; and

23 (2) if the Secretary determines it appropriate,
24 submit to the congressional defense committees a re-
25 port setting forth a proposal to make future replace-

1 ments of capabilities for purposes of augmenting
2 training at the joint readiness training center
3 (JRTC) or for such other purposes as the Secretary
4 considers appropriate.

5 **TITLE XVIII—FEDERAL ASSIST-**
6 **ANCE TO FIRE DEPARTMENTS**
7 **Subtitle A—Fire Grants**
8 **Reauthorization**

9 **SEC. 1801. SHORT TITLE.**

10 This subtitle may be cited as the “Fire Grants Reau-
11 thorization Act of 2012”.

12 **SEC. 1802. AMENDMENTS TO DEFINITIONS.**

13 (a) IN GENERAL.—Section 4 of the Federal Fire Pre-
14 vention and Control Act of 1974 (15 U.S.C. 2203) is
15 amended—

16 (1) in paragraph (3), by inserting “, except as
17 otherwise provided,” after “means”;

18 (2) in paragraph (4), by striking “‘Director’
19 means” and all that follows through “Agency;” and
20 inserting “‘Administrator of FEMA’ means the Ad-
21 ministrator of the Federal Emergency Management
22 Agency;”;

23 (3) in paragraph (5)—

24 (A) by inserting “Indian tribe,” after
25 “county;” and

1 (B) by striking “and ‘firecontrol’ ” and in-
2 serting “and ‘fire control’ ”;

3 (4) by redesignating paragraphs (6) through
4 (9) as paragraphs (7) through (10), respectively;

5 (5) by inserting after paragraph (5), the fol-
6 lowing:

7 “(6) ‘Indian tribe’ has the meaning given that
8 term in section 4 of the Indian Self-Determination
9 and Education Assistance Act (25 U.S.C. 450b) and
10 ‘tribal’ means of or pertaining to an Indian tribe;”;

11 (6) by redesignating paragraphs (9) and (10),
12 as redesignated by paragraph (4), as paragraphs
13 (10) and (11);

14 (7) by inserting after paragraph (8), as redesign-
15 ated by paragraph (4), the following:

16 “(9) ‘Secretary’ means, except as otherwise pro-
17 vided, the Secretary of Homeland Security;” and

18 (8) by amending paragraph (10), as redesign-
19 ated by paragraph (6), to read as follows:

20 “(10) ‘State’ has the meaning given the term in
21 section 2 of the Homeland Security Act of 2002 (6
22 U.S.C. 101).”.

23 (b) CONFORMING AMENDMENTS.—

24 (1) ADMINISTRATOR OF FEMA.—The Federal
25 Fire Prevention and Control Act of 1974 (15 U.S.C.

1 2201 et seq.) is amended by striking “Director”
2 each place it appears and inserting “Administrator
3 of FEMA”.

4 (2) ADMINISTRATOR OF FEMA’S AWARD.—Sec-
5 tion 15 of such Act (15 U.S.C. 2214) is amended by
6 striking “Director’s Award” each place it appears
7 and inserting “Administrator’s Award”.

8 **SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.**

9 Section 33 of the Federal Fire Prevention and Con-
10 trol Act of 1974 (15 U.S.C. 2229) is amended to read
11 as follows:

12 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) ADMINISTRATOR OF FEMA.—The term
15 ‘Administrator of FEMA’ means the Administrator
16 of FEMA, acting through the Administrator.

17 “(2) AVAILABLE GRANT FUNDS.—The term
18 ‘available grant funds’, with respect to a fiscal year,
19 means those funds appropriated pursuant to the au-
20 thorization of appropriations in subsection (q)(1) for
21 such fiscal year less any funds used for administra-
22 tive costs pursuant to subsection (q)(2) in such fis-
23 cal year.

24 “(3) CAREER FIRE DEPARTMENT.—The term
25 ‘career fire department’ means a fire department

1 that has an all-paid force of firefighting personnel
2 other than paid-on-call firefighters.

3 “(4) COMBINATION FIRE DEPARTMENT.—The
4 term ‘combination fire department’ means a fire de-
5 partment that has—

6 “(A) paid firefighting personnel; and

7 “(B) volunteer firefighting personnel.

8 “(5) FIREFIGHTING PERSONNEL.—The term
9 ‘firefighting personnel’ means individuals, including
10 volunteers, who are firefighters, officers of fire de-
11 partments, or emergency medical service personnel
12 of fire departments.

13 “(6) INSTITUTION OF HIGHER EDUCATION.—
14 The term ‘institution of higher education’ has the
15 meaning given such term in section 101 of the High-
16 er Education Act of 1965 (20 U.S.C. 1001).

17 “(7) NONAFFILIATED EMS ORGANIZATION.—
18 The term ‘nonaffiliated EMS organization’ means a
19 public or private nonprofit emergency medical serv-
20 ices organization that is not affiliated with a hospital
21 and does not serve a geographic area in which the
22 Administrator of FEMA finds that emergency med-
23 ical services are adequately provided by a fire de-
24 partment.

1 “(8) PAID-ON-CALL.—The term ‘paid-on-call’
2 with respect to firefighting personnel means fire-
3 fighting personnel who are paid a stipend for each
4 event to which they respond.

5 “(9) VOLUNTEER FIRE DEPARTMENT.—The
6 term ‘volunteer fire department’ means a fire de-
7 partment that has an all-volunteer force of fire-
8 fighting personnel.

9 “(b) ASSISTANCE PROGRAM.—

10 “(1) AUTHORITY.—In accordance with this sec-
11 tion, the Administrator of FEMA may award—

12 “(A) assistance to firefighters grants under
13 subsection (c); and

14 “(B) fire prevention and safety grants and
15 other assistance under subsection (d).

16 “(2) ADMINISTRATIVE ASSISTANCE.—The Ad-
17 ministrator of FEMA shall—

18 “(A) establish specific criteria for the se-
19 lection of grant recipients under this section;
20 and

21 “(B) provide assistance with application
22 preparation to applicants for such grants.

23 “(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

24 “(1) IN GENERAL.—The Administrator of
25 FEMA may, in consultation with the chief executives

1 of the States in which the recipients are located,
2 award grants on a competitive basis directly to—

3 “(A) fire departments, for the purpose of
4 protecting the health and safety of the public
5 and firefighting personnel throughout the
6 United States against fire, fire-related, and
7 other hazards;

8 “(B) nonaffiliated EMS organizations to
9 support the provision of emergency medical
10 services; and

11 “(C) State fire training academies for the
12 purposes described in subparagraphs (G), (H),
13 and (I) of paragraph (3).

14 “(2) MAXIMUM GRANT AMOUNTS.—

15 “(A) POPULATION.—The Administrator of
16 FEMA may not award a grant under this sub-
17 section in excess of amounts as follows:

18 “(i) In the case of a recipient that
19 serves a jurisdiction with 100,000 people
20 or fewer, the amount of the grant awarded
21 to such recipient shall not exceed
22 \$1,000,000 in any fiscal year.

23 “(ii) In the case of a recipient that
24 serves a jurisdiction with more than
25 100,000 people but not more than 500,000

1 people, the amount of the grant awarded
2 to such recipient shall not exceed
3 \$2,000,000 in any fiscal year.

4 “(iii) In the case of a recipient that
5 serves a jurisdiction with more than
6 500,000 but not more than 1,000,000 peo-
7 ple, the amount of the grant awarded to
8 such recipient shall not exceed \$3,000,000
9 in any fiscal year.

10 “(iv) In the case of a recipient that
11 serves a jurisdiction with more than
12 1,000,000 people but not more than
13 2,500,000 people, the amount of the grant
14 awarded to such recipient shall not exceed
15 \$6,000,000 for any fiscal year.

16 “(v) In the case of a recipient that
17 serves a jurisdiction with more than
18 2,500,000 people, the amount of the grant
19 awarded to such recipient shall not exceed
20 \$9,000,000 in any fiscal year.

21 “(B) AGGREGATE.—

22 “(i) IN GENERAL.—Notwithstanding
23 subparagraphs (A) and (B) and except as
24 provided under clause (ii), the Adminis-
25 trator of FEMA may not award a grant

1 under this subsection in a fiscal year in an
2 amount that exceeds the amount that is
3 one percent of the available grant funds in
4 such fiscal year.

5 “(ii) EXCEPTION.—The Administrator
6 of FEMA may waive the limitation in
7 clause (i) with respect to a grant recipient
8 if the Administrator of FEMA determines
9 that such recipient has an extraordinary
10 need for a grant in an amount that exceeds
11 the limit under clause (i).

12 “(3) USE OF GRANT FUNDS.—Each entity re-
13 ceiving a grant under this subsection shall use the
14 grant for one or more of the following purposes:

15 “(A) To train firefighting personnel in—

16 “(i) firefighting;

17 “(ii) emergency medical services and
18 other emergency response (including re-
19 sponse to natural disasters, acts of ter-
20 rorism, and other man-made disasters);

21 “(iii) arson prevention and detection;

22 “(iv) maritime firefighting; or

23 “(v) the handling of hazardous mate-
24 rials.

1 “(B) To train firefighting personnel to
2 provide any of the training described under sub-
3 paragraph (A).

4 “(C) To fund the creation of rapid inter-
5 vention teams to protect firefighting personnel
6 at the scenes of fires and other emergencies.

7 “(D) To certify—

8 “(i) fire inspectors; and

9 “(ii) building inspectors—

10 “(I) whose responsibilities include
11 fire safety inspections; and

12 “(II) who are employed by or
13 serving as volunteers with a fire de-
14 partment.

15 “(E) To establish wellness and fitness pro-
16 grams for firefighting personnel to ensure that
17 the firefighting personnel are able to carry out
18 their duties as firefighters, including programs
19 dedicated to raising awareness of, and preven-
20 tion of, job-related mental health issues.

21 “(F) To fund emergency medical services
22 provided by fire departments and nonaffiliated
23 EMS organizations.

1 “(G) To acquire additional firefighting ve-
2 hicles, including fire trucks and other appa-
3 ratus.

4 “(H) To acquire additional firefighting
5 equipment, including equipment for—

6 “(i) fighting fires with foam in remote
7 areas without access to water; and

8 “(ii) communications, monitoring, and
9 response to a natural disaster, act of ter-
10 rorism, or other man-made disaster, in-
11 cluding the use of a weapon of mass de-
12 struction.

13 “(I) To acquire personal protective equip-
14 ment, including personal protective equip-
15 ment—

16 “(i) prescribed for firefighting per-
17 sonnel by the Occupational Safety and
18 Health Administration of the Department
19 of Labor; or

20 “(ii) for responding to a natural dis-
21 aster or act of terrorism or other man-
22 made disaster, including the use of a weap-
23 on of mass destruction.

1 “(J) To modify fire stations, fire training
2 facilities, and other facilities to protect the
3 health and safety of firefighting personnel.

4 “(K) To educate the public about arson
5 prevention and detection.

6 “(L) To provide incentives for the recruit-
7 ment and retention of volunteer firefighting
8 personnel for volunteer firefighting departments
9 and other firefighting departments that utilize
10 volunteers.

11 “(M) To support such other activities, con-
12 sistent with the purposes of this subsection, as
13 the Administrator of FEMA determines appro-
14 priate.

15 “(d) FIRE PREVENTION AND SAFETY GRANTS.—

16 “(1) IN GENERAL.—For the purpose of assist-
17 ing fire prevention programs and supporting fire-
18 fighter health and safety research and development,
19 the Administrator of FEMA may, on a competitive
20 basis—

21 “(A) award grants to fire departments;

22 “(B) award grants to, or enter into con-
23 tracts or cooperative agreements with, national,
24 State, local, tribal, or nonprofit organizations
25 that are not fire departments and that are rec-

1 ognized for their experience and expertise with
2 respect to fire prevention or fire safety pro-
3 grams and activities and firefighter research
4 and development programs, for the purpose of
5 carrying out—

6 “(i) fire prevention programs; and

7 “(ii) research to improve firefighter
8 health and life safety; and

9 “(C) award grants to institutions of higher
10 education, national fire service organizations, or
11 national fire safety organizations to establish
12 and operate fire safety research centers.

13 “(2) MAXIMUM GRANT AMOUNT.—A grant
14 awarded under this subsection may not exceed
15 \$1,500,000 for a fiscal year.

16 “(3) USE OF GRANT FUNDS.—Each entity re-
17 ceiving a grant under this subsection shall use the
18 grant for one or more of the following purposes:

19 “(A) To enforce fire codes and promote
20 compliance with fire safety standards.

21 “(B) To fund fire prevention programs, in-
22 cluding programs that educate the public about
23 arson prevention and detection.

24 “(C) To fund wildland fire prevention pro-
25 grams, including education, awareness, and

1 mitigation programs that protect lives, prop-
2 erty, and natural resources from fire in the
3 wildland-urban interface.

4 “(D) In the case of a grant awarded under
5 paragraph (1)(C), to fund the establishment or
6 operation of a fire safety research center for the
7 purpose of significantly reducing the number of
8 fire-related deaths and injuries among fire-
9 fighters and the general public through re-
10 search, development, and technology transfer
11 activities.

12 “(E) To support such other activities, con-
13 sistent with the purposes of this subsection, as
14 the Administrator of FEMA determines appro-
15 priate.

16 “(4) LIMITATION.—None of the funds made
17 available under this subsection may be provided to
18 the Association of Community Organizations for Re-
19 form Now (ACORN) or any of its affiliates, subsidi-
20 aries, or allied organizations.

21 “(e) APPLICATIONS FOR GRANTS.—

22 “(1) IN GENERAL.—An entity seeking a grant
23 under this section shall submit to the Administrator
24 of FEMA an application therefor in such form and

1 in such manner as the Administrator of FEMA de-
2 termines appropriate.

3 “(2) ELEMENTS.—Each application submitted
4 under paragraph (1) shall include the following:

5 “(A) A description of the financial need of
6 the applicant for the grant.

7 “(B) An analysis of the costs and benefits,
8 with respect to public safety, of the use for
9 which a grant is requested.

10 “(C) An agreement to provide information
11 to the national fire incident reporting system
12 for the period covered by the grant.

13 “(D) A list of other sources of funding re-
14 ceived by the applicant—

15 “(i) for the same purpose for which
16 the application for a grant under this sec-
17 tion was submitted; or

18 “(ii) from the Federal Government for
19 other fire-related purposes.

20 “(E) Such other information as the Ad-
21 ministrator of FEMA determines appropriate.

22 “(3) JOINT OR REGIONAL APPLICATIONS.—

23 “(A) IN GENERAL.—Two or more entities
24 may submit an application under paragraph (1)
25 for a grant under this section to fund a joint

1 program or initiative, including acquisition of
2 shared equipment or vehicles.

3 “(B) NONEXCLUSIVITY.—Applications
4 under this paragraph may be submitted instead
5 of or in addition to any other application sub-
6 mitted under paragraph (1).

7 “(C) GUIDANCE.—The Administrator of
8 FEMA shall—

9 “(i) publish guidance on applying for
10 and administering grants awarded for joint
11 programs and initiatives described in sub-
12 paragraph (A); and

13 “(ii) encourage applicants to apply for
14 grants for joint programs and initiatives
15 described in subparagraph (A) as the Ad-
16 ministrator of FEMA determines appro-
17 priate to achieve greater cost effectiveness
18 and regional efficiency.

19 “(f) PEER REVIEW OF GRANT APPLICATIONS.—

20 “(1) IN GENERAL.—The Administrator of
21 FEMA shall, after consultation with national fire
22 service and emergency medical services organiza-
23 tions, appoint fire service personnel to conduct peer
24 reviews of applications received under subsection
25 (e)(1).

1 “(2) APPLICABILITY OF FEDERAL ADVISORY
2 COMMITTEE ACT.—The Federal Advisory Committee
3 Act (5 U.S.C. App.) shall not apply to activities car-
4 ried out pursuant to this subsection.

5 “(g) PRIORITIZATION OF GRANT AWARDS.—In
6 awarding grants under this section, the Administrator of
7 FEMA shall consider the following:

8 “(1) The findings and recommendations of the
9 peer reviews carried out under subsection (f).

10 “(2) The degree to which an award will reduce
11 deaths, injuries, and property damage by reducing
12 the risks associated with fire-related and other haz-
13 ards.

14 “(3) The extent of the need of an applicant for
15 a grant under this section and the need to protect
16 the United States as a whole.

17 “(4) The number of calls requesting or requir-
18 ing a fire fighting or emergency medical response re-
19 ceived by an applicant.

20 “(h) ALLOCATION OF GRANT AWARDS.—In awarding
21 grants under this section, the Administrator of FEMA
22 shall ensure that of the available grant funds in each fiscal
23 year—

24 “(1) not less than 25 percent are awarded
25 under subsection (c) to career fire departments;

1 “(2) not less than 25 percent are awarded
2 under subsection (c) to volunteer fire departments;

3 “(3) not less than 25 percent are awarded
4 under subsection (c) to combination fire departments
5 and fire departments using paid-on-call firefighting
6 personnel;

7 “(4) not less than 10 percent are available for
8 open competition among career fire departments,
9 volunteer fire departments, combination fire depart-
10 ments, and fire departments using paid-on-call fire-
11 fighting personnel for grants awarded under sub-
12 section (c);

13 “(5) not less than 10 percent are awarded
14 under subsection (d); and

15 “(6) not more than 2 percent are awarded
16 under this section to nonaffiliated EMS organiza-
17 tions described in subsection (c)(1)(B).

18 “(i) ADDITIONAL REQUIREMENTS AND LIMITA-
19 TIONS.—

20 “(1) FUNDING FOR EMERGENCY MEDICAL
21 SERVICES.—Not less than 3.5 percent of the avail-
22 able grant funds for a fiscal year shall be awarded
23 under this section for purposes described in sub-
24 section (c)(3)(F).

25 “(2) STATE FIRE TRAINING ACADEMIES.—

1 “(A) MAXIMUM SHARE.—Not more than 3
2 percent of the available grant funds for a fiscal
3 year may be awarded under subsection
4 (c)(1)(C).

5 “(B) MAXIMUM GRANT AMOUNT.—The Ad-
6 ministrators of FEMA may not award a grant
7 under subsection (c)(1)(C) to a State fire train-
8 ing academy in an amount that exceeds
9 \$1,000,000 in any fiscal year.

10 “(3) AMOUNTS FOR PURCHASING FIRE-
11 FIGHTING VEHICLES.—Not more than 25 percent of
12 the available grant funds for a fiscal year may be
13 used to assist grant recipients to purchase vehicles
14 pursuant to subsection (c)(3)(G).

15 “(j) FURTHER CONSIDERATIONS.—

16 “(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO
17 FIRE DEPARTMENTS.—In considering applications
18 for grants under subsection (c)(1)(A), the Adminis-
19 trator of FEMA shall consider—

20 “(A) the extent to which the grant would
21 enhance the daily operations of the applicant
22 and the impact of such a grant on the protec-
23 tion of lives and property; and

1 “(B) a broad range of factors important to
2 the applicant’s ability to respond to fires and
3 related hazards, such as the following:

4 “(i) Population served.

5 “(ii) Geographic response area.

6 “(iii) Hazards vulnerability.

7 “(iv) Call volume.

8 “(v) Financial situation, including un-
9 employment rate of the area being served.

10 “(vi) Need for training or equipment.

11 “(2) APPLICATIONS FROM NONAFFILIATED EMS
12 ORGANIZATIONS.—In the case of an application sub-
13 mitted under subsection (e)(1) by a nonaffiliated
14 EMS organization, the Administrator of FEMA
15 shall consider the extent to which other sources of
16 Federal funding are available to the applicant to
17 provide the assistance requested in such application.

18 “(3) AWARDING FIRE PREVENTION AND SAFE-
19 TY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE
20 NOT FIRE DEPARTMENTS.—In the case of applicants
21 for grants under this section who are described in
22 subsection (d)(1)(B), the Administrator of FEMA
23 shall give priority to applicants who focus on—

24 “(A) prevention of injuries to high risk
25 groups from fire; and

1 “(B) research programs that demonstrate
2 a potential to improve firefighter safety.

3 “(4) AWARDING GRANTS FOR FIRE SAFETY RE-
4 SEARCH CENTERS.—

5 “(A) CONSIDERATIONS.—In awarding
6 grants under subsection (d)(1)(C), the Adminis-
7 trator of FEMA shall—

8 “(i) select each grant recipient on—

9 “(I) the demonstrated research
10 and extension resources available to
11 the recipient to carry out the re-
12 search, development, and technology
13 transfer activities;

14 “(II) the capability of the recipi-
15 ent to provide leadership in making
16 national contributions to fire safety;

17 “(III) the recipient’s ability to
18 disseminate the results of fire safety
19 research; and

20 “(IV) the strategic plan the re-
21 cipient proposes to carry out under
22 the grant;

23 “(ii) give special consideration in se-
24 lecting recipients under subparagraph (A)

1 to an applicant for a grant that consists of
2 a partnership between—

3 “(I) a national fire service orga-
4 nization or a national fire safety orga-
5 nization; and

6 “(II) an institution of higher
7 education, including a minority-serv-
8 ing institution (as described in section
9 371(a) of the Higher Education Act
10 of 1965 (20 U.S.C. 1067q(a)); and

11 “(iii) consider the research needs
12 identified and prioritized through the
13 workshop required by subparagraph (B)(i).

14 “(B) RESEARCH NEEDS.—

15 “(i) IN GENERAL.—Not later than 90
16 days after the date of the enactment of the
17 Fire Grants Reauthorization Act of 2012,
18 the Administrator of FEMA shall convene
19 a workshop of the fire safety research com-
20 munity, fire service organizations, and
21 other appropriate stakeholders to identify
22 and prioritize fire safety research needs.

23 “(ii) PUBLICATION.—The Adminis-
24 trator of FEMA shall ensure that the re-

1 sults of the workshop are made available to
2 the public.

3 “(C) LIMITATIONS ON GRANTS FOR FIRE
4 SAFETY RESEARCH CENTERS.—

5 “(i) IN GENERAL.—The Administrator
6 of FEMA may award grants under sub-
7 section (d) to establish not more than 3
8 fire safety research centers.

9 “(ii) RECIPIENTS.—An institution of
10 higher education, a national fire service or-
11 ganization, and a national fire safety orga-
12 nization may not directly receive a grant
13 under subsection (d) for a fiscal year for
14 more than 1 fire safety research center.

15 “(5) AVOIDING DUPLICATION.—The Adminis-
16 trator of FEMA shall review lists submitted by ap-
17 plicants pursuant to subsection (e)(2)(D) and take
18 such actions as the Administrator of FEMA con-
19 siders necessary to prevent unnecessary duplication
20 of grant awards.

21 “(k) MATCHING AND MAINTENANCE OF EXPENDI-
22 TURE REQUIREMENTS.—

23 “(1) MATCHING REQUIREMENT FOR ASSIST-
24 ANCE TO FIREFIGHTERS GRANTS.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), an applicant seeking a grant
3 to carry out an activity under subsection (c)
4 shall agree to make available non-Federal funds
5 to carry out such activity in an amount equal
6 to not less than 15 percent of the grant award-
7 ed to such applicant under such subsection.

8 “(B) EXCEPTION FOR ENTITIES SERVING
9 SMALL COMMUNITIES.—In the case that an ap-
10 plicant seeking a grant to carry out an activity
11 under subsection (c) serves a jurisdiction of—

12 “(i) more than 20,000 residents but
13 not more than 1,000,000 residents, the ap-
14 plication shall agree to make available non-
15 Federal funds in an amount equal to not
16 less than 10 percent of the grant awarded
17 to such applicant under such subsection;
18 and

19 “(ii) 20,000 residents or fewer, the
20 applicant shall agree to make available
21 non-Federal funds in an amount equal to
22 not less than 5 percent of the grant award-
23 ed to such applicant under such sub-
24 section.

1 “(2) MATCHING REQUIREMENT FOR FIRE PRE-
2 VENTION AND SAFETY GRANTS.—

3 “(A) IN GENERAL.—An applicant seeking
4 a grant to carry out an activity under sub-
5 section (d) shall agree to make available non-
6 Federal funds to carry out such activity in an
7 amount equal to not less than 5 percent of the
8 grant awarded to such applicant under such
9 subsection.

10 “(B) MEANS OF MATCHING.—An applicant
11 for a grant under subsection (d) may meet the
12 matching requirement under subparagraph (A)
13 through direct funding, funding of complemen-
14 tary activities, or the provision of staff, facili-
15 ties, services, material, or equipment.

16 “(3) MAINTENANCE OF EXPENDITURES.—An
17 applicant seeking a grant under subsection (c) or (d)
18 shall agree to maintain during the term of the grant
19 the applicant’s aggregate expenditures relating to
20 the uses described in subsections (c)(3) and (d)(3)
21 at not less than 80 percent of the average amount
22 of such expenditures in the 2 fiscal years preceding
23 the fiscal year in which the grant amounts are re-
24 ceived.

25 “(4) WAIVER.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (C)(ii), the Administrator of
3 FEMA may waive or reduce the requirements
4 of paragraphs (1), (2), and (3) in cases of dem-
5 onstrated economic hardship.

6 “(B) GUIDELINES.—

7 “(i) IN GENERAL.—The Administrator
8 of FEMA shall establish and publish
9 guidelines for determining what constitutes
10 economic hardship for purposes of this
11 paragraph.

12 “(ii) CONSULTATION.—In developing
13 guidelines under clause (i), the Adminis-
14 trator of FEMA shall consult with individ-
15 uals who are—

16 “(I) recognized for expertise in
17 firefighting, emergency medical serv-
18 ices provided by fire services, or the
19 economic affairs of State and local
20 governments; and

21 “(II) members of national fire
22 service organizations or national orga-
23 nizations representing the interests of
24 State and local governments.

1 “(iii) CONSIDERATIONS.—In devel-
2 oping guidelines under clause (i), the Ad-
3 ministrators of FEMA shall consider, with
4 respect to relevant communities, the fol-
5 lowing:

6 “(I) Changes in rates of unem-
7 ployment from previous years.

8 “(II) Whether the rates of unem-
9 ployment of the relevant communities
10 are currently and have consistently ex-
11 ceeded the annual national average
12 rates of unemployment.

13 “(III) Changes in percentages of
14 individuals eligible to receive food
15 stamps from previous years.

16 “(IV) Such other factors as the
17 Administrator of FEMA considers ap-
18 propriate.

19 “(C) CERTAIN APPLICANTS FOR FIRE PRE-
20 VENTION AND SAFETY GRANTS.—The authority
21 under subparagraph (A) shall not apply with
22 respect to a nonprofit organization that—

23 “(i) is described in subsection
24 (d)(1)(B); and

1 “(ii) is not a fire department or emer-
2 gency medical services organization.

3 “(1) GRANT GUIDELINES.—

4 “(1) GUIDELINES.—For each fiscal year, prior
5 to awarding any grants under this section, the Ad-
6 ministrator of FEMA shall publish in the Federal
7 Register—

8 “(A) guidelines that describe—

9 “(i) the process for applying for
10 grants under this section; and

11 “(ii) the criteria that will be used for
12 selecting grant recipients; and

13 “(B) an explanation of any differences be-
14 tween such guidelines and the recommendations
15 obtained under paragraph (2).

16 “(2) ANNUAL MEETING TO OBTAIN REC-
17 COMMENDATIONS.—

18 “(A) IN GENERAL.—For each fiscal year,
19 the Administrator of FEMA shall convene a
20 meeting of qualified members of national fire
21 service organizations and, at the discretion of
22 the Administrator of FEMA, qualified members
23 of emergency medical service organizations to
24 obtain recommendations regarding the fol-
25 lowing:

1 “(i) Criteria for the awarding of
2 grants under this section.

3 “(ii) Administrative changes to the as-
4 sistance program established under sub-
5 section (b).

6 “(B) QUALIFIED MEMBERS.—For purposes
7 of this paragraph, a qualified member of an or-
8 ganization is a member who—

9 “(i) is recognized for expertise in fire-
10 fighting or emergency medical services;

11 “(ii) is not an employee of the Federal
12 Government; and

13 “(iii) in the case of a member of an
14 emergency medical service organization, is
15 a member of an organization that rep-
16 represents—

17 “(I) providers of emergency med-
18 ical services that are affiliated with
19 fire departments; or

20 “(II) nonaffiliated EMS pro-
21 viders.

22 “(3) APPLICABILITY OF FEDERAL ADVISORY
23 COMMITTEE ACT.—The Federal Advisory Committee
24 Act (5 U.S.C. App.) shall not apply to activities car-
25 ried out under this subsection.

1 “(m) ACCOUNTING DETERMINATION.—Notwith-
2 standing any other provision of law, for purposes of this
3 section, equipment costs shall include all costs attributable
4 to any design, purchase of components, assembly, manu-
5 facture, and transportation of equipment not otherwise
6 commercially available.

7 “(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA
8 NATIVE VILLAGES.—The Alaska Village Initiatives, a
9 non-profit organization incorporated in the State of Alas-
10 ka, shall be eligible to apply for and receive a grant or
11 other assistance under this section on behalf of Alaska Na-
12 tive villages.

13 “(o) TRAINING STANDARDS.—If an applicant for a
14 grant under this section is applying for such grant to pur-
15 chase training that does not meet or exceed any applicable
16 national voluntary consensus standards, including those
17 developed under section 647 of the Post-Katrina Emer-
18 gency Management Reform Act of 2006 (6 U.S.C. 747),
19 the applicant shall submit to the Administrator of FEMA
20 an explanation of the reasons that the training proposed
21 to be purchased will serve the needs of the applicant better
22 than training that meets or exceeds such standards.

23 “(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 of the House of Representatives a report
12 that provides—

13 “(i) information on the performance
14 assessment system developed under para-
15 graph (2); and

16 “(ii) using the performance metrics
17 developed under such paragraph, an eval-
18 uation of the effectiveness of the grants
19 awarded under this section.

20 “(B) ADDITIONAL INFORMATION.—The re-
21 port due under subparagraph (A) on September
22 30, 2016, shall also include recommendations
23 for legislative changes to improve grants under
24 this section.

25 “(q) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—There is authorized to be
2 appropriated to carry out this section—

3 “(A) \$750,000,000 for fiscal year 2013;
4 and

5 “(B) for each of fiscal years 2014 through
6 2017, an amount equal to the amount author-
7 ized for the previous fiscal year increased by
8 the percentage by which—

9 “(i) the Consumer Price Index (all
10 items, United States city average) for the
11 previous fiscal year, exceeds

12 “(ii) the Consumer Price Index for
13 the fiscal year preceding the fiscal year de-
14 scribed in clause (i).

15 “(2) ADMINISTRATIVE EXPENSES.—Of the
16 amounts appropriated pursuant to paragraph (1) for
17 a fiscal year, the Administrator of FEMA may use
18 not more than 5 percent of such amounts for sala-
19 ries and expenses and other administrative costs in-
20 curred by the Administrator of FEMA in the course
21 of awarding grants and providing assistance under
22 this section.

23 “(3) CONGRESSIONALLY DIRECTED SPEND-
24 ING.—Consistent with the requirements in sub-
25 sections (c)(1) and (d)(1) that grants under those

1 subsections be awarded on a competitive basis, none
2 of the funds appropriated pursuant to this sub-
3 section may be used for any congressionally directed
4 spending item (as defined under the rules of the
5 Senate and the House of Representatives).

6 “(r) SUNSET OF AUTHORITIES.—The authority to
7 award assistance and grants under this section shall expire
8 on the date that is 5 years after the date of the enactment
9 of the Fire Grants Reauthorization Act of 2012.”.

10 **SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMER-**
11 **GENCY RESPONSE.**

12 (a) IMPROVEMENTS TO HIRING GRANTS.—

13 (1) TERM OF GRANTS.—Subparagraph (B) of
14 section 34(a)(1) of the Federal Fire Prevention and
15 Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is
16 amended to read as follows:

17 “(B) Grants made under this paragraph shall
18 be for 3 years and be used for programs to hire new,
19 additional firefighters.”.

20 (2) LIMITATION OF PORTION OF COSTS OF HIR-
21 ING FIREFIGHTERS.—Subparagraph (E) of such sec-
22 tion is amended to read as follows:

23 “(E) The portion of the costs of hiring fire-
24 fighters provided by a grant under this paragraph
25 may not exceed—

1 “(i) 75 percent in the first year of the
2 grant;

3 “(ii) 75 percent in the second year of the
4 grant; and

5 “(iii) 35 percent in the third year of the
6 grant.”.

7 (b) CLARIFICATION REGARDING ELIGIBLE ENTITIES
8 FOR RECRUITMENT AND RETENTION GRANTS.—The sec-
9 ond sentence of section 34(a)(2) of such Act (15 U.S.C.
10 2229a(a)(2)) is amended by striking “organizations on a
11 local or statewide basis” and inserting “national, State,
12 local, or tribal organizations”.

13 (c) MAXIMUM AMOUNT FOR HIRING A FIRE-
14 FIGHTER.—Paragraph (4) of section 34(c) of such Act (15
15 U.S.C. 2229a(c)) is amended to read as follows:

16 “(4) The amount of funding provided under this sec-
17 tion to a recipient fire department for hiring a firefighter
18 in any fiscal year may not exceed—

19 “(A) in the first year of the grant, 75 percent
20 of the usual annual cost of a first-year firefighter in
21 that department at the time the grant application
22 was submitted;

23 “(B) in the second year of the grant, 75 per-
24 cent of the usual annual cost of a first-year fire-

1 firefighter in that department at the time the grant ap-
2 plication was submitted; and

3 “(C) in the third year of the grant, 35 percent
4 of the usual annual cost of a first-year firefighter in
5 that department at the time the grant application
6 was submitted.”.

7 (d) WAIVERS.—Section 34 of such Act (15 U.S.C.
8 2229a) is amended—

9 (1) by redesignating subsections (d) through (i)
10 as subsections (e) through (j), respectively; and

11 (2) by inserting after subsection (c) the fol-
12 lowing:

13 “(d) WAIVERS.—

14 “(1) IN GENERAL.—In a case of demonstrated
15 economic hardship, the Administrator of FEMA
16 may—

17 “(A) waive the requirements of subsection
18 (c)(1); or

19 “(B) waive or reduce the requirements in
20 subsection (a)(1)(E) or subsection (c)(2).

21 “(2) GUIDELINES.—

22 “(A) IN GENERAL.—The Administrator of
23 FEMA shall establish and publish guidelines for
24 determining what constitutes economic hardship
25 for purposes of paragraph (1).

1 “(B) CONSULTATION.—In developing
2 guidelines under subparagraph (A), the Admin-
3 istrator of FEMA shall consult with individuals
4 who are—

5 “(i) recognized for expertise in fire-
6 fighting, emergency medical services pro-
7 vided by fire services, or the economic af-
8 fairs of State and local governments; and

9 “(ii) members of national fire service
10 organizations or national organizations
11 representing the interests of State and
12 local governments.

13 “(C) CONSIDERATIONS.—In developing
14 guidelines under subparagraph (A), the Admin-
15 istrator of FEMA shall consider, with respect to
16 relevant communities, the following:

17 “(i) Changes in rates of unemploy-
18 ment from previous years.

19 “(ii) Whether the rates of unemploy-
20 ment of the relevant communities are cur-
21 rently and have consistently exceeded the
22 annual national average rates of unemploy-
23 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 of the House of Representatives a
5 report on”.

6 (2) CONFORMING AMENDMENT.—The heading
7 for subsection (f) of section 34 of such Act (15
8 U.S.C. 2229a), as redesignated by subsection (d)(1)
9 of this section, is amended by striking “SUNSET AND
10 REPORTS” and inserting “REPORT”.

11 (g) ADDITIONAL DEFINITIONS.—

12 (1) IN GENERAL.—Subsection (i) 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 the matter before paragraph (1), by
16 striking “In this section, the term—” and in-
17 serting “In this section:”;

18 (B) in paragraph (1)—

19 (i) by inserting “The term” before
20 “‘firefighter’ has”; and

21 (ii) by striking “; and” and inserting
22 a period;

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

24 (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 title.

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 **TITLE XIX—MEMORIAL TO**
 6 **SLAVES AND FREE BLACK**
 7 **PERSONS WHO SERVED IN**
 8 **THE AMERICAN REVOLUTION**

9 **SEC. 1901. FINDING.**

10 Congress finds that the contributions of free persons
 11 and slaves who fought during the American Revolution
 12 were of preeminent historical and lasting significance to
 13 the United States, as required by section 8908(b)(1) of
 14 title 40, United States Code.

15 **SEC. 1902. DEFINITIONS.**

16 In this title:

17 (1) **FEDERAL LAND.**—

18 (A) **IN GENERAL.**—The term “Federal
 19 land” means the parcel of land—

20 (i) identified as “Area I”; and

21 (ii) depicted on the map numbered
 22 869/86501B and dated June 24, 2003.

23 (B) **EXCLUSION.**—The term “Federal
 24 land” does not include the Reserve (as defined

1 in section 8902(a) of title 40, United States
2 Code).

3 (2) MEMORIAL.—The term “memorial” means
4 the memorial authorized to be established under sec-
5 tion 3(a).

6 **SEC. 1903. MEMORIAL AUTHORIZATION.**

7 (a) AUTHORIZATION.—In accordance with sub-
8 sections (b) and (c), National Mall Liberty Fund D.C.
9 may establish a memorial on Federal land in the District
10 of Columbia to honor the more than 5,000 courageous
11 slaves and free Black persons who served as soldiers and
12 sailors or provided civilian assistance during the American
13 Revolution.

14 (b) PROHIBITION ON USE OF FEDERAL FUNDS.—
15 National Mall Liberty Fund D.C. may not use Federal
16 funds to establish the memorial.

17 (c) APPLICABLE LAW.—National Mall Liberty Fund
18 D.C. shall establish the memorial in accordance with chap-
19 ter 89 of title 40, United States Code.

20 **SEC. 1904. REPEAL OF JOINT RESOLUTIONS.**

21 Public Law 99–558 (110 Stat. 3144) and Public Law
22 100–265 (102 Stat. 39) are repealed.

1 **DIVISION B—MILITARY CON-**
2 **STRUCTION AUTHORIZA-**
3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construc-
6 tion Authorization Act for Fiscal Year 2013”.

7 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
8 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
9 **LAW.**

10 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
11 YEARS.—Except as provided in subsection (b), all author-
12 izations contained in titles XXI through XXVII for mili-
13 tary construction projects, land acquisition, family housing
14 projects and facilities, and contributions to the North At-
15 lantic Treaty Organization Security Investment Program
16 (and authorizations of appropriations therefor) shall ex-
17 pire on the later of—

18 (1) October 1, 2015; or

19 (2) the date of the enactment of an Act author-
20 izing funds for military construction for fiscal year
21 2016.

22 (b) EXCEPTION.—Subsection (a) shall not apply to
23 authorizations for military construction projects, land ac-
24 quisition, family housing projects and facilities, and con-
25 tributions to the North Atlantic Treaty Organization Se-

1 curity Investment Program (and authorizations of appro-
 2 priations therefor), for which appropriated funds have
 3 been obligated before the later of—

- 4 (1) October 1, 2015; or
- 5 (2) the date of the enactment of an Act author-
 6 izing funds for fiscal year 2016 for military con-
 7 struction projects, land acquisition, family housing
 8 projects and facilities, or contributions to the North
 9 Atlantic Treaty Organization Security Investment
 10 Program.

11 **TITLE XXI—ARMY MILITARY**
 12 **CONSTRUCTION**

13 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 14 **ACQUISITION PROJECTS.**

15 (a) **INSIDE THE UNITED STATES.**—Using amounts
 16 appropriated pursuant to the authorization of appropria-
 17 tions in section 2103 and available for military construc-
 18 tion projects inside the United States as specified in the
 19 funding table in section 4601, the Secretary of the Army
 20 may acquire real property and carry out military construc-
 21 tion projects for the installations or locations inside the
 22 United States, and in the amounts, set forth in the fol-
 23 lowing table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	\$10,400,000
	Joint Base Elmendorf-Richardson	\$7,900,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
California	Concord	\$8,900,000
Colorado	Fort Carson	\$18,000,000
	Fort McNair	\$7,200,000
Georgia	Fort Benning	\$16,000,000
	Fort Gordon	\$23,300,000
	Fort Stewart	\$49,650,000
Hawaii	Pohakuloa Training Area	\$29,000,000
	Schofield Barracks	\$96,000,000
	Wheeler Army Air Field	\$85,000,000
Kansas	Fort Riley	\$12,200,000
Kentucky	Fort Campbell	\$81,800,000
	Fort Knox	\$6,000,000
Missouri	Fort Leonard Wood	\$123,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	\$47,000,000
	Picatinny Arsenal	\$10,200,000
New York	Fort Drum	\$95,000,000
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

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2103 and available for military construc-
4 tion projects outside the United States as specified in the
5 funding table in section 4601, the Secretary of the Army
6 may acquire real property and carry out military construc-
7 tion projects for the installations or locations outside the
8 United States, and in the amounts, set forth in the fol-
9 lowing 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

1 **SEC. 2102. FAMILY HOUSING.**

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2103 and available for
4 military family housing functions as specified in the fund-
5 ing table in section 4601, the Secretary of the Army may
6 carry out architectural and engineering services and con-
7 struction design activities with respect to the construction
8 or improvement of family housing units in an amount not
9 to exceed \$4,641,000.

10 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

11 Funds are hereby authorized to be appropriated for
12 fiscal years beginning after September 30, 2012, for mili-
13 tary construction, land acquisition, and military family
14 housing functions of the Department of the Army, as spec-
15 ified in the funding table in section 4601.

16 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
17 **CERTAIN FISCAL YEAR 2010 PROJECT.**

18 In the case of the authorization contained in the table
19 in section 2101(a) of the Military Construction Authoriza-
20 tion Act for Fiscal Year 2010 (division B of Public Law
21 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for
22 construction of a Road and Access Control Point at the
23 installation, the Secretary of the Army may construct a
24 standard design Access Control Point consistent with the
25 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/Country	Installation or Location	Project	Amount
Louisiana	Fort Polk	Land Purchases and Con- demnation.	\$17,000,000
New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility, Ph2.	\$10,200,000
Virginia	Fort Belvoir	Road and Access Control Point.	\$9,500,000
Washington	Fort Lewis	Fort Lewis-McCord AFB Joint Access.	\$9,000,000
Kuwait	Kuwait	APS Warehouses	\$82,000,000

5 **SEC. 2107. ADDITIONAL AUTHORITY TO CARRY OUT CER-**
 6 **TAIN FISCAL YEAR 2013 PROJECT.**

7 (a) PROJECT AUTHORIZATION.—The Secretary of
 8 the Army may carry out a military construction project
 9 to construct a cadet barracks at the U.S. Military Acad-
 10 emy, New York, in the amount of \$192,000,000.

11 (b) USE OF UNOBLIGATED PRIOR-YEAR MILITARY
 12 CONSTRUCTION FUNDS.—The Secretary of the Army shall
 13 use available, unobligated military construction funds ap-
 14 propriated for a fiscal year before fiscal year 2013 for the
 15 project described in subsection (a).

16 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
 17 of the Army shall provide information in accordance with
 18 section 2851(c) of title 10, United States Code, regarding
 19 the project described in subsection (a). If it becomes nec-

1 essary to exceed the estimated project cost, the Secretary
 2 shall utilize the authority provided by section 2853 of such
 3 title regarding authorized cost and scope of work vari-
 4 ations.

5 **TITLE XXII—NAVY MILITARY** 6 **CONSTRUCTION**

7 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 8 **ACQUISITION PROJECTS.**

9 (a) **INSIDE THE UNITED STATES.**—Using amounts
 10 appropriated pursuant to the authorization of appropria-
 11 tions in section 2204 and available for military construc-
 12 tion projects inside the United States as specified in the
 13 funding table in section 4601, the Secretary of the Navy
 14 may acquire real property and carry out military construc-
 15 tion projects for the installations or locations inside the
 16 United States, and in the amounts, set forth in the fol-
 17 lowing table:

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
	San Diego	\$71,188,000
	Seal Beach	\$30,594,000
	Twentynine Palms	\$47,270,000
	Ventura County	\$12,790,000
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

Inside the United States—Continued

State	Installation or Location	Amount
Washington	Oceana Naval Air Station	\$39,086,000
	Portsmouth	\$32,706,000
	Quantico	\$58,714,000
	Yorktown	\$48,823,000
	Whidbey Island	\$6,272,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204 and available for military construc-
4 tion projects outside the United States as specified in the
5 funding table in section 4601, the Secretary of the Navy
6 may acquire real property and carry out military construc-
7 tion projects for the installation or location outside the
8 United States, and in the amounts, set forth in the fol-
9 lowing table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain Island	SW Asia	\$51,348,000
Diego Garcia	Diego Garcia	\$1,691,000
Djibouti	Camp Lemonier	\$99,420,000
Greece	Souda Bay	\$25,123,000
Japan	Iwakuni	\$13,138,000
	Okinawa	\$8,206,000
Romania	Deveselu	\$45,205,000
Spain	Rota	\$17,215,000
Worldwide Unspecified	Unspecified Worldwide Locations	\$34,048,000

10 SEC. 2202. FAMILY HOUSING.

11 Using amounts appropriated pursuant to the author-
12 ization of appropriations in section 2204 and available for
13 military family housing functions as specified in the fund-
14 ing table in section 4601, the Secretary of the Navy may
15 carry out architectural and engineering services and con-
16 struction design activities with respect to the construction

1 or improvement of family housing units in an amount not
2 to exceed \$4,527,000.

3 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
4 **UNITS.**

5 Subject to section 2825 of title 10, United States
6 Code, and using amounts appropriated pursuant to the
7 authorization of appropriations in section 2204 and avail-
8 able for military family housing functions as specified in
9 the funding table in section 4601, the Secretary of the
10 Navy may improve existing military family housing units
11 in an amount not to exceed \$97,655,000.

12 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

13 Funds are hereby authorized to be appropriated for
14 fiscal years beginning after September 30, 2012, for mili-
15 tary construction, land acquisition, and military family
16 housing functions of the Department of the Navy, as spec-
17 ified in the funding table in 4601, including incremental
18 funding for the construction of increment 2 of explosives
19 handling wharf 2 at Kitsap, Washington, authorized by
20 section 2201(a) of the Military Construction Authorization
21 Act for Fiscal Year 2012 (division B of Public Law 112–
22 81; 125 Stat. 1666), \$254,241,000.

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 #2
8 at that location, the Secretary of the Navy may acquire
9 fee or lesser real property interests to accomplish required
10 environmental mitigation for the project using appropria-
11 tions authorized for the project.

12 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
13 **FISCAL YEAR 2009 PROJECTS.**

14 (a) EXTENSION.—Notwithstanding section 2002 of
15 the Military Construction Authorization Act for Fiscal
16 Year 2009 (division B of Public Law 110–417; 122 Stat.
17 4658), the authorization set forth in the table in sub-
18 section (b), as provided in section 2201 of that Act (122
19 Stat 4670) and extended by section 2206 of the Military
20 Construction Authorization Act for Fiscal Year 2012 (di-
21 vision B of Public Law 112–81; 125 Stat. 1668), shall
22 remain in effect until October 1, 2013, or the date of an
23 Act authorizing funds for military construction for fiscal
24 year 2014, whichever is later.

25 (b) TABLE.—The table referred to in subsection (a)
26 is as follows:

Navy: Extension of 2009 Project Authorization

State/Country	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendleton	Operations Access Points, Red Beach	\$11,970,000
	Marine Corps Air Station, Miramar ..	Emergency Response Station	\$6,530,000
District of Columbia ..	Washington Navy Yard	Child Development Center	\$9,340,000

1 **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 2010 PROJECTS.**

3 (a) **EXTENSION.**—Notwithstanding section 2002 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2010 (division B of Public Law 111–84; 123 Stat.
6 2627), the authorization set forth in the table in sub-
7 section (b), as provided in section 2201 of that Act (123
8 Stat. 2632), shall remain in effect until October 1, 2013,
9 or the date of an Act authorizing funds for military con-
10 struction for fiscal year 2014, whichever is later.

11 (b) **TABLE.**—The table referred to in subsection (a)
12 is as follows:

Navy: Extension of 2010 Project Authorization

State/Country	Installation or Location	Project	Amount
California	Mountain Warfare Training Center, Bridgeport	Mountain Warfare Training, Com- missary	\$6,830,000
Maine	Portsmouth Naval Shipyard	Gate 2 Security Im- provements	\$7,090,000
Djibouti	Camp Lemonier	Security Fencing	\$8,109,000
		Ammo Supply Point ..	\$21,689,000
		Interior Paved Roads	\$7,275,000

1 **SEC. 2208. REALIGNMENT OF MARINES IN THE ASIA-PA-**
2 **CIFIC REGION.**

3 (a) RESTRICTION ON USE OF FUNDS.—Except as
4 provided in subsection (c), none of the funds authorized
5 to be appropriated under this Act, and none of the
6 amounts provided by the Government of Japan for con-
7 struction activities on land under the jurisdiction of the
8 Department of Defense, may be obligated or expended to
9 implement the realignment of Marine Corps forces from
10 Okinawa to other locations until—

11 (1) the Commander of the United States Pa-
12 cific Command provides to the congressional defense
13 committees an assessment of the strategic and
14 logistical resources needed to ensure the distributed
15 lay-down of members of the United States Marine
16 Corps in the United States Pacific Command Area
17 of Responsibility meets the contingency operations
18 plans;

19 (2) the Secretary of Defense submits to the
20 congressional defense committees master plans for
21 the construction of facilities and infrastructure to
22 execute the Marine Corps distributed lay-down on
23 Guam, Australia, and Hawaii, including a detailed
24 description of costs and the schedule for such con-
25 struction;

1 (3) the Secretary of the Navy submits a plan to
2 the congressional defense committees detailing the
3 proposed investments and schedules required to re-
4 store facilities and infrastructure at Marine Corps
5 Air Station Futenma; and

6 (4) a plan coordinated by all pertinent Federal
7 agencies is provided to the congressional defense
8 committees detailing descriptions of work, costs, and
9 a schedule for completion of construction, improve-
10 ments, and repairs to the non-military utilities, fa-
11 cilities, and infrastructure, if any, on Guam affected
12 by the realignment of forces.

13 (b) DEVELOPMENT OF PUBLIC INFRASTRUCTURE.—

14 (1) AUTHORIZATION REQUIRED.—If the Sec-
15 retary of Defense determines that any grant, cooper-
16 ative agreement, transfer of funds to another Fed-
17 eral agency, or supplement of funds available in fis-
18 cal year 2012 or fiscal year 2013 under Federal pro-
19 grams administered by agencies other than the De-
20 partment of Defense will result in the development
21 (including repair, replacement, renovation, conver-
22 sion, improvement, expansion, acquisition, or con-
23 struction) of public infrastructure on Guam, the Sec-
24 retary of Defense may not carry out such grant,

1 transfer cooperative agreement, or supplemental
2 funding unless specifically authorized by law.

3 (2) PUBLIC INFRASTRUCTURE DEFINED.—In
4 this section, the term “public infrastructure” means
5 any utility, method of transportation, item of equip-
6 ment, or facility under the control of a public entity
7 or State or local government that is used by, or con-
8 structed for the benefit of, the general public.

9 (c) EXCEPTION TO RESTRICTION ON USE OF
10 FUNDS.—The Secretary of Defense may use funds de-
11 scribed in subsection (a) to carry out additional analysis
12 or studies required the National Environmental Policy Act
13 of 1969 (42 U.S.C. 4321 et seq.) for proposed actions on
14 Guam or Hawaii.

15 (d) DISTRIBUTED LAY-DOWN DEFINED.—For pur-
16 poses of this section, the term “distributed lay-down” re-
17 fers to the planned distribution of Marines in Okinawa,
18 Guam, Hawaii, Australia, and possibly elsewhere that is
19 contemplated in support of the joint statement of the U.S.
20 – Japan Security Consultative Committee dated April 27,
21 2012.

22 (e) REPEAL.—Section 2207 of the National Defense
23 Authorization Act for Fiscal Year 2012 (Public Law 112–
24 81; 125 Stat. 1668) is repealed.

**TITLE XXIII—AIR FORCE
MILITARY CONSTRUCTION**

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND
LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Arkansas	Little Rock AFB	\$30,178,000
Florida	Tyndall AFB	\$14,750,000
Georgia	Fort Stewart	\$7,250,000
	Moody AFB	\$8,500,000
New Mexico	Holloman AFB	\$25,000,000
North Dakota	Minot AFB	\$4,600,000
Texas	Joint Base San Antonio	\$18,000,000
Utah	Hill AFB	\$13,530,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations out-

1 side the United States, and in the amounts, set forth in
 2 the following table:

Air Force: Outside the United States

State	Installation or Location	Amount
Greenland	Thule AB	\$24,500,000
Italy	Aviano AB	\$9,400,000
Worldwide Unspecified	Unspecified Worldwide Locations	\$34,657,000

3 **SEC. 2302. FAMILY HOUSING.**

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2304 and available for
 6 military family housing functions as specified in the fund-
 7 ing table in section 4601, the Secretary of the Air Force
 8 may carry out architectural and engineering services and
 9 construction design activities with respect to the construc-
 10 tion or improvement of family housing units in an amount
 11 not to exceed \$4,253,000.

12 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 13 **UNITS.**

14 Subject to section 2825 of title 10, United States
 15 Code, and using amounts appropriated pursuant to the
 16 authorization of appropriations in section 2304 and avail-
 17 able for military family housing functions as specified in
 18 the funding table in section 4601, the Secretary of the
 19 Air Force may improve existing military family housing
 20 units in an amount not to exceed \$79,571,000.

1 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
2 **FORCE.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2012, for mili-
5 tary construction, land acquisition, and military family
6 housing functions of the Department of the Air Force, as
7 specified in the funding table in section 4601, including
8 incremental funding for the construction of increment 2
9 of the U.S. Strategic Command Replacement Facility at
10 Offutt Air Force Base, Nebraska, authorized by section
11 2301(a) of the Military Construction Authorization Act
12 for Fiscal Year 2012 (division B of Public Law 112–81;
13 125 Stat. 1670), \$111,000,000.

14 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
15 **FISCAL YEAR 2010 PROJECTS.**

16 (a) **EXTENSION.**—Notwithstanding section 2002 of
17 the Military Construction Authorization Act for Fiscal
18 Year 2010 (division B of Public Law 111–84; 123 Stat.
19 2627), authorizations set forth in the table in subsection
20 (b), as provided in section 2301 of that Act (123 Stat.
21 2636), shall remain in effect until October 1, 2013, or the
22 date of an Act authorizing funds for military construction
23 for fiscal year 2014, whichever is later.

24 (b) **TABLE.**—The table referred to in subsection (a)
25 is as follows:

Air Force: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
Missouri	Whiteman AFB	Land Acquisition North & South Boundary	\$5,500,000
Montana	Malmstrom AFB	Weapons Storage Area (WSA), Phase 2	\$10,600,000

1 **TITLE XXIV—DEFENSE AGEN-**
 2 **CIES MILITARY CONSTRUC-**
 3 **TION**

4 **Subtitle A—Defense Agency**
 5 **Authorizations**

6 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 7 **TION AND LAND ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2403 and available for military construc-
 11 tion projects inside the United States as specified in the
 12 funding table in section 4601, the Secretary of Defense
 13 may acquire real property and carry out military construc-
 14 tion projects for the installations or locations inside the
 15 United States, and in the amounts, set forth in the fol-
 16 lowing table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	\$1,300,000
California	Coronado	\$55,259,000
	DEF Fuel Support Point - San Diego	\$91,563,000
	Edwards Air Force Base	\$27,500,000
	Twentynine Palms	\$27,400,000
Colorado	Buckley Air Force Base	\$30,000,000
	Fort Carson	\$56,673,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
	Pikes Peak	\$3,600,000
CONUS Classified	Classified Location	\$6,477,000
Delaware	Dover AFB	\$2,000,000
Florida	Eglin AFB	\$41,695,000
	Hurlburt Field	\$16,000,000
	MacDill AFB	\$34,409,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$24,289,000
Illinois	Great Lakes	\$28,700,000
	Scott AFB	\$86,711,000
Indiana	Grissom ARB	\$26,800,000
Kentucky	Fort Campbell	\$71,639,000
Louisiana	Barksdale AFB	\$11,700,000
Maryland	Annapolis	\$66,500,000
	Bethesda Naval Hospital	\$62,200,000
	Fort Meade	\$128,600,000
Missouri	Fort Leonard Wood	\$18,100,000
New Mexico	Cannon AFB	\$93,085,000
New York	Fort Drum	\$43,200,000
North Carolina	Camp Lejeune	\$80,064,000
	Fort Bragg	\$130,422,000
	Seymour Johnson AFB	\$55,450,000
Pennsylvania	DEF Distribution Depot New Cumberland ..	\$17,400,000
South Carolina	Shaw AFB	\$57,200,000
Texas	Red River Army Depot	\$16,715,000
Virginia	Joint Expeditionary Base Little Creek - Story	\$11,132,000
	Norfolk	\$8,500,000
Washington	Fort Lewis	\$50,520,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403 and available for military construc-
4 tion projects outside the United States as specified in the
5 funding table in section 4601, the Secretary of Defense
6 may acquire real property and carry out military construc-
7 tion projects for the installations or locations outside the
8 United States, and in the amounts, set forth in the fol-
9 lowing 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

Defense Agencies: Outside the United States—Continued

Country	Installation or Location	Amount
Guantanamo Bay, Cuba	Guantanamo Bay	\$40,200,000
Japan	Camp Zama	\$13,273,000
	Kadena AB	\$143,545,000
	Sasebo	\$35,733,000
	Zukeran	\$79,036,000
Korea	Kunsan AB	\$13,000,000
	Osan AB	\$77,292,000
Romania	Deveselu	\$157,900,000
United Kingdom	Menwith Hill Station	\$50,283,000
	RAF Feltwell	\$30,811,000
	RAF Mildenhall	\$6,490,000

1 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION**
2 **PROJECTS.**

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2403 and available for
5 energy conservation projects as specified in the funding
6 table in 4601, the Secretary of Defense may carry out en-
7 ergy conservation projects under chapter 173 of title 10,
8 United States Code, in the amount of \$150,000,000.

9 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
10 **FENSE AGENCIES.**

11 Funds are hereby authorized to be appropriated for
12 fiscal years beginning after September 30, 2012, for mili-
13 tary construction, land acquisition, and military family
14 housing functions of the Department of Defense (other
15 than the military departments), as specified in the funding
16 table in 4601, including incremental funding for the fol-
17 lowing projects in the following amounts:

1 (1) For the construction of increment 7 of the
2 Army Medical Research Institute of Infectious Dis-
3 eases Stage I at Fort Detrick, Maryland, authorized
4 by section 2401(a) of the Military Construction Au-
5 thorization Act for Fiscal Year 2007 (division B of
6 Public Law 109–364; 120 Stat. 2457), \$19,000,000.

7 (2) For the construction of increment 4 of a
8 National Security Agency data center at Camp Wil-
9 liams, Utah, authorized as a Military Construction,
10 Defense-Wide project by title X of the Supplemental
11 Appropriations Act, 2009 (Public Law 111–32; 123
12 Stat. 1888), \$191,414,000.

13 (3) For the construction of increment 4 of the
14 hospital at Fort Bliss, Texas, authorized by section
15 2401(a) of the Military Construction Authorization
16 Act for Fiscal Year 2010 (division B of Public Law
17 111–84; 123 Stat. 2642), \$107,400,000.

18 (4) For the construction of increment 2 of the
19 high performance computing center at Fort Meade,
20 Maryland, authorized by section 2401(a) of the Mili-
21 tary Construction Authorization Act for Fiscal Year
22 2012 (division B of Public Law 112–81; 125 Stat.
23 1672), as amended by section 2405(a) of this Act,
24 \$225,521,000.

1 (5) For the construction of increment 2 of the
2 ambulatory care center phase 3 at Joint Base San
3 Antonio, Texas, authorized by section 2401(a) of the
4 Military Construction Authorization Act for Fiscal
5 Year 2012 (division B of Public Law 112–81; 125
6 Stat. 1672), \$80,700,000.

7 (6) For the construction of increment 2 of the
8 medical center replacement at Rhine Ordnance Bar-
9 racks, Germany, authorized by section 2401(b) of
10 the Military Construction Authorization Act for Fis-
11 cal Year 2012 (division B of Public Law 112–81;
12 125 Stat. 1673), \$127,000,000.

13 **SEC. 2404. EXTENSION OF AUTHORIZATION OF CERTAIN**
14 **FISCAL YEAR 2010 PROJECT.**

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 2401(a) of that Act (123 Stat.
20 2640), shall remain in effect until October 1, 2013, or the
21 date of the enactment of an Act authorizing funds for mili-
22 tary construction for fiscal year 2014, whichever is later:

23 (b) **TABLE.**—The table referred to in subsection (a)
24 is as follows:

**Washington Headquarters Services: Extension of 2010 Project
Authorization**

State	Installation or Location	Project	Amount
Virginia	Pentagon Res- ervation	Pentagon electrical upgrade	\$19,272,000

1 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2012 PROJECT.**

3 The table in section 2401(a) of the Military Construc-
4 tion Authorization Act for Fiscal Year 2012 (division B
5 of Public Law 112–81; 125 Stat. 1672), is amended in
6 the item relating to Fort Meade, Maryland, by striking
7 “\$29,640,000” in the amount column and inserting
8 “\$792,200,000”.

9 **SEC. 2406. ADDITIONAL AUTHORITY TO CARRY OUT CER-**
10 **TAIN FISCAL YEAR 2013 PROJECT.**

11 (a) PROJECT AUTHORIZATION.—The Secretary of
12 Defense may carry out a military construction project to
13 construct an Upgrade Fuel Pipeline at Andersen Air
14 Force Base, Guam, in the amount of \$67,500,000.

15 (b) LIMITATION.—No funds may be obligated or ex-
16 pended for the project described in subsection (a) until
17 the Commander of the United States Pacific Command
18 provides to the congressional defense committees a report,
19 with classified annex if necessary, detailing the strategic
20 and operational requirements satisfied by the construction
21 of this project and a certification that this project is a

1 bona fide need for meeting national security objectives for
2 fiscal year 2013.

3 (c) USE OF UNOBLIGATED PRIOR-YEAR MILITARY
4 CONSTRUCTION FUNDS.—The Secretary of Defense shall
5 use available, unobligated military construction funds ap-
6 propriated for a fiscal year before fiscal year 2013 for the
7 project described in subsection (a).

8 (d) CONGRESSIONAL NOTIFICATION.—The Secretary
9 of Defense shall provide information in accordance with
10 section 2851(c) of title 10, United States Code, regarding
11 the project described in subsection (a). If it becomes nec-
12 essary to exceed the estimated project cost, the Secretary
13 shall utilize the authority provided by section 2853 of such
14 title regarding authorized cost and scope of work vari-
15 ations.

16 **Subtitle B—Chemical**
17 **Demilitarization Authorizations**

18 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
19 **ICAL DEMILITARIZATION CONSTRUCTION,**
20 **DEFENSE-WIDE.**

21 Funds are hereby authorized to be appropriated for
22 fiscal years beginning after September 30, 2012, for mili-
23 tary construction and land acquisition for chemical demili-
24 tarization, as specified in the funding table in section

1 4601, including incremental funding for the following
2 projects in the following amounts:

3 (1) For the construction of phase 14 of a chem-
4 ical munitions demilitarization facility at Pueblo
5 Chemical Activity, Colorado, authorized by section
6 2401(a) of the Military Construction Authorization
7 Act for Fiscal Year 1997 (division B of Public Law
8 104–201; 110 Stat. 2775), as amended by section
9 2406 of the Military Construction Authorization Act
10 for Fiscal Year 2000 (division B of Public Law 106–
11 65; 113 Stat. 839), section 2407 of the Military
12 Construction Authorization Act for Fiscal Year 2003
13 (division B of Public Law 107–314; 116 Stat.
14 2698), and section 2413 of the Military Construc-
15 tion Authorization Act for Fiscal Year 2009 (divi-
16 sion B of Public Law 110–417; 122 Stat. 4697),
17 \$36,000,000.

18 (2) For the construction of phase 13 of a muni-
19 tions demilitarization facility at Blue Grass Army
20 Depot, Kentucky, authorized by section 2401(a) of
21 the Military Construction Authorization Act for Fis-
22 cal Year 2000 (division B of Public Law 106–65;
23 113 Stat. 835), as amended by section 2405 of the
24 Military Construction Authorization Act for Fiscal
25 Year 2002 (division B of Public Law 107–107; 115

1 Stat. 1298), section 2405 of the Military Construc-
2 tion Authorization Act for Fiscal Year 2003 (divi-
3 sion B of Public Law 107–314; 116 Stat. 2698),
4 section 2414 of the Military Construction Authoriza-
5 tion Act for Fiscal Year 2009 (division B of Public
6 Law 110–417; 122 Stat. 4697), and section 2412 of
7 the Military Construction Authorization Act for Fis-
8 cal Year 2011 (division B Public Law 111–383; 124
9 Stat. 4450), \$115,000,000.

10 **SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT**
11 **CERTAIN FISCAL YEAR 1997 PROJECT.**

12 (a) MODIFICATIONS.—The table in section 2401(a)
13 of the Military Construction Authorization Act for Fiscal
14 Year 1997 (division B of Public Law 104–201; 110 Stat.
15 2775), as amended by section 2406 of the Military Con-
16 struction Authorization Act for Fiscal Year 2000 (division
17 B of Public Law 106–65; 113 Stat. 839), section 2407
18 of the Military Construction Authorization Act for Fiscal
19 Year 2003 (division B of Public Law 107–314; 116 Stat.
20 2699), and section 2413 of the Military Construction Au-
21 thorization Act for Fiscal Year 2009 (division B of Public
22 Law 110–417; 122 Stat. 4697), is amended—

23 (1) under the agency heading relating to Chem-
24 ical Demilitarization Program, in the item relating
25 to Pueblo Army Depot, Colorado, by striking

1 “\$484,000,000” in the amount column and inserting
2 “\$520,000,000”; and

3 (2) by striking the amount identified as the
4 total in the amount column and inserting
5 “\$866,454,000”.

6 (b) CONFORMING AMENDMENT.—Section 2406(b)(2)
7 of the Military Construction Authorization Act for Fiscal
8 Year 1997 (110 Stat. 2779), as so amended, is further
9 amended by striking “\$484,000,000” and inserting
10 “\$520,000,000”.

11 **TITLE XXV—NORTH ATLANTIC**
12 **TREATY ORGANIZATION SE-**
13 **CURITY INVESTMENT PRO-**
14 **GRAM**

15 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
16 **ACQUISITION PROJECTS.**

17 The Secretary of Defense may make contributions for
18 the North Atlantic Treaty Organization Security Invest-
19 ment Program as provided in section 2806 of title 10,
20 United States Code, in an amount not to exceed the sum
21 of the amount authorized to be appropriated for this pur-
22 pose in section 2502 and the amount collected from the
23 North Atlantic Treaty Organization as a result of con-
24 struction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 Funds are hereby authorized to be appropriated for
 3 fiscal years beginning after September 30, 2012, for con-
 4 tributions by the Secretary of Defense under section 2806
 5 of title 10, United States Code, for the share of the United
 6 States of the cost of projects for the North Atlantic Treaty
 7 Organization Security Investment Program authorized by
 8 section 2501, as specified in the funding table in section
 9 4601.

10 **TITLE XXVI—GUARD AND**
 11 **RESERVE FORCES FACILITIES**
 12 **Subtitle A—Project Authorizations**
 13 **and Authorization of Appropria-**
 14 **tions**

15 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 16 **STRUCTION AND LAND ACQUISITION**
 17 **PROJECTS.**

18 (a) **INSIDE THE UNITED STATES.**—Using amounts
 19 appropriated pursuant to the authorization of appropria-
 20 tions in section 2606 and available for the National Guard
 21 and Reserve as specified in the funding table in section
 22 4601, the Secretary of the Army may acquire real prop-
 23 erty and carry out military construction projects for the
 24 Army National Guard locations inside the United States,
 25 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
	Terre Haute	\$9,000,000
Iowa	Camp Dodge	\$3,000,000
Kansas	Topeka	\$9,500,000
Kentucky	Frankfort	\$32,000,000
Massachusetts	Camp Edwards	\$22,000,000
Minnesota	Camp Ripley	\$17,000,000
	St. Paul	\$17,000,000
Missouri	Fort Leonard Wood	\$18,000,000
	Kansas City	\$1,900,000
	Monett	\$820,000
	Perryville	\$700,000
Montana	Miles City	\$11,000,000
New Jersey	Sea Girt	\$34,000,000
New York	Stormville	\$24,000,000
Ohio	Chillicothe	\$3,100,000
	Delaware	\$12,000,000
Oklahoma	Camp Gruber	\$25,000,000
Utah	Camp Williams	\$36,000,000
Washington	Fort Lewis	\$35,000,000
West Virginia	Logan	\$14,200,000
Wisconsin	Wausau	\$10,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2606 and available for the National Guard
4 and Reserve as specified in the funding table in section
5 4601, the Secretary of the Army may acquire real prop-
6 erty and carry out military construction projects for the
7 Army National Guard locations outside the United States,
8 and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Installation	Amount
Guam	Barrigada	\$8,500,000
Puerto Rico	Camp Santiago	\$3,800,000
	Ceiba	\$2,200,000
	Guaynabo	\$15,000,000

Army National Guard: Outside the United States—Continued

Country	Installation	Amount
	Gurabo	\$14,700,000

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 2 **AND LAND ACQUISITION PROJECTS.**

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 Army may
 7 acquire real property and carry out military construction
 8 projects for the Army Reserve locations inside the United
 9 States, and in the amounts, set forth in the following
 10 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

11 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 12 **CORPS RESERVE CONSTRUCTION AND LAND**
 13 **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 Navy may

1 acquire real property and carry out military construction
 2 projects for the Navy Reserve and Marine Corps Reserve
 3 locations inside the United States, and in the amounts,
 4 set forth in the following table:

Navy Reserve 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

5 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
 6 **TION AND LAND ACQUISITION PROJECTS.**

7 Using amounts appropriated pursuant to the author-
 8 ization of appropriations in section 2606 and available for
 9 the National Guard and Reserve as specified in the fund-
 10 ing table in section 4601, the Secretary of the Air Force
 11 may acquire real property and carry out military construc-
 12 tion projects for the Air National Guard locations inside
 13 the United States, and in the amounts, set forth in the
 14 following table:

Air National Guard

State	Location	Amount
California	Fresno Yosemite IAP ANG	\$11,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$6,500,000
New Mexico	Kirtland AFB	\$8,500,000
Wyoming	Cheyenne MAP	\$6,486,000

15 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 16 **TION AND LAND ACQUISITION PROJECTS.**

17 Using amounts appropriated pursuant to the author-
 18 ization of appropriations in section 2606 and available for

1 the National Guard and Reserve as specified in the fund-
 2 ing table in section 4601, the Secretary of the Air Force
 3 may acquire real property and carry out military construc-
 4 tion projects for the Air Force Reserve locations inside
 5 the United States, and in the amounts, set forth in the
 6 following table:

Air Force Reserve

State	Location	Amount
New York	Niagara Falls IAP	\$6,100,000

7 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
 8 **TIONAL GUARD AND RESERVE.**

9 Funds are hereby authorized to be appropriated for
 10 fiscal years beginning after September 30, 2012, for the
 11 costs of acquisition, architectural and engineering services,
 12 and construction of facilities for the Guard and Reserve
 13 Forces, and for contributions therefor, under chapter
 14 1803 of title 10, United States Code (including the cost
 15 of acquisition of land for those facilities), as specified in
 16 the funding table in section 4601.

17 **Subtitle B—Other Matters**

18 **SEC. 2611. EXTENSION OF AUTHORIZATION OF CERTAIN**
 19 **FISCAL YEAR 2009 PROJECT.**

20 (a) EXTENSION.—Notwithstanding section 2002 of
 21 the Military Construction Authorization Act for Fiscal
 22 Year 2009 (division B of Public Law 110–417; 122 Stat.
 23 4658), the authorization set forth in the table in sub-

1 section (b), as provided in section 2604 of that Act (122
 2 Stat. 4706), shall remain in effect until October 1, 2013,
 3 or the date of the enactment of an Act authorizing funds
 4 for military construction for fiscal year 2014, whichever
 5 is later.

6 (b) TABLE.—The table referred to in subsection (a)
 7 is as follows:

Air National Guard: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi Airport	Relocate Munitions Complex	\$3,400,000

8 **SEC. 2612. EXTENSION OF AUTHORIZATION OF CERTAIN**
 9 **FISCAL YEAR 2010 PROJECTS.**

10 (a) EXTENSION.—Notwithstanding section 2002 of
 11 the Military Construction Authorization Act for Fiscal
 12 Year 2010 (division B of Public Law 111–84; 123 Stat.
 13 2627), the authorizations set forth in the tables in sub-
 14 section (b), as provided in sections 2602 and 2604 of that
 15 Act (123 Stat. 2649, 2651), shall remain in effect until
 16 October 1, 2013, or the date of the enactment of an Act
 17 authorizing funds for military construction for fiscal year
 18 2014, whichever is later.

19 (b) TABLE.—The tables referred to in subsection (a)
 20 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

Army Reserve: Extension of 2010 Project Authorizations—
Continued

State	Installation or Location	Project	Amount
Connecticut	Bridgeport	Army Reserve Center/Land	\$18,500,000

Air National Guard: Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi Airport	Relocate Base Entrance	\$6,500,000

1 **SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2011 PROJECT.**

3 In the case of the authorization contained in the table
4 in section 2604 of the Military Construction Authorization
5 Act for Fiscal Year 2011 (division B of Public Law 111–
6 383; 124 Stat. 4453) for Nashville International Airport,
7 Tennessee, for renovation of an Intelligence Squadron Fa-
8 cility, the Secretary of the Air Force may convert up to
9 4,023 square meters of existing facilities to bed down In-
10 telligence Group and Remotely Piloted Aircraft Remote
11 Split Operations Group missions, consistent with the Air
12 National Guard's construction guidelines for these mis-
13 sions.

1 **TITLE XXVII—BASE REALIGN-**
2 **MENT AND CLOSURE ACTIVI-**
3 **TIES**

4 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
5 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
6 **TIES FUNDED THROUGH DEPARTMENT OF**
7 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2012, for base
10 realignment and closure activities, including real property
11 acquisition and military construction projects, as author-
12 ized by the Defense Base Closure and Realignment Act
13 of 1990 (part A of title XXIX of Public Law 101–510;
14 10 U.S.C. 2687 note) and funded through the Department
15 of Defense Base Closure Account 1990 established by sec-
16 tion 2906 of such Act, as specified in the funding table
17 in section 4601.

18 **SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR**
19 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
20 **TIES FUNDED THROUGH DEPARTMENT OF**
21 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

22 Funds are hereby authorized to be appropriated for
23 fiscal years beginning after September 30, 2012, for base
24 realignment and closure activities, including real property
25 acquisition and military construction projects, as author-

1 ized by the Defense Base Closure and Realignment Act
2 of 1990 (part A of title XXIX of Public Law 101–510;
3 10 U.S.C. 2687 note) and funded through the Department
4 of Defense Base Closure Account 2005 established by sec-
5 tion 2906A of such Act, as specified in the funding table
6 in section 4601.

7 **SEC. 2703. TECHNICAL AMENDMENTS TO SECTION 2702 OF**
8 **FISCAL YEAR 2012 ACT.**

9 (a) CORRECTION.—Section 2702 of the Military Con-
10 struction Authorization Act for Fiscal Year 2012 (division
11 B of Public Law 112–81; 125 Stat. 1681) is amended by
12 striking “Using amounts” and all that follows through
13 “may carry out” and inserting “Funds are hereby author-
14 ized to be appropriated for fiscal years beginning after
15 September 30, 2011, for”.

16 (b) CONFORMING AMENDMENT.—The heading of
17 such section is amended by striking “**AUTHORIZED**” and
18 inserting “**AUTHORIZATION OF APPROPRIATIONS**
19 **FOR**”.

20 **SEC. 2704. CRITERIA FOR DECISIONS INVOLVING CERTAIN**
21 **BASE CLOSURE AND REALIGNMENT ACTIVI-**
22 **TIES.**

23 (a) CRITERIA.—Not later than March 31, 2013, the
24 Comptroller General of the United States shall submit to
25 the congressional defense committees a report including

1 objective criteria to be used by the Department of Defense
2 to make decisions relating to realignments of units em-
3 ployed at military installations that are not covered by the
4 requirements of section 2687 of title 10, United States
5 Code, and closures of military installations that are not
6 covered by such requirements.

7 (b) ONE-YEAR MORATORIUM ON CERTAIN ACTIONS
8 RESULTING IN PERSONNEL REDUCTIONS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), no action may be taken before October 1,
11 2013, that would result in a military installation
12 covered under paragraph (1) of section 2687(a) of
13 title 10, United States Code, to no longer be covered
14 by such paragraph.

15 (2) NATIONAL SECURITY WAIVER.—The Sec-
16 retary of Defense may waive the prohibition under
17 paragraph (1) if the Secretary certifies to the con-
18 gressional defense committees that is in the national
19 security interests of the United States.

1 **SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN**
2 **ADVANCE OF PERMANENT REDUCTION OF**
3 **SIZABLE NUMBERS OF MEMBERS OF THE**
4 **ARMED FORCES AT MILITARY INSTALLA-**
5 **TIONS.**

6 (a) CALCULATION OF NUMBER OF AFFECTED MEM-
7 BERS.—Subsection (a) of section 993 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new sentence: “In calculating the number of mem-
10 bers to be reduced, the Secretary shall take into consider-
11 ation both direct reductions and indirect reductions.”.

12 (b) NOTICE REQUIREMENTS.—Subsection (b) of such
13 section is amended by striking paragraphs (1) through (3)
14 and inserting the following new paragraphs:

15 “(1) the Secretary of Defense or the Secretary
16 of the military department concerned—

17 “(A) submits to Congress a notice of the
18 proposed reduction and the number of military
19 and civilian personnel assignments affected, in-
20 cluding reductions in base operations support
21 services and personnel to occur because of the
22 proposed reduction; and

23 “(B) includes in the notice a justification
24 for the reduction and an evaluation of the costs
25 and benefits of the reduction and of the local

1 economic, strategic, and operational con-
2 sequences of the reduction; and

3 “(2) a period of 90 days expires following the
4 day on which the notice is submitted to Congress.”.

5 (c) DEFINITIONS.—Such section is further amended
6 by adding at the end the following new subsection:

7 “(d) DEFINITIONS.—In this section:

8 “(1) The term ‘direct reduction’ means a reduc-
9 tion involving one or more members of a unit.

10 “(2) The term ‘indirect reduction’ means subse-
11 quent planned reductions or relocations in base oper-
12 ations support services and personnel able to occur
13 due to the direct reductions.

14 “(3) The term ‘military installation’ means a
15 base, camp, post, station, yard, center, homeport fa-
16 cility for any ship, or other activity under the juris-
17 diction of the Department of Defense, including any
18 leased facility, which is located within any of the
19 several States, the District of Columbia, the Com-
20 monwealth of Puerto Rico, American Samoa, the
21 Virgin Islands, the Commonwealth of the Northern
22 Mariana Islands, or Guam. Such term does not in-
23 clude any facility used primarily for civil works, riv-
24 ers and harbors projects, or flood control projects.

1 “(4) The term ‘unit’ means a unit of the armed
2 forces at the battalion, squadron, or an equivalent
3 level (or a higher level).”.

4 **SEC. 2706. REPORT ON REORGANIZATION OF AIR FORCE**
5 **MATERIEL COMMAND ORGANIZATIONS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall submit to the congressional defense committees a re-
9 port on the reorganization of Air Force Materiel Com-
10 mand organizations.

11 (b) CONTENT.—The report required under subsection
12 (a) shall include the following elements:

13 (1) An assessment of the efficiencies and effec-
14 tiveness associated with the reorganization of Air
15 Force Materiel Command organizations.

16 (2) An assessment of the organizational con-
17 struct to determine how institutional synergies that
18 were previously available in a collocated center can
19 be replicated in the new Air Force Materiel Com-
20 mand Center reorganization, including an assess-
21 ment of the following Air Force Materiel Command
22 capabilities:

23 (A) Science and Technology, Acquisition.

24 (B) Developmental Test and Evaluation.

1 (3) An assessment of synergistic efficiencies as-
2 sociated with capabilities of collocated organizations
3 of other commands, including an assessment of the
4 impact of the Air Force Materiel Command's reorga-
5 nization on other commands' responsibilities for—

6 (A) Operational Test and Evaluation; and

7 (B) Follow-on Operational Test and Eval-
8 uation.

9 (4) An assessment of how the Air Force reorga-
10 nization of Air Force Materiel Command is in adher-
11 ence with section 2687 of title 10, United States
12 Code.

13 (5) An analysis of the extent to which the pro-
14 posed changes in the Air Force management struc-
15 ture were coordinated with the Office of the Sec-
16 retary of Defense and the Director, Test Resource
17 Management Center and the degree to which their
18 concerns, if any, were addressed in the approach se-
19 lected by the Air Force.

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

4 **Subtitle A—Military Construction**
5 **Program and Military Family**
6 **Housing Changes**

7 **SEC. 2801. AUTHORIZED COST AND SCOPE VARIATIONS.**

8 Section 2853 of title 10, United States Code, is
9 amended—

10 (1) in subsection (a), by striking “was approved
11 originally” and inserting “was authorized”;

12 (2) in subsection (b)—

13 (A) in paragraph (1), by adding at the end
14 the following: “Any reduction in scope of work
15 for a military construction project shall not re-
16 sult in a facility or item of infrastructure that
17 is not complete and useable or does not fully
18 meet the mission requirement contained in the
19 justification data provided to Congress as part
20 of the request for authorization of the project,
21 construction, improvement, or acquisition.”; and

22 (B) by adding at the end the following new
23 paragraph:

24 “(3) In this subsection, the term ‘scope of work’ re-
25 fers to the function, size, or quantity of the primary facil-

1 ity, any associated facility, or item of complete and useable
 2 infrastructure contained in the justification data provided
 3 to Congress as part of the request for authorization of
 4 the project, construction, improvement, or acquisition.”;

5 (3) in subsection (c)(1)(A), by striking “and the
 6 reasons therefor, including a description” and insert-
 7 ing “, the reasons therefor, a certification that the
 8 mission requirement identified in the justification
 9 data provided to Congress can be still be met with
 10 the reduced scope, and a description”; and

11 (4) by adding at the end the following new sub-
 12 section:

13 “(e) Notwithstanding the authority under subsections
 14 (a) through (d), the Secretary concerned shall ensure com-
 15 pliance of contracts for military construction projects and
 16 for the construction, improvement, and acquisition of mili-
 17 tary family housing projects with section 1341 of title 31,
 18 United States Code (commonly referred to as the ‘Anti-
 19 Deficiency Act’).”.

20 **SEC. 2802. COMPTROLLER GENERAL REPORT ON IN-KIND**
 21 **PAYMENTS.**

22 (a) REPORTS REQUIRED.—

23 (1) INITIAL REPORT.—Not later than 180 days
 24 after the date of the enactment of this Act, the
 25 Comptroller General of the United States shall sub-

1 mit to the congressional defense committees a report
2 on the construction or renovation of Department of
3 Defense facilities with in-kind payments. The report
4 shall cover construction or renovation projects begun
5 during the preceding two years.

6 (2) UPDATES.—Not later than one year after
7 submitting the report required under paragraph (1),
8 and annually thereafter for 3 years, the Comptroller
9 General shall submit to the congressional defense
10 committees a report covering projects begun since
11 the most recent report.

12 (b) CONTENT.—Each report required under sub-
13 section (a) shall include the following elements:

14 (1) A listing of each facility constructed or ren-
15 ovated for the Department of Defense as payment in
16 kind.

17 (2) The value in United States dollars of that
18 construction or renovation.

19 (3) The source of the in-kind payment.

20 (4) The agreement pursuant to which the in-
21 kind payment was made.

22 (5) A description of the purpose and need for
23 the construction or renovation.

1 **SEC. 2803. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**
2 **ITY TO USE OPERATION AND MAINTENANCE**
3 **FUNDS FOR CONSTRUCTION PROJECTS IN**
4 **CERTAIN AREAS OUTSIDE THE UNITED**
5 **STATES.**

6 Section 2808 of the Military Construction Authoriza-
7 tion Act for Fiscal Year 2004 (division B of Public Law
8 108–136; 117 Stat. 1723), as most recently amended by
9 section 2804 of the Military Construction Authorization
10 Act for Fiscal Year 2012 (division B of Public Law 112–
11 81; 125 Stat. 1685), is further amended—

12 (1) in subsection (c)—

13 (A) by striking paragraph (2);

14 (B) by redesignating paragraph (3) as
15 paragraph (2); and

16 (C) in paragraph (2), as so redesignated,
17 by striking the second sentence; and

18 (2) in subsection (h)—

19 (A) in paragraph (1), by striking “Sep-
20 tember 30, 2012” and inserting “September 30,
21 2013”; and

22 (B) in paragraph (2), by striking “fiscal
23 year 2013” and inserting “fiscal year 2014”.

1 **Subtitle B—Real Property and**
2 **Facilities Administration**

3 **SEC. 2811. AUTHORITY TO ACCEPT AS CONSIDERATION FOR**
4 **LEASES OF NON-EXCESS PROPERTY OF MILI-**
5 **TARY DEPARTMENTS AND DEFENSE AGEN-**
6 **CIES REAL PROPERTY INTERESTS AND NAT-**
7 **URAL RESOURCE MANAGEMENT SERVICES**
8 **RELATED TO AGREEMENTS TO LIMIT EN-**
9 **CROACHMENT.**

10 Section 2667 of title 10, United States Code, is
11 amended—

12 (1) in subsection (c)—

13 (A) in paragraph (1), by adding at the end
14 the following new subparagraph:

15 “(G) Provision of interests in real property for
16 the purposes specified in section 2684a of this title
17 and provision of natural resource management serv-
18 ices on such real property.”; and

19 (B) in paragraph (2), by striking “accept-
20 ed at any property or facilities” and inserting
21 “accepted at or for the benefit of any property
22 or facilities”; and

23 (2) in subsection (e)(1)(C), by adding at the
24 end the following new clause:

1 “(vi) Provision of funds pursuant to an agree-
2 ment under section 2684a of this title.”.

3 **SEC. 2812. CLARIFICATION OF PARTIES WITH WHOM DE-**
4 **PARTMENT OF DEFENSE MAY CONDUCT EX-**
5 **CHANGES OF REAL PROPERTY AT MILITARY**
6 **INSTALLATIONS.**

7 Section 2869(a)(1) of title 10, United States Code
8 is amended—

9 (1) by striking “eligible”; and

10 (2) by striking “entity” both places it appears
11 and inserting “person”.

12 **Subtitle C—Energy Security**

13 **SEC. 2821. GUIDANCE ON FINANCING FOR RENEWABLE EN-**
14 **ERGY PROJECTS.**

15 (a) **GUIDANCE ON USE OF AVAILABLE FINANCING**
16 **APPROACHES.**—Not later than 180 days after the date of
17 the enactment of this Act, the Secretary of Defense, in
18 consultation with the Under Secretary of Defense for Ac-
19 quisition, Technology, and Logistics and the Deputy
20 Under Secretary of Defense for Installations and Environ-
21 ment, shall issue guidance about the use of available fi-
22 nancing approaches for financing renewable energy
23 projects and direct the Secretaries of the military depart-
24 ments to update their guidance accordingly. The guidance
25 should describe the requirements and restrictions applica-

1 ble to the underlying authorities and any Department of
2 Defense-specific guidelines for using appropriated funds
3 and alternative-financing approaches for renewable energy
4 projects.

5 (b) GUIDANCE ON USE OF BUSINESS CASE ANAL-
6 YSES.—Not later than 180 days after the date of the en-
7 actment of this Act, the Secretary of Defense, in consulta-
8 tion with the Under Secretary of Defense for Acquisition,
9 Technology, and Logistics, the Deputy Under Secretary
10 of Defense for Installations and Environment, and the
11 Secretaries of the military departments, shall issue guid-
12 ance that establishes and clearly describes the processes
13 used by the military departments to select financing ap-
14 proaches for renewable energy projects to ensure that
15 business case analyses are completed to maximize benefits
16 and mitigate drawbacks and risks associated with different
17 financing approaches.

18 (c) INFORMATION SHARING.—Not later than 180
19 days after the date of the enactment of this Act, the Sec-
20 retary of Defense, in consultation with the Under Sec-
21 retary of Defense for Acquisition, Technology, and Logis-
22 ties and the Deputy Under Secretary of Defense for In-
23 stallations and Environment, shall develop a formalized
24 communications process, such as a shared Internet
25 website, that will enable officials at military installations

1 to have timely access on an ongoing basis to information
 2 related to financing renewable energy projects on other in-
 3 stallations, including best practices and lessons that offi-
 4 cials at other installations have learned from their experi-
 5 ences in financing renewable energy projects.

6 **SEC. 2822. CONTINUATION OF LIMITATION ON USE OF**
 7 **FUNDS FOR LEADERSHIP IN ENERGY AND EN-**
 8 **VIRONMENTAL DESIGN (LEED) GOLD OR**
 9 **PLATINUM CERTIFICATION.**

10 Section 2830(b)(1) of the Military Construction Au-
 11 thorization Act for Fiscal Year 2012 (division B of Public
 12 Law 112–81; 125 Stat. 1695) is amended—

13 (1) by striking “authorized to be appropriated
 14 by this Act” and inserting “authorized to be appro-
 15 priated”; and

16 (2) by inserting before the period at the end the
 17 following: “until the date that is six months after
 18 the date of the submittal to the congressional de-
 19 fense committees of the report required by sub-
 20 section (a)”.

21 **Subtitle D—Land Conveyances**

22 **SEC. 2831. LAND CONVEYANCE, LOCAL TRAINING AREA FOR**
 23 **BROWNING ARMY RESERVE CENTER, UTAH.**

24 (a) CONVEYANCE AUTHORIZED.—The Secretary of
 25 the Army may convey, without consideration, to the De-

1 partment of Veterans Affairs (in this section referred to
2 as the “Department”) all right, title, and interest of the
3 United States in and to a parcel of unimproved real prop-
4 erty consisting of approximately 5 acres of the Local
5 Training Area for the Browning Army Reserve Center,
6 Utah, for the purpose of constructing and operating a
7 Community Based Outpatient Clinic adjacent to the
8 George E. Wahlen Veterans Home in Ogden, Utah.

9 (b) PAYMENT OF COSTS OF CONVEYANCE.—

10 (1) PAYMENT REQUIRED.—The Secretary may
11 require the Department to cover costs to be incurred
12 by the Secretary, or to reimburse the Secretary for
13 costs incurred by the Secretary, to carry out the
14 conveyance under subsection (a), including survey
15 costs, costs related to environmental documentation,
16 and other administrative costs related to the convey-
17 ance. If amounts paid to the Secretary in advance
18 exceed the costs actually incurred by the Secretary
19 to carry out the conveyance, the Secretary shall re-
20 fund the excess amount to the Department.

21 (2) TREATMENT OF AMOUNTS RECEIVED.—
22 Amounts received as reimbursement under para-
23 graph (1) shall be credited to the fund or account
24 that was used to cover the costs incurred by the De-
25 partment. Amounts so credited shall be merged with

1 amounts in such fund or account, and shall be avail-
2 able for the same purposes, and subject to the same
3 conditions and limitations, as amounts in such fund
4 or account.

5 (c) DESCRIPTION OF PROPERTY.—The exact acreage
6 and legal description of the real property to be conveyed
7 under subsection (a) shall be determined by a survey satis-
8 factory to the Secretary.

9 (d) ADDITIONAL TERMS AND CONDITIONS.—The
10 Secretary may require such additional terms and condi-
11 tions in connection with the conveyance under subsection
12 (a) as the Secretary considers appropriate to protect the
13 interests of the United States.

14 **SEC. 2832. USE OF PROCEEDS, LAND CONVEYANCE, TYN-**
15 **DALL AIR FORCE BASE, FLORIDA.**

16 Section 2862(c) of the National Defense Authoriza-
17 tion Act for Fiscal Year 2000 (Public Law 106–65; 113
18 Stat. 868) is amended—

19 (1) by striking “and to improve” and inserting
20 “, to improve”; and

21 (2) by inserting before the period at the end the
22 following: “, or for other purposes, subject to the
23 limitations described in section 2667(e) of title 10,
24 United States Code”.

1 **Subtitle E—Other Matters**

2 **SEC. 2841. CLARIFICATION OF AUTHORITY OF SECRETARY**
3 **TO ASSIST WITH DEVELOPMENT OF PUBLIC**
4 **INFRASTRUCTURE IN CONNECTION WITH**
5 **THE ESTABLISHMENT OR EXPANSION OF A**
6 **MILITARY INSTALLATION.**

7 Section 2391 of title 10, United States Code, is
8 amended—

9 (1) by redesignating subsections (d) and (e) as
10 subsections (e) and (f), respectively;

11 (2) by inserting after subsection (c) the fol-
12 lowing new subsection:

13 “(d) **AUTHORIZATION REQUIREMENT.**—If the Sec-
14 retary of Defense determines that any grant, cooperative
15 agreement, or supplement of funds available under Fed-
16 eral programs administered by agencies other than the
17 Department of Defense provided under this section will
18 result in the development (including repair, replacement,
19 renovation, conversion, improvement, expansion, or con-
20 struction) of public infrastructure, such grant, cooperative
21 agreement, or supplemental funding shall be specifically
22 authorized by law.”; and

23 (3) in subsection (e), as redesignated by para-
24 graph (1), by adding at the end the following new
25 paragraph:

1 “(4) The term ‘public infrastructure’ means
2 any utility, road, method of transportation, or facil-
3 ity under the control of a State or local government
4 or a private entity that is used by, or constructed for
5 the benefit of, the general public.”.

6 **SEC. 2842. PETERSBURG NATIONAL BATTLEFIELD BOUND-**
7 **ARY MODIFICATION.**

8 (a) **IN GENERAL.**—The boundary of Petersburg Na-
9 tional Battlefield is modified to include the properties as
10 generally depicted on the map titled “Petersburg National
11 Battlefield Boundary Expansion”, numbered 325/80,080,
12 and dated June 2007. The map shall be on file and avail-
13 able for inspection in the appropriate offices of the Na-
14 tional Park Service.

15 (b) **ACQUISITION OF PROPERTIES.**—The Secretary of
16 the Interior (referred to in this section as the “Secretary”)
17 is authorized to acquire the lands or interests in land, de-
18 scribed in subsection (a), from willing sellers only by dona-
19 tion, purchase with donated or appropriated funds, ex-
20 change, or transfer.

21 (c) **ADMINISTRATION.**—The Secretary shall admin-
22 ister any land or interests in land acquired under sub-
23 section (b) as part of the Petersburg National Battlefield
24 in accordance with applicable laws and regulations.

25 (d) **ADMINISTRATIVE JURISDICTION TRANSFER.**—

1 (1) IN GENERAL.—There is transferred—

2 (A) from the Secretary to the Secretary of
3 the Army administrative jurisdiction over the
4 approximately 1.170-acre parcel of land de-
5 picted as “Area to be transferred to Fort Lee
6 Military Reservation” on the map described in
7 paragraph (2)(A); and

8 (B) from the Secretary of the Army to the
9 Secretary administrative jurisdiction over the
10 approximately 1.171-acre parcel of land de-
11 picted as “Area to be transferred to Petersburg
12 National Battlefield” on the map described in
13 paragraph (2)(A).

14 (2) MAP.—

15 (A) IN GENERAL.—The land to be trans-
16 ferred under paragraph (1) is depicted on the
17 map entitled “Petersburg National Battlefield
18 Proposed Transfer of Administrative Jurisdic-
19 tion”, numbered 325/081A, and dated May
20 2011.

21 (B) AVAILABILITY.—The map described in
22 subparagraph (A) shall be available for public
23 inspection in the appropriate offices of the Na-
24 tional Park Service.

1 (3) CONDITIONS OF TRANSFER.—The transfer
2 of administrative jurisdiction authorized in para-
3 graph (1) shall be subject to the following condi-
4 tions:

5 (A) NO REIMBURSEMENT OR CONSIDER-
6 ATION.—The transfer shall occur without reim-
7 bursement or consideration.

8 (B) MANAGEMENT.—The land conveyed to
9 the Secretary under paragraph (1) shall be in-
10 cluded within the boundary of the Petersburg
11 National Battlefield and shall be administered
12 as part of the park in accordance with applica-
13 ble laws and regulations.

14 **SEC. 2843. CONGRESSIONAL NOTIFICATION WITH RESPECT**
15 **TO OVERSIGHT AND MAINTENANCE OF BASE**
16 **CEMETERIES FOLLOWING CLOSURE OF**
17 **OVERSEAS MILITARY INSTALLATIONS.**

18 (a) NOTIFICATION REQUIREMENT.—Not later than
19 30 days after closure of a United States military installa-
20 tion overseas, the Secretary of Defense shall submit to the
21 appropriate congressional committees a report that details
22 a plan to ensure the oversight and continued maintenance
23 of the cemetery located on the military installation. The
24 plan shall clearly detail which Federal agency or private
25 entity will assume responsibility for the operation and

1 maintenance of the cemetery following the closure of the
 2 installation and what information with regard to the ceme-
 3 tery has been provided to the responsible agency or private
 4 entity.

5 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
 6 DEFINED.—In this section, the term “appropriate con-
 7 gressional committees” means the Committees on Armed
 8 Services of the Senate and the House of Representatives.

9 **SEC. 2844. ADDITIONAL EXEMPTIONS FROM CERTAIN RE-**
 10 **QUIREMENTS APPLICABLE TO FUNDING FOR**
 11 **DATA SERVERS AND CENTERS.**

12 Section 2867(c) of the Military Construction Author-
 13 ization Act for Fiscal Year 2012 (division B of Public Law
 14 112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amend-
 15 ed—

16 (1) by striking “EXCEPTION.—The Chief” and
 17 inserting the following: “EXCEPTIONS.—

18 “(1) EXEMPTION AUTHORITY.—The Chief”;
 19 and

20 (2) by inserting at the end the following new
 21 paragraph:

22 “(2) The Chief Information Officer of the De-
 23 partment may exempt from the applicability of this
 24 section research, development, test, and evaluation
 25 programs that use authorization or appropriations

1 for the High Performance Computing Modernization
 2 Program (Program Element 0603461A), if the Chief
 3 Information Officer determines that the exemption is
 4 in the best interest of national security.”.

5 **DIVISION C—DEPARTMENT OF**
 6 **ENERGY NATIONAL SECURITY**
 7 **AUTHORIZATIONS AND**
 8 **OTHER AUTHORIZATIONS**
 9 **TITLE XXXI—DEPARTMENT OF**
 10 **ENERGY NATIONAL SECURITY**
 11 **PROGRAMS**
 12 **Subtitle A—National Security**
 13 **Programs Authorizations**

14 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
 15 **TION.**

16 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
 17 are hereby authorized to be appropriated to the Depart-
 18 ment of Energy for fiscal year 2013 for the activities of
 19 the National Nuclear Security Administration in carrying
 20 out programs as specified in the funding table in section
 21 4601.

22 (b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—
 23 From funds referred to in subsection (a) that are available
 24 for carrying out plant projects, the Secretary of Energy

1 may carry out the following new plant projects for the Na-
2 tional Nuclear Security Administration:

3 Project 13–D–301, Electrical Infrastructure
4 Upgrades, Lawrence Livermore National Labora-
5 tory/Los Alamos National Laboratory, \$23,000,000.

6 Project 13–D–903, Kesselring Site Prototype
7 Staff Building, Kesselring Site, West Milton, New
8 York, \$14,000,000.

9 Project 13–D–904, Kesselring Site Radiological
10 Work and Storage Building, Kesselring Site, West
11 Milton, New York, \$2,000,000.

12 Project 13–D–905, Remote-Handled Low-Level
13 Waste Disposal Project, Idaho National Laboratory,
14 Idaho, \$8,900,000.

15 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

16 Funds are hereby authorized to be appropriated to
17 the Department of Energy for fiscal year 2013 for defense
18 environmental cleanup activities in carrying out programs
19 as specified in the funding table in section 4601.

20 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

21 Funds are hereby authorized to be appropriated to
22 the Department of Energy for fiscal year 2013 for other
23 defense activities in carrying out programs as specified in
24 the funding table in section 4601.

1 **Subtitle B—Program Authoriza-**
2 **tions, Restrictions, and Limita-**
3 **tions**

4 **SEC. 3111. REPLACEMENT PROJECT FOR CHEMISTRY AND**
5 **METALLURGY RESEARCH BUILDING, LOS AL-**
6 **AMOS NATIONAL LABORATORY, NEW MEXICO.**

7 (a) PROJECT REQUIRED.—

8 (1) IN GENERAL.—Subtitle A of title XLII of
9 the Atomic Energy Defense Act (50 U.S.C. 2521 et
10 seq.) is amended by adding at the end the following
11 new section:

12 **“SEC. 4215. REPLACEMENT PROJECT FOR CHEMISTRY AND**
13 **METALLURGY RESEARCH BUILDING, LOS AL-**
14 **AMOS NATIONAL LABORATORY, NEW MEXICO.**

15 “(a) REPLACEMENT BUILDING REQUIRED.—The
16 Secretary of Energy shall construct at Los Alamos Na-
17 tional Laboratory, New Mexico a building to replace the
18 functions of the existing Chemistry and Metallurgy Re-
19 search building at Los Alamos National Laboratory asso-
20 ciated with Department of Energy Hazard Category 2 spe-
21 cial nuclear material operations.

22 “(b) LIMITATION ON COST.—The cost of the building
23 constructed under subsection (a) may not exceed
24 \$3,700,000,000.

1 “(c) PROJECT BASIS.—The construction authorized
2 by subsection (a) shall use as its basis the facility project
3 in the Department of Energy Readiness and Technical
4 Base designated 04–D–125 (chemistry and metallurgy fa-
5 cility replacement project at Los Alamos National Labora-
6 tory).

7 “(d) DEADLINE FOR COMMENCEMENT OF OPER-
8 ATIONS.—The building constructed under subsection (a)
9 shall commence operations not later than December 31,
10 2024.”.

11 (2) CLERICAL AND TECHNICAL AMENDMENT.—
12 The table of contents in section 4001(b) of such Act
13 is amended by inserting after the item relating to
14 4213 the following new items:

“Sec. 4214. Plan for transformation of National Nuclear Security Administra-
tion nuclear weapons complex.

“Sec. 4215. Replacement project for Chemistry and Metallurgy Research Build-
ing, Los Alamos National Laboratory, New Mexico.”.

15 (b) FUNDING.—

16 (1) FISCAL YEAR 2013 FUNDS.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), of the amounts authorized to
19 be appropriated by this division for fiscal year
20 2013 for the National Nuclear Security Admin-
21 istration, \$150,000,000 shall be available for
22 the construction of the building authorized by

1 section 4215 of the Atomic Energy Defense Act
2 (as added by subsection (a)).

3 (B) EXCEPTION.—The following amounts
4 authorized to be appropriated by this division
5 for fiscal year 2013 for the National Nuclear
6 Security Administration shall not be available
7 for the construction of the building:

8 (i) Amounts available for Directed
9 Stockpile Work.

10 (ii) Amounts available for Naval Reac-
11 tors.

12 (iii) Amounts available for the facility
13 project in the Department of Energy Read-
14 iness and Technical Base designated 06-
15 D-141.

16 (2) PRIOR FISCAL YEAR FUNDS.—Amounts au-
17 thorized to be appropriated for the Department of
18 Energy for a fiscal year before fiscal year 2013 and
19 available for the facility project in the Department
20 of Energy Readiness and Technical Base designated
21 04-D-125 (chemistry and metallurgy facility re-
22 placement project at Los Alamos National Labora-
23 tory, New Mexico) shall be available for the con-
24 struction of the building authorized by section 4215
25 of the Atomic Energy Defense Act (as so added).

1 **SEC. 3112. SUBMITTAL TO CONGRESS OF SELECTED ACQUI-**
2 **SITION REPORTS AND INDEPENDENT COST**
3 **ESTIMATES ON NUCLEAR WEAPON SYSTEMS**
4 **UNDERGOING LIFE EXTENSION.**

5 (a) SUBMITTAL REQUIRED.—Subtitle A of title XLIII
6 of the Atomic Energy Defense Act (50 U.S.C. 2521 et
7 seq.), as amended by section 3111 of this Act, is further
8 amended by adding at the end the following new section:

9 **“SEC. 4216. SELECTED ACQUISITION REPORTS AND INDE-**
10 **PENDENT COST ESTIMATES ON NUCLEAR**
11 **WEAPON SYSTEMS UNDERGOING LIFE EX-**
12 **TENSION.**

13 “(a) SELECTED ACQUISITION REPORTS.—(1) The
14 Secretary of Energy shall, acting through the Adminis-
15 trator of the National Nuclear Security Administration,
16 submit to the congressional defense committees at the end
17 of each fiscal-year quarter a report on each nuclear weap-
18 on system undergoing life extension. The reports shall be
19 known as Selected Acquisition Reports for the weapon sys-
20 tem concerned.

21 “(2) The information contained in the Selected Ac-
22 quisition Report for a fiscal-year quarter for a nuclear
23 weapon system shall be the information contained in the
24 Selected Acquisition Report for such fiscal-year quarter
25 for a major defense acquisition program under section

1 2432 of title 10, United States Code, expressed in terms
2 of the nuclear weapon system.

3 “(b) INDEPENDENT COST ESTIMATES.—(1) The Sec-
4 retary of Energy shall, acting through the Administrator
5 of the National Nuclear Security Administration, submit
6 to the congressional defense committees a cost estimate
7 on each nuclear weapon system undergoing life extension
8 at the times in production as follows:

9 “(A) At the completion of phase 6.2A, relating
10 to design definition and cost study.

11 “(B) Before initiation of phase 6.5, relating to
12 first production.

13 “(2) A cost estimate for purposes of this subsection
14 may not be prepared by the Department of Energy or the
15 National Nuclear Security Administration.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 in section 4001(b) of such Act, as so amended, is further
18 amended by inserting after the item relating to 4215 the
19 following new item:

“Sec. 4216. Selected Acquisition Reports and independent cost estimates on
nuclear weapon systems undergoing life extension.”.

1 **SEC. 3113. TWO-YEAR EXTENSION OF SCHEDULE FOR DIS-**
2 **POSITION OF WEAPONS-USABLE PLUTONIUM**
3 **AT SAVANNAH RIVER SITE, AIKEN, SOUTH**
4 **CAROLINA.**

5 Section 4306 of the Atomic Energy Defense Act (50
6 U.S.C. 2566) is amended—

7 (1) in subsection (a)(3)—

8 (A) in subparagraph (C), by striking
9 “2012” and inserting “2014”; and

10 (B) in subparagraph (D), by striking
11 “2017” and inserting “2019”;

12 (2) in subsection (b)—

13 (A) in paragraph (1), by striking “by Jan-
14 uary 1, 2012”; and

15 (B) in paragraph (5), by striking “2012”
16 and inserting “2014”;

17 (3) in subsection (c)—

18 (A) in the matter preceding paragraph (1),
19 by striking “2012” and inserting “2014”;

20 (B) in paragraph (1), by striking “2014”
21 and inserting “2016”; and

22 (C) in paragraph (2), by striking “2020”
23 each place it appears and inserting “2022”;

24 (4) in subsection (d)—

25 (A) in paragraph (1)—

- 1 (i) by striking “2014” and inserting
2 “2016”; and
3 (ii) by striking “2019” and inserting
4 “2021”; and
5 (B) in paragraph (2)(A), by striking
6 “2020” each place it appears and inserting
7 “2022”; and
8 (5) in subsection (e), by striking “2023” and
9 inserting “2025”.

10 **SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR**
11 **NONPROLIFERATION.**

12 (a) PROGRAM REQUIRED.—

13 (1) IN GENERAL.—Title XLIII of the Atomic
14 Energy Defense Act (50 U.S.C. 2562 et seq.) is
15 amended by adding at the end the following new sec-
16 tion:

17 **“SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR**
18 **NONPROLIFERATION.**

19 “(a) PROGRAM REQUIRED.—(1) The Secretary of
20 Energy shall, acting through the Administrator of the Na-
21 tional Nuclear Security Administration, carry out a pro-
22 gram on scientific engagement in countries selected by the
23 Secretary for purposes of the program in order to advance
24 global nonproliferation and nuclear security efforts.

1 “(2) The program required by this section shall be
2 a distinct program from the Global Initiatives for Pro-
3 liferation Prevention program.

4 “(b) ELEMENTS.—The program shall include the ele-
5 ments as follows:

6 “(1) Training and capacity-building to
7 strengthen nonproliferation and security best prac-
8 tices.

9 “(2) Engagement of United States scientists
10 with foreign counterparts to advance nonprolifera-
11 tion goals.

12 “(c) REPORT ON COMMENCEMENT OF PROGRAM.—
13 Funds may not be expended under the program required
14 by this section until the Administrator submits to the ap-
15 propriate congressional committees a report setting forth
16 the following:

17 “(1) For each country selected for the program
18 as of the date of such report—

19 “(A) a proliferation threat assessment pre-
20 pared by the Director of National Intelligence;
21 and

22 “(B) metrics for evaluating the success of
23 the program.

1 “(2) Accounting standards for the conduct of
2 the program approved by the Comptroller General of
3 the United States.

4 “(d) REPORTS ON MODIFICATION OF PROGRAM.—
5 Before making any modification in the program (whether
6 selecting a new country for the program, ceasing the selec-
7 tion of a country for the program, or modifying an element
8 of the program), the Administrator shall submit to the ap-
9 propriate congressional committees a report on the modi-
10 fication. If the modification consists of the selection for
11 the program of a country not previously selected for the
12 program, the report shall include the matters specified in
13 subsection (c)(1) for the country.

14 “(e) APPROPRIATE CONGRESSIONAL COMMITTEES
15 DEFINED.—In this section, the term ‘appropriate congres-
16 sional committees’ means—

17 “(1) the Committee on Appropriations, the
18 Committee on Armed Services, the Committee on
19 Foreign Relations, and the Select Committee on In-
20 telligence of the Senate; and

21 “(2) the Committee on Appropriations, the
22 Committee on Armed Services, the Committee on
23 Foreign Affairs, and the Permanent Select Com-
24 mittee on Intelligence of the House of Representa-
25 tives.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents in section 4001(b) of such Act (division D of
3 Public Law 107–314) is amended by inserting after
4 the item relating to section 4308 the following new
5 item:

“Sec. 4309. Program on scientific engagement for nonproliferation.”.

6 (b) REPORT ON COORDINATION WITH OTHER
7 UNITED STATES NONPROLIFERATION PROGRAMS.—Not
8 later than 180 days after the date of the enactment of
9 this Act, the Administrator of the National Nuclear Secu-
10 rity Administration shall submit to the appropriate con-
11 gressional committees a report describing the manner in
12 which the program on scientific engagement for non-
13 proliferation under section 4309 of the Atomic Energy De-
14 fense Act (as added by subsection (a)) coordinates with
15 and complements, but does not duplicate, other non-
16 proliferation programs of the United States Government.

17 (c) COMPTROLLER GENERAL OF THE UNITED
18 STATES REPORT.—Not later than two years after the date
19 of the enactment of this Act, the Comptroller General of
20 the United States shall submit to the appropriate congres-
21 sional committees a report on the program on scientific
22 engagement for nonproliferation under section 4309 of the
23 Atomic Energy Defense Act (as so added). The report
24 shall include an assessment by the Comptroller General
25 of the success of the program, as determined in accord-

1 ance with the metrics for evaluating the success of the
 2 program under subsection (c)(1)(B) of such section 4309,
 3 and such other matters on the program as the Comptroller
 4 General considers appropriate.

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

8 (1) the Committee on Appropriations, the Com-
 9 mittee on Armed Services, the Committee on For-
 10 eign Relations, and the Select Committee on Intel-
 11 ligence of the Senate; and

12 (2) the Committee on Appropriations, the Com-
 13 mittee on Armed Services, the Committee on For-
 14 eign Affairs, and the Permanent Select Committee
 15 on Intelligence of the House of Representatives.

16 **SEC. 3115. REPEAL OF REQUIREMENT FOR ANNUAL UP-**
 17 **DATE OF DEPARTMENT OF ENERGY DEFENSE**
 18 **NUCLEAR FACILITIES WORKFORCE RE-**
 19 **STRUCTURING PLAN.**

20 Section 4604 of the Atomic Energy Defense Act (50
 21 U.S.C. 2704) is amended—

22 (1) in subsection (b)(1), by striking “and any
 23 updates of the plan under subsection (e)”;

24 (2) by striking subsection (e);

1 (3) by redesignating subsections (f) and (g) as
2 subsections (e) and (f), respectively; and

3 (4) in subsection (e), as redesignated by para-
4 graph (3)—

5 (A) by striking “(1)” before “The Sec-
6 retary”; and

7 (B) by striking paragraph (2).

8 **SEC. 3116. QUARTERLY REPORTS TO CONGRESS ON FINAN-**
9 **CIAL BALANCES FOR ATOMIC ENERGY DE-**
10 **FENSE ACTIVITIES.**

11 (a) **REPORTS REQUIRED.**—Subtitle C of title XLVII
12 of the Atomic Energy Defense Act (50 U.S.C. 2771 et
13 seq.) is amended by adding at the end the following new
14 section:

15 **“SEC. 4732. QUARTERLY REPORTS ON FINANCIAL BAL-**
16 **ANCES FOR ATOMIC ENERGY DEFENSE AC-**
17 **TIVITIES.**

18 “(a) **REPORTS REQUIRED.**—Not later than 15 days
19 after the end of each fiscal year quarter, the Secretary
20 of Energy shall submit to the congressional defense com-
21 mittees a report on the financial balances for each atomic
22 energy defense program at the budget control levels used
23 in the report accompanying the most current Act appro-
24 priating funds for energy and water development.

1 “(b) ELEMENTS.—Each report under subsection (a)
2 shall set forth, for each program covered by such report,
3 the following as of the end of the fiscal year quarter cov-
4 ered by such report:

5 “(1) The total amount authorized to be appro-
6 priated, including amounts authorized to be appro-
7 priated in the current fiscal year and amounts au-
8 thorized to be appropriated for prior fiscal years.

9 “(2) The amount unobligated.

10 “(3) The amount unobligated but committed.

11 “(4) The amount obligated, but uncosted.

12 “(c) PRESENTATION.—Each report under subsection
13 (a) shall present information as follows:

14 “(1) For each program, in summary form and
15 by fiscal year.

16 “(2) With financial balances in connection with
17 funding under recurring DoE national security au-
18 thorizations (as that term is defined in section
19 4701(1)) presented separately from balances in con-
20 nection with funding under any other provisions of
21 law.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in section 4001(b) of such Act is amended by inserting
24 after the item relating to section 4731 the following new
25 item:

“Sec. 4732. Quarterly reports on financial balances for atomic energy defense activities.”.

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 BY THE NATIONAL NUCLEAR**
 12 **SECURITY ADMINISTRATION LEADING TO**
 13 **AWARD FEES.**

14 “(a) IN GENERAL.—The Administrator of the Na-
 15 tional Nuclear Security Administration shall take appro-
 16 priate actions to make available, to the maximum extent
 17 practicable, to the public each contractor performance
 18 evaluation conducted by the Administration of a national
 19 laboratory, production plant, or single user facility under
 20 the management responsibility of the Administration that
 21 results in the award of an award fee to the contractor con-
 22 cerned.

23 “(b) FORMAT.—Performance evaluations shall be
 24 made public under this section in a common format that

1 facilitates comparisons of performance evaluations be-
2 tween and among similar management contracts.”.

3 (2) CLERICAL AMENDMENT.—The table of con-
4 tents in section 4001(b) of that Act is amended by
5 inserting after the item relating to section 4804 the
6 following new item:

“Sec. 4805. Publication of contractor performance evaluations by the National
Nuclear Security Administration leading to award fees.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall take effect on the date of the enact-
9 ment of this Act, and shall apply with respect to con-
10 tractor performance evaluations conducted by the Na-
11 tional Nuclear Security Administration on or after that
12 date.

13 **SEC. 3118. EXPANSION OF AUTHORITY TO ESTABLISH CER-**
14 **TAIN SCIENTIFIC, ENGINEERING, AND TECH-**
15 **NICAL POSITIONS.**

16 (a) NUMBER OF POSITIONS.—Section 3241 of the
17 National Nuclear Security Administration Act (50 U.S.C.
18 2441) is amended by striking “300” and inserting “700”.

19 (b) EXTENSION TO CONTRACTING POSITIONS.—Such
20 section is further amended by inserting “contracting,” be-
21 fore “scientific”.

22 (c) CONFORMING AMENDMENT.—The heading of
23 such section is amended to read as follows:

1 **“SEC. 3241. AUTHORITY TO ESTABLISH CERTAIN CON-**
2 **TRACTING, SCIENTIFIC, ENGINEERING, AND**
3 **TECHNICAL POSITIONS.”.**

4 (d) CLERICAL AMENDMENT.—The table of contents
5 for the National Nuclear Security Administration Act is
6 amended by striking the item relating to section 3241 and
7 inserting the following new item:

“Sec. 3241. Authority to establish certain contracting, scientific, engineering,
and technical positions.”.

8 **SEC. 3119. MODIFICATION AND EXTENSION OF AUTHORITY**
9 **ON ACCEPTANCE OF CONTRIBUTIONS FOR**
10 **ACCELERATION OF REMOVAL OR SECURITY**
11 **OF FISSILE MATERIALS, RADIOLOGICAL MA-**
12 **TERIALS, AND RELATED EQUIPMENT AT VUL-**
13 **NERABLE SITES WORLDWIDE.**

14 (a) PROGRAMS FOR WHICH FUNDS MAY BE ACCEPT-
15 ED.—Paragraph (2) of section 3132(f) of the Ronald W.
16 Reagan National Defense Authorization Act for Fiscal
17 Year 2005 (50 U.S.C. 2569(f)) is amended to read as fol-
18 lows:

19 “(2) PROGRAMS COVERED.—The programs de-
20 scribed in this paragraph are any programs within
21 the Office of Defense Nuclear Nonproliferation of
22 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. 3120. COST CONTAINMENT FOR Y-12 URANIUM PROC-**
5 **ESSING FACILITY, Y-12 NATIONAL SECURITY**
6 **COMPLEX, OAK RIDGE, TENNESSEE.**

7 (a) EXECUTION PHASES FOR PROJECT.—Project 06–
8 D-141 for the Y-12 Uranium Processing Facility, Y-12
9 National Security Complex, Oak Ridge, Tennessee, shall
10 be broken into separate execution phases as follows

11 (1) Phase I, which shall consist of processes as-
12 sociated with building 9212, including uranium cast-
13 ing and uranium chemical processing.

14 (2) Phase II, which shall consist of processes
15 associated with buildings 9215 and 9998, including
16 uranium metal working, machining, and inspection.

17 (3) Phase III, which shall consist of processes
18 associated with building 9204-2E, including radiog-
19 raphy, assembly, disassembly, quality evaluation,
20 and production certification operations of nuclear
21 weapon secondaries.

22 (b) BUDGETING AND AUTHORIZATION FOR EACH
23 PHASE.—

24 (1) BUDGETING FOR EACH PHASE REQUIRED.—
25 The Secretary of Energy shall budget separately for

1 each phase under subsection (a) of the project re-
2 ferred to in that subsection.

3 (2) FUNDING PURSUANT TO SEPARATE AU-
4 THORIZATIONS OF APPROPRIATIONS.—The Secretary
5 may not proceed with a phase under subsection (a)
6 of the project referred to in that subsection except
7 with funds expressly authorized to be appropriated
8 for that phase by law.

9 (c) COMPLIANCE OF PHASES WITH DOE ORDER ON
10 PROGRAM AND PROJECT MANAGEMENT.—Each phase
11 under subsection (a) of the project referred to in that sub-
12 section shall comply with Department of Energy Order
13 413.3, relating to Program Management and Project Man-
14 agement for the Acquisition of Capital Assets.

15 (d) LIMITATION ON COST OF PHASE I.—The total
16 cost of Phase I under subsection (a) of the project referred
17 to in that subsection may not exceed \$4,200,000,000.

18 **SEC. 3121. AUTHORITY TO RESTORE CERTAIN FORMERLY**
19 **RESTRICTED DATA TO THE RESTRICTED**
20 **DATA CATEGORY.**

21 (a) IN GENERAL.—Section 142 of the Atomic Energy
22 Act of 1954 (42 U.S.C. 2162) is amended—

23 (1) in subsection d.—

24 (A) by inserting “(1)” before “The Com-
25 mission”; and

1 (B) by adding at the end the following new
2 paragraphs:

3 “(2) The Commission may restore to the Restricted
4 Data category any information related to the design of nu-
5 clear weapons removed under paragraph (1) if the Com-
6 mission and the Department of Defense jointly determine
7 that—

8 “(A) the programmatic requirements that
9 caused the information to be removed from the Re-
10 stricted Data category are no longer applicable or
11 have diminished;

12 “(B) the information would be more appro-
13 priately protected as Restricted Data; and

14 “(C) restoring the information to the Restricted
15 Data category is in the interest of national security.

16 “(3) Information related to the design of nuclear
17 weapons shall be restored to the Restricted Data category
18 under paragraph (2) in accordance with regulations pre-
19 scribed by the Commission for purposes of that para-
20 graph.”; and

21 (2) in subsection e.—

22 (A) by inserting “(1)” before “The Com-
23 mission”; and

24 (B) by adding at the end the following new
25 paragraphs:

1 “(2) The Commission may restore to the Restricted
2 Data category any information concerning atomic energy
3 programs of other nations removed under paragraph (1)
4 if the Commission and the Director of National Intel-
5 ligence jointly determine that—

6 “(A) the programmatic requirements that
7 caused the information to be removed from the Re-
8 stricted Data category are no longer applicable or
9 have diminished;

10 “(B) the information would be more appro-
11 priately protected as Restricted Data; and

12 “(C) restoring the information to the Restricted
13 Data category is in the interest of national security.

14 “(3) Information concerning atomic energy programs
15 of other nations shall be restored to the Restricted Data
16 category under paragraph (2) in accordance with regula-
17 tions prescribed by the Commission for purposes of that
18 paragraph.”.

19 (b) TECHNICAL AMENDMENT.—Paragraph (1) of
20 subsection (e) of such section, as designated by subsection
21 (a)(2)(A) of this section, is further amended by striking
22 “Director of Central Intelligence” and inserting “Director
23 of National Intelligence”.

1 **SEC. 3122. RENEWABLE ENERGY.**

2 Section 203(b)(2) of the Energy Policy Act of 2005
 3 (42 U.S.C. 15852(b)(2)) is amended by striking “geo-
 4 thermal,” and inserting “geothermal (including geo-
 5 thermal heat pumps),”.

6 **Subtitle C—Reports**

7 **SEC. 3131. REPORT ON ACTIONS REQUIRED FOR TRANSI-**
 8 **TION OF REGULATION OF NON-NUCLEAR AC-**
 9 **TIVITIES OF THE NATIONAL NUCLEAR SECU-**
 10 **RITY ADMINISTRATION TO OTHER FEDERAL**
 11 **AGENCIES.**

12 Not later than February 28, 2013, the Secretary of
 13 Energy shall, acting through the Administrator of the Na-
 14 tional Nuclear Security Administration, submit to Con-
 15 gress a report on the actions required to transition, to the
 16 maximum extent practicable, the regulation of the non-
 17 nuclear activities of the National Nuclear Security Admin-
 18 istration to other appropriate agencies of the Federal Gov-
 19 ernment by not later than October 1, 2017.

20 **SEC. 3132. REPORT ON CONSOLIDATION OF FACILITIES OF**
 21 **THE NATIONAL NUCLEAR SECURITY ADMIN-**
 22 **ISTRATION.**

23 (a) REPORT REQUIRED.—Not later than 180 days
 24 after the date of the enactment of this Act, the Nuclear
 25 Weapons Council shall submit to the congressional defense
 26 committees a report setting forth the assessment of the

1 Council as to the feasibility of consolidating facilities and
2 functions of the National Nuclear Security Administration
3 in order to reduce costs.

4 (b) PROCESS FOR CONSOLIDATION.—If the assess-
5 ment of the Council in the report under subsection (a)
6 is that excess facilities exist and the consolidation of facili-
7 ties and functions of the Administration is feasible and
8 would reduce cost, the report shall include recommenda-
9 tions for a process to determine the manner in which the
10 consolidation should be accomplished, including an esti-
11 mate of the time to be required to complete the process.

12 (c) LIMITATION ON AVAILABILITY OF CERTAIN
13 FUNDS PENDING REPORT.—Amounts authorized to be
14 appropriated by this title and available for the facility
15 projects in the Department of Energy Readiness and
16 Technical Base designated 04–D–125 and 06–D–141 may
17 not be obligated or expended for CD–3, Start of Construc-
18 tion (as found in Department of Energy Order 413.3 B
19 Program and Project Management for the Acquisition of
20 Capital Assets,) until the submittal under subsection (a)
21 of the report required by that subsection.

22 **SEC. 3133. REGIONAL RADIOLOGICAL SECURITY ZONES.**

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

1 (1) A terrorist attack using high-activity radio-
2 logical materials, such as in a dirty bomb, could in-
3 flict billions of dollars of economic costs and consid-
4 erable societal and economic dislocation, with effects
5 and costs possibly lasting for years.

6 (2) It may be easier for terrorists to obtain the
7 materials for, and to fabricate, a dirty bomb than an
8 improvised nuclear device.

9 (3) Radiological materials are in widespread use
10 worldwide, with estimates of the number of radio-
11 logical sources ranging from 100,000 to millions.

12 (4) Many nations have a security and regu-
13 latory regime for their radiological sources that is
14 much less developed than that of the United States.

15 (5) Radiological materials are used at many ci-
16 vilian sites including hospitals, industrial sites, and
17 other locations that have little security, placing these
18 materials at risk of theft.

19 (6) Many radiological materials have become
20 lost, disused, unwanted, or abandoned, with the
21 Global Threat Reduction Initiative of the National
22 Nuclear Security Administration having recovered
23 more than 30,000 radioactive sources in the United
24 States, repatriated more than 2,400 United States-
25 origin sources from other countries, and helped re-

1 cover more than 13,000 radioactive sources and ra-
2 dioisotope thermoelectric generators in other coun-
3 tries.

4 (7) High-activity radiological materials can be
5 used in a dirty bomb.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that United States and global nonproliferation ef-
8 forts should place a high priority on programs to secure
9 high-activity radiological sources to reduce the threat of
10 radiological terrorism.

11 (c) STUDY.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Ad-
14 ministrator of the National Nuclear Security Admin-
15 istration shall submit to the appropriate committees
16 of Congress a study in accordance with paragraph
17 (3).

18 (2) CONSULTATION.—The Administrator may,
19 in conducting the study required under paragraph
20 (1), consult with the Secretary of Homeland Secu-
21 rity, the Secretary of State, the Nuclear Regulatory
22 Commission, and such other departments and agen-
23 cies of the United States Government as the Admin-
24 istrator considers appropriate.

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

3 (A) An assessment of the radioactive iso-
4 topes and associated activity levels that present
5 the greatest risk to national and international
6 security.

7 (B) A review of current United States
8 Government efforts to secure radiological mate-
9 rials abroad, including coordination with foreign
10 governments, the European Union, the Inter-
11 national Atomic Energy Agency, other inter-
12 national programs, and nongovernmental orga-
13 nizations that identify, register, secure, remove,
14 and provide for the disposition of high-risk ra-
15 diological materials worldwide.

16 (C) A review of current United States Gov-
17 ernment efforts to secure radiological materials
18 domestically at civilian sites, including hos-
19 pitals, industrial sites, and other locations.

20 (D) A definition of regional radiological se-
21 curity zones, including the subset of the mate-
22 rials of concern to be the immediate focus and
23 the security best practices required to achieve
24 that goal.

1 (E) An assessment of the feasibility, cost,
2 desirability, and added benefit of establishing
3 regional radiological security zones in high pri-
4 ority areas worldwide in order to facilitate re-
5 gional collaboration in—

6 (i) identifying and inventorying high-
7 activity radiological sources at high-risk
8 sites;

9 (ii) reviewing national level regula-
10 tions, inspections, transportation security,
11 and security upgrade options; and

12 (iii) assessing opportunities for the
13 harmonization of regulations and security
14 practices among the nations of the region.

15 (F) An assessment of the feasibility, cost,
16 desirability, and added benefit of establishing
17 remote regional monitoring centers that would
18 receive real-time data from radiological security
19 sites, would be staffed by trained personnel
20 from the countries in the region, and would
21 alert local law enforcement in the event of a po-
22 tential or actual terrorist incident or other
23 emergency.

24 (G) A list and assessment of the best prac-
25 tices used in the United States that are most

1 critical in enhancing domestic radiological mate-
2 rial security and could be used to enhance radi-
3 ological security worldwide.

4 (H) An assessment of the United States
5 entity or entities that would be best suited to
6 lead efforts to establish a radiological security
7 zone program.

8 (I) An estimate of the costs associated
9 with the implementation of a radiological secu-
10 rity zone program.

11 (J) An assessment of the known locations
12 outside the United States housing high-risk ra-
13 diological materials in excess of 1,000 curies.

14 (4) FORM.—The study required under para-
15 graph (1) shall be submitted in unclassified form,
16 but may include a classified annex.

17 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
18 FINED.—In this section, the term “appropriate commit-
19 tees of Congress” means—

20 (1) the Committee on Armed Services, the
21 Committee on Homeland Security and Governmental
22 Affairs, and the Committee on Foreign Relations of
23 the Senate; and

24 (2) the Committee on Armed Services, the
25 Committee on Homeland Security, and the Com-

1 mittee on Foreign Affairs of the House of Rep-
2 resentatives.

3 **SEC. 3134. REPORT ON LEGACY URANIUM MINES.**

4 (a) REPORT.—

5 (1) IN GENERAL.—The Secretary of Energy
6 shall undertake a review of, and prepare a report on,
7 abandoned uranium mines at which uranium ore was
8 mined for the weapons program of the United States
9 (hereinafter referred to as “legacy uranium mines”).

10 (2) MATTERS TO BE ADDRESSED.—The report
11 shall describe and analyze—

12 (A) the location of the legacy uranium
13 mines on Federal, State, tribal, and private
14 land, taking into account any existing inven-
15 tories undertaken by Federal agencies, States,
16 and Indian tribes, and any additional informa-
17 tion available to the Secretary;

18 (B) the extent to which the legacy uranium
19 mines—

20 (i) may pose a potential and signifi-
21 cant radiation health hazard to the public;

22 (ii) may pose some other threat to
23 public health and safety hazard;

24 (iii) have caused, or may cause, deg-
25 radation of water quality; and

1 (iv) have caused, or may cause, envi-
2 ronmental degradation;

3 (C) a ranking of priority by category for
4 the remediation and reclamation of the legacy
5 uranium mines;

6 (D) the potential cost and feasibility of re-
7 mediating and reclaiming, in accordance with
8 applicable Federal law, each category of legacy
9 uranium mines; and

10 (E) the status of any efforts to remediate
11 and reclaim legacy uranium mines.

12 (b) RECOMMENDATIONS.—The report shall—

13 (1) make recommendations as to how to ensure
14 most feasibly and effectively and expeditiously that
15 the public health and safety, water resources, and
16 the environment will be protected from the adverse
17 effects of legacy uranium mines; and

18 (2) make recommendations on changes, if any,
19 to Federal law to address the remediation and rec-
20 lamation of legacy uranium mines.

21 (c) CONSULTATION.—In preparing the report, the
22 Secretary of Energy shall consult with any other relevant
23 Federal agencies, affected States and Indian tribes, and
24 interested members of the public.

1 (d) REPORT TO CONGRESS.—Not later than 18
2 months after the date of enactment of this Act, the Sec-
3 retary of Energy shall submit to the Committee on Armed
4 Services and the Committee on Energy and Natural Re-
5 sources of the Senate and the appropriate Committees of
6 the House of Representatives—

7 (1) the report; and

8 (2) the plan and timeframe of the Secretary of
9 Energy for implementing those recommendations of
10 the report that do not require legislation.

11 **SEC. 3135. COMPTROLLER GENERAL OF THE UNITED**
12 **STATES REVIEW OF PROJECTS CARRIED OUT**
13 **BY OFFICE OF ENVIRONMENTAL MANAGE-**
14 **MENT OF THE DEPARTMENT OF ENERGY**
15 **PURSUANT TO THE AMERICAN RECOVERY**
16 **AND REINVESTMENT ACT OF 2009.**

17 Section 3134 of the National Defense Authorization
18 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
19 2713) is amended—

20 (1) in subsection (c)—

21 (A) in paragraph (1), by striking “The
22 Comptroller General shall conduct a review dur-
23 ing the period described in paragraph (2), of
24 the following:” and inserting “Beginning on the
25 date of the submittal of the report required

1 under subsection (b)(2), the Comptroller Gen-
2 eral shall conduct a review of the following:”;

3 (B) by striking paragraph (2);

4 (C) by redesignating paragraph (3) as
5 paragraph (2); and

6 (D) in paragraph (2), as redesignated by
7 subparagraph (C), by striking “the end of the
8 period described in paragraph (2)” and insert-
9 ing “August 30, 2012”; and

10 (2) in subsection (d)—

11 (A) in paragraph (1), by striking “Begin-
12 ning on the date on which the Comptroller Gen-
13 eral submits the last report required under sub-
14 section (c)(3), the Comptroller General shall
15 conduct a review of the following:” and insert-
16 ing “Following the submittal of the final report
17 required under subsection (c)(2), the Comp-
18 troller General shall conduct a review of the fol-
19 lowing:”; and

20 (B) in paragraph (2), by striking “Not
21 later than 90 days after submitting the last re-
22 port required under subsection (c)(3)” and in-
23 serting “Within seven months after receiving
24 notification that all American Recovery and Re-

1 investment Act funds have been expended, but
2 not later than April 30, 2016”.

3 **Subtitle D—Other Matters**

4 **SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE**
5 **NUCLEAR SECURITY ENTERPRISE.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) In 2000, the National Nuclear Security Ad-
9 ministration was established as an independent enti-
10 ty within the Department of Energy to manage and
11 secure the nuclear weapons stockpile of the United
12 States and to manage nuclear nonproliferation and
13 naval reactor programs.

14 (2) Serious security and health incidents con-
15 tinue to occur at sites of the National Nuclear Secu-
16 rity Administration.

17 (3) In September 2012, an official of the Gov-
18 ernment Accountability Office testified to Congress
19 that lax laboratory attitudes toward safety proce-
20 dures, laboratory inadequacies in identifying and ad-
21 dressing safety problems with appropriate corrective
22 actions, and inadequate oversight by site offices of
23 the National Nuclear Security Administration were
24 responsible for nearly 100 safety incidents since
25 2000.

1 (4) On July 28, 2012, three unarmed individ-
2 uals compromised security at the Y-12 National Se-
3 curity Complex in Oak Ridge, Tennessee, and ac-
4 cording to the Government Accountability Office,
5 “gained access to the protected security area directly
6 adjacent to one of the nation’s most critically impor-
7 tant nuclear weapons-related facilities”.

8 (5) In June 2006, hackers attacked an unclassi-
9 fied computer system at the National Nuclear Secu-
10 rity Administration’s Service Center in Albuquerque,
11 New Mexico, and gained access to a file containing
12 the names and social security numbers of more than
13 1,500 employees of the National Nuclear Security
14 Administration.

15 (6) As early as February 2005, the Inspector
16 General of the Department of Energy identified
17 problems with the retrieval of badges from termi-
18 nated employees at Los Alamos National Laboratory
19 and other sites of the National Nuclear Security Ad-
20 ministration.

21 (7) In 2004, a pattern of safety and security in-
22 cidents that occurred over the course of a year
23 prompted the stand-down of Los Alamos National
24 Laboratory.

1 (8) The National Nuclear Security Administra-
2 tion, independent of the safety and security reform
3 efforts of the Department of Energy, has launched
4 an overhaul of its contracting oversight, placing an
5 emphasis on contractor self-policing through an un-
6 tested “contractor assurance” approach.

7 (9) The Government Accountability Office has
8 given the contractor administration and project
9 management capabilities of the National Nuclear Se-
10 curity Administration a “high risk” designation and
11 found there to be insufficient qualified Federal ac-
12 quisition professionals to “plan, direct, and oversee
13 project execution”.

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

16 (1) there is a need for strong, independent over-
17 sight of the United States nuclear security enter-
18 prise;

19 (2) any attempt to reform oversight of the nu-
20 clear security enterprise that transfers oversight
21 from the Department of Energy to the National Nu-
22 clear Security Administration, reduces protections
23 for worker health and safety at facilities of the Na-
24 tional Nuclear Security Administration to levels
25 below the standards of the Department of Energy,

1 or transfers construction appropriations for the nu-
2 clear security enterprise from the Department of
3 Energy appropriation account to the military con-
4 struction appropriation account, should be carefully
5 evaluated;

6 (3) the Office of Health, Safety, and Security
7 of the Department of Energy, which reports to the
8 Secretary of Energy but is also accountable for rou-
9 tinely reporting to Congress on the performance with
10 respect to safety and security of the Department, in-
11 cluding the National Nuclear Security Administra-
12 tion, and the role of that Office in overseeing safety
13 and security at the National Nuclear Security Ad-
14 ministration, should not be diminished but should be
15 routinely evaluated;

16 (4) any future modifications to the management
17 or structure of the nuclear security enterprise should
18 be done in a way that maintains or increases over-
19 sight of critical construction, security, and acquisi-
20 tion capabilities;

21 (5) to the extent possible, oversight of programs
22 of the National Nuclear Security Administration by
23 the Department of Defense should increase to en-
24 sure current and future warfighting requirements
25 are met; and

1 (6) the Nuclear Weapons Council should pro-
2 vide proper oversight in the execution of its respon-
3 sibilities under section 179 of title 10, United States
4 Code.

5 **Subtitle E—American Medical**
6 **Isotopes Production**

7 **SEC. 3151. SHORT TITLE.**

8 This subtitle may be cited as the “American Medical
9 Isotopes Production Act of 2012”.

10 **SEC. 3152. DEFINITIONS.**

11 In this subtitle:

12 (1) DEPARTMENT.—The term “Department”
13 means the Department of Energy.

14 (2) HIGHLY ENRICHED URANIUM.—The term
15 “highly enriched uranium” means uranium enriched
16 to 20 percent or greater in the isotope U-235.

17 (3) LOW ENRICHED URANIUM.—The term “low
18 enriched uranium” means uranium enriched to less
19 than 20 percent in the isotope U-235.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of Energy.

22 **SEC. 3153. IMPROVING THE RELIABILITY OF DOMESTIC**
23 **MEDICAL ISOTOPE SUPPLY.**

24 (a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

1 (1) IN GENERAL.—The Secretary shall carry
2 out a technology-neutral program—

3 (A) to evaluate and support projects for
4 the production in the United States, without
5 the use of highly enriched uranium, of signifi-
6 cant quantities of molybdenum-99 for medical
7 uses;

8 (B) to be carried out in cooperation with
9 non-Federal entities; and

10 (C) the costs of which shall be shared in
11 accordance with section 988 of the Energy Pol-
12 icy Act of 2005 (42 U.S.C. 16352).

13 (2) CRITERIA.—Projects shall be judged against
14 the following primary criteria:

15 (A) The length of time necessary for the
16 proposed project to begin production of molyb-
17 denum-99 for medical uses within the United
18 States.

19 (B) The capability of the proposed project
20 to produce a significant percentage of United
21 States demand for molybdenum-99 for medical
22 uses.

23 (C) The cost of the proposed project.

24 (3) EXEMPTION.—An existing reactor in the
25 United States fueled with highly enriched uranium

1 shall not be disqualified from the program if the
2 Secretary determines that—

3 (A) there is no alternative nuclear reactor
4 fuel, enriched in the isotope U-235 to less than
5 20 percent, that can be used in that reactor;

6 (B) the reactor operator has provided as-
7 surances that, whenever an alternative nuclear
8 reactor fuel, enriched in the isotope U-235 to
9 less than 20 percent, can be used in that reac-
10 tor, it will use that alternative in lieu of highly
11 enriched uranium; and

12 (C) the reactor operator has provided a
13 current report on the status of its efforts to
14 convert the reactor to an alternative nuclear re-
15 actor fuel enriched in the isotope U-235 to less
16 than 20 percent, and an anticipated schedule
17 for completion of conversion.

18 (4) PUBLIC PARTICIPATION AND REVIEW.—The
19 Secretary shall—

20 (A) develop a program plan and annually
21 update the program plan through public work-
22 shops; and

23 (B) use the Nuclear Science Advisory
24 Committee to conduct annual reviews of the
25 progress made in achieving the program goals.

1 (b) DEVELOPMENT ASSISTANCE.—The Secretary
2 shall carry out a program to provide assistance for—

3 (1) the development of fuels, targets, and proc-
4 esses for domestic molybdenum-99 production that
5 do not use highly enriched uranium; and

6 (2) commercial operations using the fuels, tar-
7 gets, and processes described in paragraph (1).

8 (c) URANIUM LEASE AND TAKE-BACK.—

9 (1) IN GENERAL.—The Secretary shall establish
10 a program to make low-enriched uranium available,
11 through lease contracts, for irradiation for the pro-
12 duction of molybdenum-99 for medical uses.

13 (2) TITLE.—The lease contracts shall provide
14 for the producers of the molybdenum-99 to take title
15 to and be responsible for the molybdenum-99 created
16 by the irradiation, processing, or purification of ura-
17 nium leased under this section.

18 (3) DUTIES.—

19 (A) SECRETARY.—The lease contracts
20 shall require the Secretary—

21 (i) to retain responsibility for the final
22 disposition of spent nuclear fuel created by
23 the irradiation, processing, or purification
24 of uranium leased under this section for
25 the production of medical isotopes; and

1 (ii) to take title to and be responsible
2 for the final disposition of radioactive
3 waste created by the irradiation, proc-
4 essing, or purification of uranium leased
5 under this section for which the Secretary
6 determines the producer does not have ac-
7 cess to a disposal path.

8 (B) PRODUCER.—The producer of the
9 spent nuclear fuel and radioactive waste shall
10 accurately characterize, appropriately package,
11 and transport the spent nuclear fuel and radio-
12 active waste prior to acceptance by the Depart-
13 ment.

14 (4) COMPENSATION.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), the lease contracts shall provide for
17 compensation in cash amounts equivalent to
18 prevailing market rates for the sale of com-
19 parable uranium products and for compensation
20 in cash amounts equivalent to the net present
21 value of the cost to the Federal Government
22 for—

23 (i) the final disposition of spent nu-
24 clear fuel and radioactive waste for which

1 the Department is responsible under para-
2 graph (3); and

3 (ii) other costs associated with car-
4 rying out the uranium lease and take-back
5 program authorized by this subsection.

6 (B) DISCOUNT RATE.—The discount rate
7 used to determine the net present value of costs
8 described in subparagraph (A)(ii) shall be not
9 greater than the average interest rate on mar-
10 ketable Treasury securities.

11 (5) AUTHORIZED USE OF FUNDS.—The Sec-
12 retary may obligate and expend funds received under
13 leases entered into under this subsection, which shall
14 remain available until expended, for the purpose of
15 carrying out the activities authorized by this sub-
16 title, including activities related to the final disposi-
17 tion of spent nuclear fuel and radioactive waste for
18 which the Department is responsible under para-
19 graph (3).

20 (6) EXCHANGE OF URANIUM FOR SERVICES.—
21 The Secretary shall not barter or otherwise sell or
22 transfer uranium in any form in exchange for—

23 (A) services related to the final disposition
24 of the spent nuclear fuel and radioactive waste

1 for which the Department is responsible under
2 paragraph (3); or

3 (B) any other services associated with car-
4 rying out the uranium lease and take-back pro-
5 gram authorized by this subsection.

6 (d) COORDINATION OF ENVIRONMENTAL RE-
7 VIEWS.—The Department and the Nuclear Regulatory
8 Commission shall ensure to the maximum extent prac-
9 ticable that environmental reviews for the production of
10 the medical isotopes shall complement and not duplicate
11 each review.

12 (e) OPERATIONAL DATE.—The Secretary shall estab-
13 lish a program as described in subsection (c)(3) not later
14 than 3 years after the date of enactment of this Act.

15 (f) RADIOACTIVE WASTE.—Notwithstanding section
16 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
17 10101), radioactive material resulting from the production
18 of medical isotopes that has been permanently removed
19 from a reactor or subcritical assembly and for which there
20 is no further use shall be considered low-level radioactive
21 waste if the material is acceptable under Federal require-
22 ments for disposal as low-level radioactive waste.

1 **SEC. 3154. EXPORTS.**

2 Section 134 of the Atomic Energy Act of 1954 (42
3 U.S.C. 2160d) is amended by striking subsection c. and
4 inserting the following:

5 “c. Effective 7 years after the date of enactment of
6 the American Medical Isotopes Production Act of 2012,
7 the Commission may not issue a license for the export of
8 highly enriched uranium from the United States for the
9 purposes of medical isotope production.

10 “d. The period referred to in subsection b. may be
11 extended for no more than 6 years if, no earlier than 6
12 years after the date of enactment of the American Medical
13 Isotopes Production Act of 2012, the Secretary of Energy
14 certifies to the Committee on Energy and Commerce of
15 the House of Representatives and the Committee on En-
16 ergy and Natural Resources of the Senate that—

17 “(1) there is insufficient global supply of molyb-
18 denum-99 produced without the use of highly en-
19 riched uranium available to satisfy the domestic
20 United States market; and

21 “(2) the export of United States-origin highly
22 enriched uranium for the purposes of medical iso-
23 tope production is the most effective temporary
24 means to increase the supply of molybdenum-99 to
25 the domestic United States market.

1 “e. To ensure public review and comment, the devel-
2 opment of the certification described in subsection c. shall
3 be carried out through announcement in the Federal Reg-
4 ister.

5 “f. At any time after the restriction of export licenses
6 provided for in subsection b. becomes effective, if there
7 is a critical shortage in the supply of molybdenum-99
8 available to satisfy the domestic United States medical iso-
9 tope needs, the restriction of export licenses may be sus-
10 pended for a period of no more than 12 months, if—

11 “(1) the Secretary of Energy certifies to the
12 Congress that the export of United States-origin
13 highly enriched uranium for the purposes of medical
14 isotope production is the only effective temporary
15 means to increase the supply of molybdenum-99 nec-
16 essary to meet United States medical isotope needs
17 during that period; and

18 “(2) the Congress enacts a Joint Resolution ap-
19 proving the temporary suspension of the restriction
20 of export licenses.

21 “g. As used in this section—

22 “(1) the term ‘alternative nuclear reactor fuel
23 or target’ means a nuclear reactor fuel or target
24 which is enriched to less than 20 percent in the iso-
25 tope U-235;

1 “(2) the term ‘highly enriched uranium’ means
2 uranium enriched to 20 percent or more in the iso-
3 tope U-235;

4 “(3) a fuel or target ‘can be used’ in a nuclear
5 research or test reactor if—

6 “(A) the fuel or target has been qualified
7 by the Reduced Enrichment Research and Test
8 Reactor Program of the Department of Energy;
9 and

10 “(B) use of the fuel or target will permit
11 the large majority of ongoing and planned ex-
12 periments and medical isotope production to be
13 conducted in the reactor without a large per-
14 centage increase in the total cost of operating
15 the reactor; and

16 “(4) the term ‘medical isotope’ includes molyb-
17 denum-99, iodine-131, xenon-133, and other radio-
18 active materials used to produce a radiopharma-
19 ceutical for diagnostic or therapeutic procedures or
20 for research and development.”.

21 **SEC. 3155. REPORT ON DISPOSITION OF EXPORTS.**

22 Not later than 1 year after the date of the enactment
23 of this Act, the Chairman of the Nuclear Regulatory Com-
24 mission, after consulting with other relevant agencies,
25 shall submit to the Congress a report detailing the current

1 disposition of previous United States exports of highly en-
2 riched uranium used as fuel or targets in a nuclear re-
3 search or test reactor, including—

4 (1) their location;

5 (2) whether they are irradiated;

6 (3) whether they have been used for the pur-
7 pose stated in their export license;

8 (4) whether they have been used for an alter-
9 native purpose and, if so, whether such alternative
10 purpose has been explicitly approved by the Commis-
11 sion;

12 (5) the year of export, and reimportation, if ap-
13 plicable;

14 (6) their current physical and chemical forms;
15 and

16 (7) whether they are being stored in a manner
17 which adequately protects against theft and unau-
18 thorized access.

19 **SEC. 3156. DOMESTIC MEDICAL ISOTOPE PRODUCTION.**

20 (a) IN GENERAL.—Chapter 10 of the Atomic Energy
21 Act of 1954 (42 U.S.C. 2131 et seq.) is amended by add-
22 ing at the end the following:

23 “SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUC-
24 TION.—

1 “a. The Commission may issue a license, or grant an
2 amendment to an existing license, for the use in the
3 United States of highly enriched uranium as a target for
4 medical isotope production in a nuclear reactor, only if,
5 in addition to any other requirement of this Act—

6 “(1) the Commission determines that—

7 “(A) there is no alternative medical isotope
8 production target, enriched in the isotope U-
9 235 to less than 20 percent, that can be used
10 in that reactor; and

11 “(B) the proposed recipient of the medical
12 isotope production target has provided assur-
13 ances that, whenever an alternative medical iso-
14 tope production target can be used in that reac-
15 tor, it will use that alternative in lieu of highly
16 enriched uranium; and

17 “(2) the Secretary of Energy has certified that
18 the United States Government is actively supporting
19 the development of an alternative medical isotope
20 production target that can be used in that reactor.

21 “b. As used in this section—

22 “(1) the term ‘alternative medical isotope pro-
23 duction target’ means a nuclear reactor target which
24 is enriched to less than 20 percent of the isotope U-
25 235;

1 “(2) a target ‘can be used’ in a nuclear re-
2 search or test reactor if—

3 “(A) the target has been qualified by the
4 Reduced Enrichment Research and Test Reac-
5 tor Program of the Department of Energy; and

6 “(B) use of the target will permit the large
7 majority of ongoing and planned experiments
8 and medical isotope production to be conducted
9 in the reactor without a large percentage in-
10 crease in the total cost of operating the reactor;

11 “(3) the term ‘highly enriched uranium’ means
12 uranium enriched to 20 percent or more in the iso-
13 tope U-235; and

14 “(4) the term ‘medical isotope’ includes molyb-
15 denum-99, iodine-131, xenon-133, and other radio-
16 active materials used to produce a radiopharma-
17 ceutical for diagnostic or therapeutic procedures or
18 for research and development.”.

19 (b) TABLE OF CONTENTS.—The table of contents for
20 the Atomic Energy Act of 1954 is amended by inserting
21 the following new item at the end of the items relating
22 to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”.

23 **SEC. 3157. ANNUAL DEPARTMENT REPORTS.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, and annually thereafter for

1 5 years, the Secretary shall report to Congress on Depart-
2 ment actions to support the production in the United
3 States, without the use of highly enriched uranium, of mo-
4 lybdenum-99 for medical uses.

5 (b) CONTENTS.—The reports shall include the fol-
6 lowing:

7 (1) For medical isotope development projects—

8 (A) the names of any recipients of Depart-
9 ment support under section 3143;

10 (B) the amount of Department funding
11 committed to each project;

12 (C) the milestones expected to be reached
13 for each project during the year for which sup-
14 port is provided;

15 (D) how each project is expected to sup-
16 port the increased production of molybdenum-
17 99 for medical uses;

18 (E) the findings of the evaluation of
19 projects under section 3143(a)(2); and

20 (F) the ultimate use of any Department
21 funds used to support projects under section
22 3143.

23 (2) A description of actions taken in the pre-
24 vious year by the Secretary to ensure the safe dis-
25 position of spent nuclear fuel and radioactive waste

1 for which the Department is responsible under sec-
2 tion 3143(c).

3 **SEC. 3158. NATIONAL ACADEMY OF SCIENCES REPORT.**

4 (a) IN GENERAL.—The Secretary shall enter into an
5 arrangement with the National Academy of Sciences to
6 conduct a study of the state of molybdenum-99 production
7 and utilization, to be provided to Congress not later than
8 5 years after the date of enactment of this Act.

9 (b) CONTENTS.—The report shall include the fol-
10 lowing:

11 (1) For molybdenum-99 production—

12 (A) a list of all facilities in the world pro-
13 ducing molybdenum-99 for medical uses, includ-
14 ing an indication of whether these facilities use
15 highly enriched uranium in any way;

16 (B) a review of international production of
17 molybdenum-99 over the previous 5 years, in-
18 cluding—

19 (i) whether any new production was
20 brought online;

21 (ii) whether any facilities halted pro-
22 duction unexpectedly; and

23 (iii) whether any facilities used for
24 production were decommissioned or other-

1 the “advisory panel”) to assess the feasibility and advis-
2 ability of, and make recommendations with respect to, re-
3 vising the governance structure of the National Nuclear
4 Security Administration (in this section referred to as the
5 “Administration”) to permit the Administration to operate
6 more effectively.

7 (b) COMPOSITION.—

8 (1) MEMBERSHIP.—The advisory panel shall be
9 composed of 12 members appointed as follows:

10 (A) Three by the Speaker of the House of
11 Representatives.

12 (B) Three by the Minority Leader of the
13 House of Representatives.

14 (C) Three by the Majority Leader of the
15 Senate.

16 (D) Three by the Minority Leader of the
17 Senate.

18 (2) CHAIRMAN; VICE CHAIRMAN.—

19 (A) CHAIRMAN.—The Speaker of the
20 House of Representatives and the Majority
21 Leader of the Senate shall jointly designate one
22 member of the advisory panel to serve as chair-
23 man of the advisory panel.

24 (B) VICE CHAIRMAN.—The Minority Lead-
25 er of the House of Representatives and the Mi-

1 nORITY Leader of the Senate shall jointly des-
2 ignate one member of the advisory panel to
3 serve as vice chairman of the advisory panel.

4 (3) PERIOD OF APPOINTMENT; VACANCIES.—

5 Each member of the advisory panel shall be ap-
6 pointed for a term of one year and may be re-
7 appointed for an additional period lasting until the
8 termination of the advisory panel in accordance with
9 subsection (f). Any vacancy in the advisory panel
10 shall be filled in the same manner as the original ap-
11 pointment.

12 (c) COOPERATION FROM FEDERAL AGENCIES.—

13 (1) COOPERATION.—The advisory panel shall
14 receive the full and timely cooperation of the Sec-
15 retary of Defense, the Secretary of Energy, and any
16 other Federal official in providing the advisory panel
17 with analyses, briefings, and other information nec-
18 essary for the advisory panel to carry out its duties
19 under this section.

20 (2) ACCESS TO INFORMATION.—Members of the
21 advisory panel shall have access to all information,
22 including classified information, necessary to carry
23 out the duties of the advisory panel under this sec-
24 tion. The security clearance process shall be expe-
25 dited for members and staff of the advisory panel to

1 the extent necessary to permit the advisory panel to
2 carry out its duties under this section.

3 (3) LIAISON.—The Secretary of Defense, the
4 Secretary of State, and the Secretary of Energy
5 shall each designate at least one officer or employee
6 of the Department of Defense, Department of State,
7 and the Department of Energy, respectively, to serve
8 as a liaison officer between the department and the
9 advisory panel.

10 (d) REPORT REQUIRED.—Not later than 120 days
11 after the date that each of the members of the advisory
12 panel has been appointed, the advisory panel shall submit
13 to the President, the Secretary of Defense, the Secretary
14 of Energy, the Committee on Armed Services of the Sen-
15 ate, and the Committee on Armed Services of the House
16 of Representatives an interim report on the feasibility and
17 advisability of revising the governance structure of the Ad-
18 ministration to permit the Administration to operate more
19 effectively, to be followed by a final report prior to the
20 termination of the advisory panel in accordance with sub-
21 section (f). The reports shall include the following:

22 (1) Recommendations with respect to the fol-
23 lowing:

24 (A) The organization and structure of the
25 Administration, including the roles, responsibil-

1 ities, and authorities of the Administration and
2 mechanisms for holding the Administration ac-
3 countable.

4 (B) The allocation of roles and responsibil-
5 ities with respect to the safety and security of
6 the nuclear weapons complex.

7 (C) The relationship of the Administration
8 to the National Security Council, the Nuclear
9 Weapons Council, the Department of Energy,
10 the Department of Defense, and other Federal
11 agencies, as well as the national security labora-
12 tories, as appropriate.

13 (D) The role of the Administration in the
14 interagency process for planning, programming,
15 and budgeting with respect to the nuclear weap-
16 ons complex.

17 (E) Legislative changes necessary for re-
18 vising the governance structure of the Adminis-
19 tration.

20 (F) The appropriate structure for over-
21 sight of the Administration by congressional
22 committees.

23 (G) The length of the term of the Adminis-
24 trator for Nuclear Security.

1 (H) The authority of the Administrator to
2 appoint senior members of the Administrator's
3 staff.

4 (I) Whether the nonproliferation activities
5 of the Administration on the day before the
6 date of the enactment of this Act should remain
7 with the Administration or be transferred to an-
8 other agency.

9 (J) Infrastructure, rules, and standards
10 that will better protect the safety and health of
11 nuclear workers, while also permitting those
12 workers the appropriate freedom to efficiently
13 and safely carry out their mission.

14 (K) Legislative or regulatory changes re-
15 quired to improve contracting best practices in
16 order to reduce the cost of programs without
17 eroding mission requirements.

18 (L) Whether the Administration should op-
19 erate more independently of the Department of
20 Energy while reporting to the President
21 through Secretary of Energy.

22 (2) An assessment of how revisions to the gov-
23 ernance structure of the Administration will lead to
24 a more mission-focused management structure capa-

1 ble of keeping programs on schedule and within cost
2 estimates.

3 (3) An assessment of the disadvantages and
4 benefits of each organizational structure for the Ad-
5 ministration considered by the advisory panel.

6 (4) An assessment of how the national security
7 laboratories can expand basic science in support of
8 ancillary national security missions in a manner that
9 mutually reinforces the stockpile stewardship mis-
10 sion of the Administration and encourages the reten-
11 tion of top performers.

12 (5) An assessment of how to better retain and
13 recruit personnel, including recommendations for
14 creating an improved professional culture that em-
15 phasizes the scientific, engineering, and national se-
16 curity objectives of the United States.

17 (6) Any other information or recommendations
18 relating to revising the governance structure of the
19 Administration that the advisory panel considers ap-
20 propriate.

21 (e) FUNDING.—Of the amounts authorized to be ap-
22 propriated for fiscal year 2013 and made available to the
23 Department of Defense pursuant to this Act, not more
24 than \$1,000,000 shall be made available to the advisory
25 panel to carry out this section.

1 (f) SUNSET.—The advisory panel established by sub-
 2 section (a) of this section shall be terminated on the date
 3 that is 365 days after the date that each of the twelve
 4 members of the advisory panel has first been appointed.

5 **TITLE XXXII—DEFENSE NU-**
 6 **CLEAR FACILITIES SAFETY**
 7 **BOARD**

8 **SEC. 3201. AUTHORIZATION.**

9 There are authorized to be appropriated for fiscal
 10 year 2013, \$29,415,000 for the operation of the Defense
 11 Nuclear Facilities Safety Board under chapter 21 of the
 12 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

13 **TITLE XXXV—MARITIME**
 14 **ADMINISTRATION**

15 **SEC. 3501. SHORT TITLE.**

16 This title may be cited as the “Maritime Administra-
 17 tion Authorization Act for Fiscal Year 2013”.

18 **SEC. 3502. CONTAINER-ON-BARGE TRANSPORTATION.**

19 (a) ASSESSMENT.—The Administrator of the Mari-
 20 time Administration shall assess the potential for using
 21 container-on-barge transportation in short sea transpor-
 22 tation (as such term is defined in section 55605 of title
 23 46, United States Code).

24 (b) FACTORS.—In conducting the assessment under
 25 subsection (a), the Administrator shall consider—

1 (1) the environmental benefits of increasing
2 container-on-barge movements in short sea transpor-
3 tation;

4 (2) the regional differences in the use of short
5 sea transportation;

6 (3) the existing programs established at coastal
7 and Great Lakes ports for establishing awareness of
8 deep sea shipping operations;

9 (4) the mechanisms necessary to ensure that
10 implementation of a plan under subsection (c) will
11 not be inconsistent with antitrust laws; and

12 (5) the potential frequency of container-on-
13 barge service at short sea transportation ports.

14 (c) RECOMMENDATIONS.—The assessment under
15 subsection (a) may include recommendations for a plan
16 to increase awareness of the potential for use of container-
17 on-barge transportation.

18 (d) DEADLINE.—Not later than 180 days after the
19 date of enactment of this title, the Administrator shall
20 submit the assessment required under this section to the
21 Committee on Commerce, Science, and Transportation of
22 the Senate and the Committee on Transportation and In-
23 frastructure of the House of Representatives.

1 **SEC. 3503. SHORT SEA TRANSPORTATION.**

2 (a) PURPOSE.—Section 55601 of title 46, United
3 States Code, is amended—

4 (1) in subsection (a), by striking “landside con-
5 gestion.” and inserting “landside congestion or to
6 promote short sea transportation.”;

7 (2) in subsection (c), by striking “coastal cor-
8 ridors” and inserting “coastal corridors or to pro-
9 mote short sea transportation”;

10 (3) in subsection (d), by striking “that the
11 project may” and all that follows through the end of
12 the subsection and inserting “that the project uses
13 documented vessels and—

14 “(1) mitigates landside congestion; or

15 “(2) promotes short sea transportation.”; and

16 (4) in subsection (f), by striking “shall” each
17 place it appears and inserting “may”.

18 (b) DOCUMENTATION.—Section 55605 of title 46,
19 United States Code, is amended in the matter preceding
20 paragraph (1) by striking “by vessel” and inserting “by
21 a documented vessel”.

22 **SEC. 3504. MARITIME ENVIRONMENTAL AND TECHNICAL**
23 **ASSISTANCE.**

24 (a) IN GENERAL.—Chapter 503 of title 46, United
25 States Code, is amended by adding at the end the fol-
26 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. 3505. 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 of the House of Representatives and the

1 Committee on Commerce, Science, and Trans-
2 portation of the Senate—

3 “(i) of any request for a waiver of the
4 navigation or vessel-inspection laws under
5 this section not later than 48 hours after
6 receiving such a request; and

7 “(ii) of the issuance of any such waiv-
8 er not later than 48 hours after such
9 issuance.

10 “(B) CONTENTS.—Such head of an agency
11 shall include in each notification under subpara-
12 graph (A)(ii) an explanation of—

13 “(i) the reasons the waiver is nec-
14 essary; and

15 “(ii) the reasons actions referred to in
16 paragraph (2)(A) are not feasible.”.

17 **SEC. 3506. MARITIME WORKFORCE STUDY.**

18 (a) TRAINING STUDY.—The Comptroller General of
19 the United States shall conduct a study on the training
20 needs of the maritime workforce.

21 (b) STUDY COMPONENTS.—The study shall—

22 (1) analyze the impact of maritime training re-
23 quirements imposed by domestic and international
24 regulations and conventions, companies, and govern-
25 ment agencies that charter or operate vessels;

1 (2) evaluate the ability of the United States
2 maritime training infrastructure to meet the needs
3 of the maritime industry;

4 (3) identify trends in maritime training;

5 (4) compare the training needs of United States
6 mariners with the vocational training and edu-
7 cational assistance programs available from Federal
8 agencies to evaluate the ability of Federal programs
9 to meet the training needs of United States mari-
10 ners;

11 (5) include recommendations to enhance the ca-
12 pabilities of the United States maritime training in-
13 frastructure; and

14 (6) include recommendations to assist United
15 States mariners and those entering the maritime
16 profession to achieve the required training.

17 (c) FINAL REPORT.—Not later than 1 year after the
18 date of enactment of this title, the Comptroller General
19 shall submit a report on the results of the study to the
20 Committee on Commerce, Science, and Transportation of
21 the Senate and the Committee on Transportation and In-
22 frastructure of the House of Representatives.

1 **SEC. 3507. MARITIME ADMINISTRATION VESSEL RECY-**
2 **CLING CONTRACT AWARD PRACTICES.**

3 (a) IN GENERAL.—Not later than 12 months after
4 the date of enactment of this title, the Comptroller Gen-
5 eral of the Government Accountability Office shall conduct
6 an assessment of the source selection procedures and prac-
7 tices used to award the Maritime Administration’s Na-
8 tional Defense Reserve Fleet vessel recycling contracts.
9 The Comptroller General shall assess the process, proce-
10 dures, and practices used for the Maritime Administra-
11 tion’s qualification of vessel recycling facilities. The Comp-
12 troller General shall report the findings to the Committee
13 on Commerce, Science, and Transportation and the Com-
14 mittee on Armed Services of the Senate, and the Com-
15 mittee on Transportation and Infrastructure and the
16 Committee on Armed Services of the House of Represent-
17 atives.

18 (b) ASSESSMENT.—The assessment under subsection
19 (a) shall include a review of whether the Maritime Admin-
20 istration’s contract source selection procedures and prac-
21 tices are consistent with law, the Federal Acquisition Reg-
22 ulations (FAR), and Federal best practices associated with
23 making source selection decisions.

24 (c) CONSIDERATIONS.—In making the assessment
25 under subsection (a), the Comptroller General may con-
26 sider any other aspect of the Maritime Administration’s

1 vessel recycling process that the Comptroller General
2 deems appropriate to review.

3 **SEC. 3508. REQUIREMENT FOR BARGE DESIGN.**

4 Not later than 270 days after the date of enactment
5 of this title, the Administrator of the Maritime Adminis-
6 tration shall complete the design for a containerized, ar-
7 ticulated barge, as identified in the dual-use vessel study
8 carried out by the Administrator and the Secretary of De-
9 fense, that is able to utilize roll-on/roll-off or load-on/load-
10 off technology in marine highway maritime commerce.

11 **SEC. 3509. ELIGIBILITY TO RECEIVE SURPLUS TRAINING
12 EQUIPMENT.**

13 Section 51103(b)(2)(C) of title 46, United States
14 Code, is amended by inserting “or a training institution
15 that is an instrumentality of a State, Territory, or Com-
16 monwealth of the United States or District of Columbia
17 or a unit of local government thereof” after “a non-profit
18 training institution”.

19 **DIVISION D—FUNDING TABLES**

20 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-
21 BLES.**

22 (a) IN GENERAL.—Whenever a funding table in this
23 division specifies a dollar amount authorized for a project,
24 program, or activity, the obligation and expenditure of the
25 specified dollar amount for the project, program, or activ-

1 ity is hereby authorized, subject to the availability of ap-
2 propriations.

3 (b) MERIT-BASED DECISIONS.—Decisions by agency
4 heads to commit, obligate, or expend funds with or to a
5 specific entity on the basis of a dollar amount authorized
6 pursuant to subsection (a) shall be based on authorized,
7 transparent, statutory criteria, or merit-based selection
8 procedures in accordance with the requirements of sec-
9 tions 2304(k) and 2374 of title 10, United States Code,
10 and other applicable provisions of law.

11 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-
12 MING AUTHORITY.—An amount specified in the funding
13 tables in this division may be transferred or repro-
14 grammed under a transfer or reprogramming authority
15 provided by another provision of this Act or by other law.
16 The transfer or reprogramming of an amount specified in
17 such funding tables shall not count against a ceiling on
18 such transfers or reprogrammings under section 1001 of
19 this Act or any other provision of law, unless such transfer
20 or reprogramming would move funds between appropria-
21 tion accounts.

22 (d) ORAL AND WRITTEN COMMUNICATIONS.—No
23 oral or written communication concerning any amount
24 specified in the funding tables in this division shall
25 supercede the requirements of this section.

1 **TITLE XLI—PROCUREMENT**

2 **SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Senate Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
001	UTILITY F/W AIRCRAFT	18,639	18,639
002	C-12 CARGO AIRPLANE	0	0
003	MQ-1 UAV	518,088	518,088
004	RQ-11 (RAVEN)	25,798	25,798
005	BCT UNMANNED AERIAL VEH (UAVS) INCR 1	0	0
ROTARY			
006	HELICOPTER, LIGHT UTILITY (LUH)	271,983	271,983
007	AH-64 APACHE BLOCK IIIA REMAN	577,115	577,115
008	ADVANCE PROCUREMENT (CY)	107,707	107,707
009	AH-64 APACHE BLOCK IIIB NEW BUILD	153,993	153,993
010	ADVANCE PROCUREMENT (CY)	146,121	146,121
011	AH-64 BLOCK II/WRA	0	0
012	KIOWA WARRIOR (OH-58F) WRA	0	0
013	UH-60 BLACKHAWK M MODEL (MYP)	1,107,087	1,107,087
014	ADVANCE PROCUREMENT (CY)	115,113	115,113
015	CH-47 HELICOPTER	1,076,036	1,076,036
016	ADVANCE PROCUREMENT (CY)	83,346	83,346
MODIFICATION OF AIRCRAFT			
017	C12 AIRCRAFT MODS	0	0
018	MQ-1 PAYLOAD—UAS	231,508	231,508
019	MQ-1 WEAPONIZATION—UAS	0	0
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
025	AIRCRAFT LONG RANGE MODS	0	0
026	UTILITY HELICOPTER MODS	73,804	73,804
027	KIOWA WARRIOR MODS	192,484	192,484
028	AIRBORNE AVIONICS	0	0
029	NETWORK AND MISSION PLAN	190,789	190,789
030	COMMS, NAV SURVEILLANCE	133,191	89,191
	JTRS integration delayed		[-44,000]
031	GATM ROLLUP	87,280	87,280
032	RQ-7 UAV MODS	104,339	104,339
SPARES AND REPAIR PARTS			
033	SPARE PARTS (AIR)	0	0
GROUND SUPPORT AVIONICS			
034	AIRCRAFT SURVIVABILITY EQUIPMENT	34,037	34,037
035	SURVIVABILITY CM	0	0
036	CMWS	127,751	127,751
OTHER SUPPORT			
037	AVIONICS SUPPORT EQUIPMENT	4,886	4,886
038	COMMON GROUND EQUIPMENT	82,511	82,511
039	AIRCREW INTEGRATED SYSTEMS	77,381	77,381
040	AIR TRAFFIC CONTROL	47,235	47,235
041	INDUSTRIAL FACILITIES	1,643	1,643
042	LAUNCHER, 2.75 ROCKET	516	516
TOTAL, AIRCRAFT PROCUREMENT, ARMY		5,853,729	5,809,729
MISSILE PROCUREMENT, ARMY			
SURFACE-TO-AIR MISSILE SYSTEM			
001	PATRIOT SYSTEM SUMMARY	646,590	646,590
002	MSE MISSILE	12,850	12,850
003	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY	0	0
004	HELLFIRE SYS SUMMARY	1,401	1,401
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
011	PATRIOT MODS	199,565	199,565
012	ITAS/TOW MODS	0	0
013	MLRS MODS	2,466	2,466
014	HIMARS MODIFICATIONS	6,068	6,068
015	HELLFIRE MODIFICATIONS	0	0
016	SPARES AND REPAIR PARTS	7,864	7,864
017	AIR DEFENSE TARGETS	3,864	3,864

**SEC. 4101. PROCUREMENT
(In Thousands of Dollars)**

Line	Item	FY 2013 Request	Senate Authorized
018	ITEMS LESS THAN \$5 MILLION (MISSILES)	1,560	1,560
019	PRODUCTION BASE SUPPORT	5,200	5,200
	TOTAL, MISSILE PROCUREMENT, ARMY	1,302,689	1,302,689
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	STRYKER VEHICLE	286,818	286,818
002	FCS SPIN OUTS	0	0
	MODIFICATION OF TRACKED COMBAT VEHICLES		
003	STRYKER (MOD)	60,881	60,881
004	FIST VEHICLE (MOD)	57,257	57,257
005	BRADLEY PROGRAM (MOD)	148,193	148,193
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	230,909
	Increased production		[123,000]
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	74,433
012A	ADVANCE PROCUREMENT (CY)		91,000
	Advanced procurement Abrams upgrade program		[91,000]
	SUPPORT EQUIPMENT & FACILITIES		
013	PRODUCTION BASE SUPPORT (TCV-WTCV)	1,145	1,145
	WEAPONS & OTHER COMBAT VEHICLES		
014	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	506	506
015	M240 MEDIUM MACHINE GUN (7.62MM)	0	0
016	MACHINE GUN, CAL .50 M2 ROLL	0	0
017	LIGHTWEIGHT .50 CALIBER MACHINE GUN	25,183	0
	Program termination		[-25,183]
018	MK-19 GRENADE MACHINE GUN (40MM)	0	0
019	MORTAR SYSTEMS	8,104	8,104
020	M107, CAL. 50, SNIPER RIFLE	0	0
021	XM320 GRENADE LAUNCHER MODULE (GLM)	14,096	14,096
022	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	0	0
023	M4 CARBINE	0	0
024	CARBINE	21,272	21,272
025	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,598	6,598
026	COMMON REMOTELY OPERATED WEAPONS STATION	56,725	56,725
027	HOWITZER LT WT 155MM (T)	13,827	13,827
	MOD OF WEAPONS AND OTHER COMBAT VEH		
028	MK-19 GRENADE MACHINE GUN MODS	0	0
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
035	M119 MODIFICATIONS	20,727	20,727
036	M16 RIFLE MODS	3,306	3,306
037	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	3,072	3,072
	SUPPORT EQUIPMENT & FACILITIES		
038	ITEMS LESS THAN \$5 MILLION (WOCV-WTCV)	2,026	2,026
039	PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,115	10,115
040	INDUSTRIAL PREPAREDNESS	442	442
	SUPPORT EQUIPMENT & FACILITIES		
041	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,378	2,378
	SPARES		
042	SPARES AND REPAIR PARTS (WTCV)	31,217	31,217
	TOTAL, PROCUREMENT OF W&TCV, ARMY	1,501,706	1,690,523
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	158,313	158,313
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	35,154
	Decrease for excess		[-37,000]
008	CTG, 40MM, ALL TYPES	60,138	0
	Decrease for excess		[-60,138]
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	44,375	44,375
010	81MM MORTAR, ALL TYPES	27,471	27,471
011	120MM MORTAR, ALL TYPES	87,811	87,811
	TANK AMMUNITION		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	112,380	112,380
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	50,861	50,861
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	26,227	26,227
015	PROJ 155MM EXTENDED RANGE XM982	110,329	55,329
	Excalibur I-b round schedule delay		[-55,000]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	43,924	43,924
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES	3,775	3,775
	NETWORKED MUNITIONS		
018	SPIDER NETWORK MUNITIONS, ALL TYPES	17,408	3,108
	Program decrease		[-14,300]
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	1,005	1,005
020	ROCKET, HYDRA 70, ALL TYPES	123,433	123,433
	OTHER AMMUNITION		
021	DEMOLITION MUNITIONS, ALL TYPES	35,189	35,189
022	GRENADES, ALL TYPES	33,477	33,477
023	SIGNALS, ALL TYPES	9,991	9,991
024	SIMULATORS, ALL TYPES	10,388	10,388
	MISCELLANEOUS		
025	AMMO COMPONENTS, ALL TYPES	19,383	19,383
026	NON-LETHAL AMMUNITION, ALL TYPES	7,336	7,336
027	CAD/PAD ALL TYPES	6,641	6,641
028	ITEMS LESS THAN \$5 MILLION	15,092	15,092
029	AMMUNITION PECULIAR EQUIPMENT	15,692	15,692
030	FIRST DESTINATION TRANSPORTATION (AMMO)	14,107	14,107
031	CLOSEOUT LIABILITIES	106	106
	PRODUCTION BASE SUPPORT		
032	PROVISION OF INDUSTRIAL FACILITIES	220,171	220,171
033	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	182,461	182,461
034	ARMS INITIATIVE	3,377	3,377
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	1,739,706	1,573,268
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
001	SEMITRAILERS, FLATBED	7,097	7,097
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	346,115	396,115
	Program increase for USAR		[50,000]
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
006	ARMORED SECURITY VEHICLES (ASV)	0	0
007	MINE PROTECTION VEHICLE FAMILY	0	0
008	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP)	0	0
009	TRUCK, TRACTOR, LINE HAUL, M915/M916	3,619	3,619
010	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	26,859	26,859
011	HMMWV RECAPITALIZATION PROGRAM	0	0
012	TACTICAL WHEELED VEHICLE PROTECTION KITS	69,163	69,163
013	MODIFICATION OF IN SVC EQUIP	91,754	91,754
014	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	0	0
015	TOWING DEVICE-FIFTH WHEEL	0	0
016	AMC CRITICAL ITEMS, OPA1	0	0
	NON-TACTICAL VEHICLES		
017	HEAVY ARMORED SEDAN	0	0
018	PASSENGER CARRYING VEHICLES	2,548	2,548
019	NON-TACTICAL VEHICLES, OTHER	16,791	16,791
	COMM—JOINT COMMUNICATIONS		
020	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	10,061	10,061
021	WIN-T—GROUND FORCES TACTICAL NETWORK	892,635	892,635
022	SIGNAL MODERNIZATION PROGRAM	45,626	45,626
023	JCSE EQUIPMENT (USREDCOM)	5,143	5,143
	COMM—SATELLITE COMMUNICATIONS		
024	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	151,636	151,636
025	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	6,822	6,822
026	SHF TERM	9,108	9,108
027	SAT TERM, EMUT (SPACE)	0	0
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	27,353	27,353
029	SMART-T (SPACE)	98,656	98,656
030	SCAMP (SPACE)	0	0
031	GLOBAL BRDCST SVC—GBS	47,131	47,131
032	MOD OF IN-SVC EQUIP (TAC SAT)	23,281	23,281
	COMM—COMBAT SUPPORT COMM		
033	MOD-IN-SERVICE PROFILER	0	0
	COMM—C3 SYSTEM		
034	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	10,848	10,848
	COMM—COMBAT COMMUNICATIONS		
035	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	979	979

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Line	Item	FY 2013 Request	Senate Authorized
036	JOINT TACTICAL RADIO SYSTEM	556,250	526,250
	AMF integration ahead of need		[-30,000]
037	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	86,219	86,219
038	RADIO TERMINAL SET, MIDS LVT(2)	7,798	7,798
039	SINGGARS FAMILY	9,001	9,001
040	AMC CRITICAL ITEMS—OPA2	24,601	24,601
041	TRACTOR DESK	7,779	7,779
042	CMMS-ELEC EQUIP FIELDING	0	0
043	SPIDER APLA REMOTE CONTROL UNIT	34,365	13,365
	Funding ahead of need		[-21,000]
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,833	1,833
045	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	12,984	12,984
046	COMBAT SURVIVOR EVADER LOCATOR (CSEL)	0	0
047	GUNSHOT DETECTION SYSTEM (GDS)	2,332	2,332
048	RADIO, IMPROVED HF (COTS) FAMILY	1,132	1,132
049	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	22,899	22,899
	COMM—INTELLIGENCE COMM		
051	CI AUTOMATION ARCHITECTURE	1,564	1,564
052	RESERVE CA/MISO GPF EQUIPMENT	28,781	28,781
	INFORMATION SECURITY		
053	TSEC—ARMY KEY MGT SYS (AKMS)	23,432	23,432
054	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	43,897	43,897
055	BIOMETRICS ENTERPRISE	0	0
	COMM—LONG HAUL COMMUNICATIONS		
056	TERRESTRIAL TRANSMISSION	2,891	2,891
057	BASE SUPPORT COMMUNICATIONS	13,872	13,872
058	WW TECH CON IMP PROG (WWTCIP)	9,595	9,595
	COMM—BASE COMMUNICATIONS		
059	INFORMATION SYSTEMS	142,133	142,133
060	DEFENSE MESSAGE SYSTEM (DMS)	0	0
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	57,727	57,727
062	PENTAGON INFORMATION MGT AND TELECOM	5,000	5,000
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
065	JTT/CIBS-M	1,641	1,641
066	PROPHET GROUND	48,797	48,797
067	DIGITAL TOPOGRAPHIC SPT SYS (DTSS)	0	0
068	DRUG INTERDICTION PROGRAM (DIP) (TIARA)	0	0
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
074	ITEMS LESS THAN \$5 MILLION (MIP)	0	0
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
075	LIGHTWEIGHT COUNTER MORTAR RADAR	72,594	72,594
076	CREW	15,446	15,446
077	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES	0	0
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,470	1,470
079	CI MODERNIZATION	1,368	1,368
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
080	FAAD GBS	7,980	7,980
081	SENTINEL MODS	33,444	33,444
082	SENSE THROUGH THE WALL (STTW)	6,212	0
	Slow execution of prior years appropriations		[-6,212]
083	NIGHT VISION DEVICES	166,516	166,516
084	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	0	0
085	NIGHT VISION, THERMAL WPN SIGHT	82,162	82,162
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	20,717	20,717
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	0	0
088	BASE EXPEDITIARY TARGETING AND SURV SYS	0	0
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
093	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	0	0
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	141,385	141,385
095	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER	0	0
096	MOD OF IN-SVC EQUIP (LLDR)	22,403	22,403
097	COMPUTER BALLISTICS: LHMCB XM32	0	0
098	MORTAR FIRE CONTROL SYSTEM	29,505	29,505
099	COUNTERFIRE RADARS	244,409	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD)	2,426	2,426
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
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

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Line	Item	FY 2013 Request	Senate Authorized
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
109	TC AIMS II	0	0
110	TACTICAL INTERNET MANAGER	0	0
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	59,821	59,821
112	MANEUVER CONTROL SYSTEM (MCS)	51,228	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	176,901	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	15,209	15,209
	ELECT EQUIP—AUTOMATION		
115	ARMY TRAINING MODERNIZATION	8,866	8,866
116	AUTOMATED DATA PROCESSING EQUIP	129,438	129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM	9,184	9,184
118	CSS COMMUNICATIONS	20,639	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS)	35,493	35,493
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
120	ITEMS LESS THAN \$5 MILLION (A/V)	8,467	8,467
121	ITEMS LESS THAN \$5 MILLION	5,309	5,309
	ELECT EQUIP—SUPPORT		
122	PRODUCTION BASE SUPPORT (C-E)	586	586
123	BCT NETWORK	0	0
124	DEFENSE RAPID INNOVATION PROGRAM	0	0
	CLASSIFIED PROGRAMS		
124A	CLASSIFIED PROGRAMS	3,435	3,435
	CHEMICAL DEFENSIVE EQUIPMENT		
125	PROTECTIVE SYSTEMS	0	0
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
129	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	0	0
	BRIDGING EQUIPMENT		
130	TACTICAL BRIDGING	35,499	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON	32,893	32,893
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
132	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	0	0
133	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	0	0
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	29,106	29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	25,459	25,459
136	REMOTE DEMOLITION SYSTEMS	8,044	8,044
137	<\$5M, COUNTERMINE EQUIPMENT	3,698	3,698
	COMBAT SERVICE SUPPORT EQUIPMENT		
138	HEATERS AND ECU'S	12,210	12,210
139	SOLDIER ENHANCEMENT	6,522	6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	11,222	11,222
141	GROUND SOLDIER SYSTEM	103,317	103,317
142	MOUNTED SOLDIER SYSTEM	0	0
143	FORCE PROVIDER	0	0
144	FIELD FEEDING EQUIPMENT	27,417	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	52,065	52,065
146	MORTUARY AFFAIRS SYSTEMS	2,358	2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	31,573	31,573
148	ITEMS LESS THAN \$5 MILLION	14,093	14,093
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	36,266	36,266
	MEDICAL EQUIPMENT		
150	COMBAT SUPPORT MEDICAL	34,101	34,101
151	MEDEVAC MISSION EQUIPMENT PACKAGE (MEP)	20,540	20,540
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	2,495	2,495
153	ITEMS LESS THAN \$5 MILLION (MAINT EQ)	0	0
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,028	2,028
155	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	0	0
156	SCRAPERS, EARTHMOVING	6,146	6,146
157	MISSION MODULES—ENGINEERING	31,200	31,200
158	COMPACTOR	0	0
159	LOADERS	0	0
160	HYDRAULIC EXCAVATOR	0	0
161	TRACTOR, FULL TRACKED	20,867	20,867
162	ALL TERRAIN CRANES	4,003	4,003
163	PLANT, ASPHALT MIXING	3,679	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	30,042	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA	13,725	13,725
166	CONST EQUIP ESP	13,351	13,351
167	ITEMS LESS THAN \$5 MILLION (CONST EQUIP)	9,134	9,134
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
168	JOINT HIGH SPEED VESSEL (JHSV)	0	0
169	HARBORMASTER COMMAND AND CONTROL CENTER	0	0

SEC. 4101. PROCUREMENT
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Line	Item	FY 2013 Request	Senate Authorized
170	ITEMS LESS THAN \$5 MILLION (FLOAT/RAIL)	10,552	10,552
	GENERATORS		
171	GENERATORS AND ASSOCIATED EQUIP	60,302	60,302
	MATERIAL HANDLING EQUIPMENT		
172	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	0	0
173	FAMILY OF FORKLIFTS	5,895	5,895
174	ALL TERRAIN LIFTING ARMY SYSTEM	0	0
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT	104,649	104,649
176	TRAINING DEVICES, NONSYSTEM	125,251	125,251
177	CLOSE COMBAT TACTICAL TRAINER	19,984	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER	10,977	10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	4,056	4,056
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
180	CALIBRATION SETS EQUIPMENT	10,494	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	45,508	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD)	24,334	24,334
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	5,078	5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3)	46,301	46,301
185	BASE LEVEL COMMON EQUIPMENT	1,373	1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	59,141	59,141
187	PRODUCTION BASE SUPPORT (OTH)	2,446	2,446
188	SPECIAL EQUIPMENT FOR USER TESTING	12,920	12,920
189	AMC CRITICAL ITEMS OPA3	19,180	19,180
190	TRACTOR YARD	7,368	7,368
191	UNMANNED GROUND VEHICLE	83,937	71,937
	Transfer to PE 0604641A at Army request		[-12,000]
192	TRAINING LOGISTICS MANAGEMENT	0	0
	OPA2		
193	INITIAL SPARES—C&E	64,507	64,507
	TOTAL, OTHER PROCUREMENT, ARMY	6,326,245	6,307,033
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	0	0
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	0	0
	FORCE TRAINING		
003	TRAIN THE FORCE	0	0
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	227,414	0
	Transfer to OCO		[-227,414]
	TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	227,414	0
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	EA-18G	1,027,443	1,027,443
002	ADVANCE PROCUREMENT (CY)	0	0
003	F/A-18E/F (FIGHTER) HORNET	2,035,131	2,035,131
004	ADVANCE PROCUREMENT (CY)	30,296	90,296
	Retain option for additional FY 14 aircraft		[60,000]
005	JOINT STRIKE FIGHTER CV	1,007,632	1,007,632
006	ADVANCE PROCUREMENT (CY)	65,180	65,180
007	JSP STOVL	1,404,737	1,404,737
008	ADVANCE PROCUREMENT (CY)	106,199	106,199
009	V-22 (MEDIUM LIFT)	1,303,120	1,303,120
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	656,866
016	ADVANCE PROCUREMENT (CY)	185,896	185,896
017	P-8A POSEIDON	2,420,755	2,420,755
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
	AIRLIFT AIRCRAFT		
021	C-40A	0	0
	TRAINER AIRCRAFT		
022	JPATS	278,884	278,884
	OTHER AIRCRAFT		
023	KC-130J	3,000	3,000
024	ADVANCE PROCUREMENT (CY)	22,995	22,995
025	ADVANCE PROCUREMENT (CY)	51,124	51,124
026	MQ-8 UAV	124,573	124,573
027	STUASL0 UAV	9,593	9,593

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
MODIFICATION OF AIRCRAFT			
028	EA-6 SERIES	30,062	30,062
029	AEA SYSTEMS	49,999	49,999
030	AV-8 SERIES	38,703	38,703
031	ADVERSARY	4,289	4,289
032	F-18 SERIES	647,306	647,306
033	H-46 SERIES	2,343	2,343
034	AH-1W SERIES	8,721	8,721
035	H-53 SERIES	45,567	45,567
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	158,332
047	EXECUTIVE HELICOPTERS SERIES	58,163	58,163
048	SPECIAL PROJECT AIRCRAFT	12,421	12,421
049	T-45 SERIES	64,488	64,488
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
055	COMMON DEFENSIVE WEAPON SYSTEM	0	0
056	ID SYSTEMS	39,846	39,846
057	P-8 SERIES	5,302	5,302
058	MAGTF EW FOR AVIATION	34,127	34,127
059	RQ-7 SERIES	49,324	49,324
060	V-22 (TILT/ROTOR ACFT) OSPREY	95,856	95,856
AIRCRAFT SPARES AND REPAIR PARTS			
061	SPARES AND REPAIR PARTS	1,166,430	1,166,430
AIRCRAFT SUPPORT EQUIP & FACILITIES			
062	COMMON GROUND EQUIPMENT	387,195	387,195
063	AIRCRAFT INDUSTRIAL FACILITIES	23,469	23,469
064	WAR CONSUMABLES	43,383	43,383
065	OTHER PRODUCTION CHARGES	3,399	3,399
066	SPECIAL SUPPORT EQUIPMENT	32,274	32,274
067	FIRST DESTINATION TRANSPORTATION	1,742	1,742
068	CANCELLED ACCOUNT ADJUSTMENTS	0	0
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	17,129,296	17,189,296
WEAPONS PROCUREMENT, NAVY			
MODIFICATION OF MISSILES			
001	TRIDENT II MODS	1,224,683	1,224,683
SUPPORT EQUIPMENT & FACILITIES			
002	MISSILE INDUSTRIAL FACILITIES	5,553	5,553
STRATEGIC MISSILES			
003	TOMAHAWK	308,970	308,970
TACTICAL MISSILES			
004	AMRAAM	102,683	102,683
005	SIDEWINDER	80,226	80,226
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
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	0	0
011	AERIAL TARGETS	61,518	61,518
012	OTHER MISSILE SUPPORT	3,585	3,585
MODIFICATION OF MISSILES			
013	ESSM	58,194	58,194
014	HARM MODS	86,721	86,721
015	STANDARD MISSILES MODS	0	0
SUPPORT EQUIPMENT & FACILITIES			
016	WEAPONS INDUSTRIAL FACILITIES	2,014	2,014
017	FLEET SATELLITE COMM FOLLOW-ON	21,454	21,454
ORDNANCE SUPPORT EQUIPMENT			
018	ORDNANCE SUPPORT EQUIPMENT	54,945	54,945
TORPEDOES AND RELATED EQUIP			
019	SSTD	2,700	2,700
020	ASW TARGETS	10,385	10,385
MOD OF TORPEDOES AND RELATED EQUIP			
021	MK-54 TORPEDO MODS	74,487	74,487
022	MK-48 TORPEDO ADCAP MODS	54,281	54,281

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(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
023	QUICKSTRIKE MINE	6,852	6,852
	SUPPORT EQUIPMENT		
024	TORPEDO SUPPORT EQUIPMENT	46,402	46,402
025	ASW RANGE SUPPORT	11,927	11,927
	DESTINATION TRANSPORTATION		
026	FIRST DESTINATION TRANSPORTATION	3,614	3,614
	GUNS AND GUN MOUNTS		
027	SMALL ARMS AND WEAPONS	12,594	12,594
	MODIFICATION OF GUNS AND GUN MOUNTS		
028	CIWS MODS	59,303	67,003
	Buy additional ordnance alteration kits		[7,700]
029	COAST GUARD WEAPONS	19,072	19,072
030	GUN MOUNT MODS	54,706	54,706
031	CRUISER MODERNIZATION WEAPONS	1,591	1,591
032	AIRBORNE MINE NEUTRALIZATION SYSTEMS	20,607	20,607
	OTHER		
033	CANCELLED ACCOUNT ADJUSTMENTS	0	0
	SPARES AND REPAIR PARTS		
034	SPARES AND REPAIR PARTS	60,150	60,150
	TOTAL, WEAPONS PROCUREMENT, NAVY	3,117,578	3,125,278
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	27,024	27,024
002	AIRBORNE ROCKETS, ALL TYPES	56,575	56,575
003	MACHINE GUN AMMUNITION	21,266	21,266
004	PRACTICE BOMBS	34,319	34,319
005	CARTRIDGES & CART ACTUATED DEVICES	53,755	53,755
006	AIR EXPENDABLE COUNTERMEASURES	61,693	61,693
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	41,624
012	SMALL ARMS & LANDING PARTY AMMO	65,893	65,893
013	PYROTECHNIC AND DEMOLITION	11,176	11,176
014	AMMUNITION LESS THAN \$5 MILLION	4,116	4,116
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	83,733	83,733
016	LINEAR CHARGES, ALL TYPES	24,645	24,645
017	40MM, ALL TYPES	16,201	16,201
018	60MM, ALL TYPES	0	0
019	81MM, ALL TYPES	13,711	3,711
	Decrease for excess		[-10,000]
020	120MM, ALL TYPES	12,557	12,557
021	CTG 25MM, ALL TYPES	0	0
022	GRENADES, ALL TYPES	7,634	7,134
	Decrease for excess		[-500]
023	ROCKETS, ALL TYPES	27,528	27,528
024	ARTILLERY, ALL TYPES	93,065	93,065
025	DEMOLITION MUNITIONS, ALL TYPES	2,047	47
	Decrease for excess		[-2,000]
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
	PRIOR YEAR SAVINGS		
029B	PRIOR YEAR SAVINGS		-88,300
	Ammunition change in requirements		[-88,300]
	TOTAL, PROCUREMENT OF AMMO, NAVY & MC	759,539	658,739
	SHIPBUILDING & CONVERSION, NAVY		
	OTHER WARSHIPS		
001	CARRIER REPLACEMENT PROGRAM	608,195	608,195
002	ADVANCE PROCUREMENT (CY)	0	0
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	1,613,392
006	ADVANCE PROCUREMENT (CY)	70,010	70,010
007	SSBN ERO	0	0
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
012	ADVANCE PROCUREMENT (CY)	0	0

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Line	Item	FY 2013 Request	Senate Authorized
AMPHIBIOUS SHIPS			
013	LPD-17	0	0
014	LHA REPLACEMENT	0	0
015	JOINT HIGH SPEED VESSEL	189,196	189,196
AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST			
016	OCEANOGRAPHIC SHIPS	0	0
017	ADVANCE PROCUREMENT (CY)	307,300	307,300
018	OUTFITTING	309,648	309,648
019	SERVICE CRAFT	0	0
020	LCAC SLEP	47,930	47,930
021	COMPLETION OF PY SHIPBUILDING PROGRAMS	372,573	372,573
	TOTAL, SHIPBUILDING & CONVERSION, NAVY	13,579,845	14,357,524
OTHER PROCUREMENT, NAVY			
SHIP PROPULSION EQUIPMENT			
001	LM-2500 GAS TURBINE	10,658	10,658
002	ALLISON 501K GAS TURBINE	8,469	8,469
NAVIGATION EQUIPMENT			
003	OTHER NAVIGATION EQUIPMENT	23,392	23,392
PERISCOPES			
004	SUB PERISCOPES & IMAGING EQUIP	53,809	53,809
OTHER SHIPBOARD EQUIPMENT			
005	DDG MOD	452,371	452,371
006	FIREFIGHTING EQUIPMENT	16,958	16,958
007	COMMAND AND CONTROL SWITCHBOARD	2,492	2,492
008	POLLUTION CONTROL EQUIPMENT	20,707	20,707
009	SUBMARINE SUPPORT EQUIPMENT	12,046	12,046
010	VIRGINIA CLASS SUPPORT EQUIPMENT	79,870	79,870
011	LCS CLASS SUPPORT EQUIPMENT	19,865	19,865
012	SUBMARINE BATTERIES	41,522	41,522
013	LPD CLASS SUPPORT EQUIPMENT	30,543	30,543
014	STRATEGIC PLATFORM SUPPORT EQUIP	16,257	16,257
015	DSSP EQUIPMENT	3,630	3,630
016	CG MODERNIZATION	101,000	101,000
017	LCAC	16,645	16,645
018	UNDERWATER EOD PROGRAMS	35,446	35,446
019	ITEMS LESS THAN \$5 MILLION	65,998	65,998
020	CHEMICAL WARFARE DETECTORS	4,359	4,359
021	SUBMARINE LIFE SUPPORT SYSTEM	10,218	10,218
REACTOR PLANT EQUIPMENT			
022	REACTOR POWER UNITS	286,859	286,859
023	REACTOR COMPONENTS	278,503	278,503
OCEAN ENGINEERING			
024	DIVING AND SALVAGE EQUIPMENT	8,998	8,998
SMALL BOATS			
025	STANDARD BOATS	30,131	30,131
TRAINING EQUIPMENT			
026	OTHER SHIPS TRAINING EQUIPMENT	29,772	29,772
PRODUCTION FACILITIES EQUIPMENT			
027	OPERATING FORCES IPE	64,346	64,346
OTHER SHIP SUPPORT			
028	NUCLEAR ALTERATIONS	154,652	154,652
029	LCS COMMON MISSION MODULES EQUIPMENT	31,319	31,319
030	LCS MCM MISSION MODULES	38,392	38,392
031	LCS SUW MISSION MODULES	32,897	32,897
LOGISTIC SUPPORT			
032	LSD MIDLIFE	49,758	49,758
SHIP RADARS			
033	RADAR SUPPORT	0	0
034	SPQ-9B RADAR	19,777	19,777
035	AN/SQ-89 SURF ASW COMBAT SYSTEM	89,201	89,201
036	SSN ACOUSTICS	190,874	190,874
037	UNDERSEA WARFARE SUPPORT EQUIPMENT	17,035	17,035
038	SONAR SWITCHES AND TRANSDUCERS	13,410	13,410
039	ELECTRONIC WARFARE MILDEC	0	0
ASW ELECTRONIC EQUIPMENT			
040	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,489	21,489
041	SSTD	10,716	10,716
042	FIXED SURVEILLANCE SYSTEM	98,896	98,896
043	SURTASS	2,774	2,774
044	MARITIME PATROL AND RECONNAISSANCE FORCE	18,428	18,428
ELECTRONIC WARFARE EQUIPMENT			
045	AN/SLQ-32	92,270	92,270
RECONNAISSANCE EQUIPMENT			
046	SHIPBOARD IW EXPLOIT	107,060	107,060
047	AUTOMATED IDENTIFICATION SYSTEM (AIS)	914	914
SUBMARINE SURVEILLANCE EQUIPMENT			
048	SUBMARINE SUPPORT EQUIPMENT PROG	34,050	34,050

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Line	Item	FY 2013 Request	Senate Authorized
OTHER SHIP ELECTRONIC EQUIPMENT			
049	COOPERATIVE ENGAGEMENT CAPABILITY	27,881	27,881
050	TRUSTED INFORMATION SYSTEM (TIS)	448	448
051	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	35,732	35,732
052	ATDLS	0	0
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
057	AMERICAN FORCES RADIO AND TV SERVICE	7,768	7,768
058	STRATEGIC PLATFORM SUPPORT EQUIP	3,614	3,614
TRAINING EQUIPMENT			
059	OTHER TRAINING EQUIPMENT	42,911	42,911
AVIATION ELECTRONIC EQUIPMENT			
060	MATCALs	5,861	5,861
061	SHIPBOARD AIR TRAFFIC CONTROL	8,362	8,362
062	AUTOMATIC CARRIER LANDING SYSTEM	15,685	15,685
063	NATIONAL AIR SPACE SYSTEM	16,919	16,919
064	FLEET AIR TRAFFIC CONTROL SYSTEMS	6,828	6,828
065	LANDING SYSTEMS	7,646	7,646
066	ID SYSTEMS	35,474	35,474
067	NAVAL MISSION PLANNING SYSTEMS	9,958	9,958
OTHER SHORE ELECTRONIC EQUIPMENT			
068	DEPLOYABLE JOINT COMMAND AND CONT	9,064	9,064
069	MARITIME INTEGRATED BROADCAST SYSTEM	16,026	16,026
070	TACTICAL/MOBILE C4I SYSTEMS	11,886	11,886
071	DCGS-N	11,887	11,887
072	CANES	341,398	341,398
073	RADLAC	8,083	8,083
074	CANES-INTELL	79,427	79,427
075	GPETE	6,083	6,083
076	INTEG COMBAT SYSTEM TEST FACILITY	4,495	4,495
077	EMI CONTROL INSTRUMENTATION	4,767	4,767
078	ITEMS LESS THAN \$5 MILLION	81,755	81,755
SHIPBOARD COMMUNICATIONS			
079	SHIPBOARD TACTICAL COMMUNICATIONS	0	0
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
083	SUBMARINE BROADCAST SUPPORT	4,183	4,183
084	SUBMARINE COMMUNICATION EQUIPMENT	69,025	69,025
SATELLITE COMMUNICATIONS			
085	SATELLITE COMMUNICATIONS SYSTEMS	49,294	49,294
086	NAVY MULTIBAND TERMINAL (NMT)	184,825	184,825
SHORE COMMUNICATIONS			
087	JCS COMMUNICATIONS EQUIPMENT	2,180	2,180
088	ELECTRICAL POWER SYSTEMS	1,354	1,354
089	NAVAL SHORE COMMUNICATIONS	0	0
CRYPTOGRAPHIC EQUIPMENT			
090	INFO SYSTEMS SECURITY PROGRAM (ISSP)	144,104	144,104
CRYPTOLOGIC EQUIPMENT			
091	CRYPTOLOGIC COMMUNICATIONS EQUIP	12,604	12,604
OTHER ELECTRONIC SUPPORT			
092	COAST GUARD EQUIPMENT	6,680	6,680
093	DEFENSE RAPID INNOVATION PROGRAM	0	0
DRUG INTERDICTION SUPPORT			
094	OTHER DRUG INTERDICTION SUPPORT	0	0
SONOBUOYS			
095	SONOBUOYS—ALL TYPES	104,677	104,677
AIRCRAFT SUPPORT EQUIPMENT			
096	WEAPONS RANGE SUPPORT EQUIPMENT	70,753	70,753
097	EXPEDITIONARY AIRFIELDS	8,678	8,678
098	AIRCRAFT REARMING EQUIPMENT	11,349	11,349
099	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	82,618	82,618
100	METEOROLOGICAL EQUIPMENT	18,339	18,339
101	DCRS/DPL	1,414	1,414
102	AVIATION LIFE SUPPORT	40,475	40,475
103	AIRBORNE MINE COUNTERMEASURES	61,552	61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT	18,771	18,771
105	PORTABLE ELECTRONIC MAINTENANCE AIDS	7,954	7,954
106	OTHER AVIATION SUPPORT EQUIPMENT	10,023	10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS)	3,826	3,826
SHIP GUN SYSTEM EQUIPMENT			
108	NAVAL FIRES CONTROL SYSTEM	3,472	3,472
109	GUN FIRE CONTROL EQUIPMENT	4,528	4,528
SHIP MISSILE SYSTEMS EQUIPMENT			
110	NATO SEASPARROW	8,960	8,960
111	RAM GMLS	1,185	1,185

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Line	Item	FY 2013 Request	Senate Authorized
112	SHIP SELF DEFENSE SYSTEM	55,371	55,371
113	AEGIS SUPPORT EQUIPMENT	81,614	81,614
114	TOMAHAWK SUPPORT EQUIPMENT	77,767	77,767
115	VERTICAL LAUNCH SYSTEMS	754	754
116	MARITIME INTEGRATED PLANNING SYSTEM—MIPS	4,965	4,965
	FBM SUPPORT EQUIPMENT		
117	STRATEGIC MISSILE SYSTEMS EQUIP	181,049	181,049
118	SSN COMBAT CONTROL SYSTEMS	71,316	71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT	4,018	4,018
120	SURFACE ASW SUPPORT EQUIPMENT	6,465	6,465
121	ASW RANGE SUPPORT EQUIPMENT	47,930	47,930
	OTHER ORDNANCE SUPPORT EQUIPMENT		
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	3,579	3,579
123	ITEMS LESS THAN \$5 MILLION	3,125	3,125
	OTHER EXPENDABLE ORDNANCE		
124	ANTI-SHIP MISSILE DECOY SYSTEM	31,743	31,743
125	SURFACE TRAINING DEVICE MODS	34,174	34,174
126	SUBMARINE TRAINING DEVICE MODS	23,450	23,450
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES	7,158	7,158
128	GENERAL PURPOSE TRUCKS	3,325	3,325
129	CONSTRUCTION & MAINTENANCE EQUIP	8,692	8,692
130	FIRE FIGHTING EQUIPMENT	14,533	14,533
131	TACTICAL VEHICLES	15,330	15,330
132	AMPHIBIOUS EQUIPMENT	10,803	10,803
133	POLLUTION CONTROL EQUIPMENT	7,265	7,265
134	ITEMS UNDER \$5 MILLION	15,252	15,252
135	PHYSICAL SECURITY VEHICLES	1,161	1,161
	SUPPLY SUPPORT EQUIPMENT		
136	MATERIALS HANDLING EQUIPMENT	15,204	15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT	6,330	6,330
138	FIRST DESTINATION TRANSPORTATION	6,539	6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS	34,804	34,804
	TRAINING DEVICES		
140	TRAINING SUPPORT EQUIPMENT	25,444	25,444
	COMMAND SUPPORT EQUIPMENT		
141	COMMAND SUPPORT EQUIPMENT	43,165	43,165
142	EDUCATION SUPPORT EQUIPMENT	2,251	2,251
143	MEDICAL SUPPORT EQUIPMENT	3,148	3,148
146	NAVAL MIP SUPPORT EQUIPMENT	3,502	3,502
148	OPERATING FORCES SUPPORT EQUIPMENT	15,696	15,696
149	C4ISR EQUIPMENT	4,344	4,344
150	ENVIRONMENTAL SUPPORT EQUIPMENT	19,492	19,492
151	PHYSICAL SECURITY EQUIPMENT	177,149	177,149
152	ENTERPRISE INFORMATION TECHNOLOGY	183,995	183,995
	CLASSIFIED PROGRAMS		
152A	CLASSIFIED PROGRAMS	13,063	13,063
	SPARES AND REPAIR PARTS		
153	SPARES AND REPAIR PARTS	250,718	250,718
	TOTAL, OTHER PROCUREMENT, NAVY	6,169,378	6,169,378
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	16,089	16,089
002	LAV PIP	186,216	46,216
	LAV procurement acquisition objective change		[-140,000]
	ARTILLERY AND OTHER WEAPONS		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM	2,502	2,502
004	155MM LIGHTWEIGHT TOWED HOWITZER	17,913	17,913
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	47,999	47,999
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	17,706	17,706
	OTHER SUPPORT		
007	MODIFICATION KITS	48,040	48,040
008	WEAPONS ENHANCEMENT PROGRAM	4,537	4,537
	GUIDED MISSILES		
009	GROUND BASED AIR DEFENSE	11,054	11,054
010	JAVELIN	0	0
011	FOLLOW ON TO SMAW	19,650	19,650
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	20,708	20,708
	OTHER SUPPORT		
013	MODIFICATION KITS	0	0
	COMMAND AND CONTROL SYSTEMS		
014	UNIT OPERATIONS CENTER	1,420	1,420
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT	25,127	25,127
	OTHER SUPPORT (TEL)		
016	COMBAT SUPPORT SYSTEM	25,822	25,822
017	MODIFICATION KITS	2,831	2,831

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Line	Item	FY 2013 Request	Senate Authorized
COMMAND AND CONTROL SYSTEM (NON-TEL)			
018	ITEMS UNDER \$5 MILLION (COMM & ELEC)	5,498	5,498
019	AIR OPERATIONS C2 SYSTEMS	11,290	11,290
RADAR + EQUIPMENT (NON-TEL)			
020	RADAR SYSTEMS	128,079	128,079
021	RQ-21 UAS	27,619	27,619
INTELL/COMM EQUIPMENT (NON-TEL)			
022	FIRE SUPPORT SYSTEM	7,319	7,319
023	INTELLIGENCE SUPPORT EQUIPMENT	7,466	7,466
025	RQ-11 UAV	2,318	2,318
026	DCGS-MC	18,291	18,291
OTHER COMM/ELEC EQUIPMENT (NON-TEL)			
029	NIGHT VISION EQUIPMENT	48,084	48,084
OTHER SUPPORT (NON-TEL)			
030	COMMON COMPUTER RESOURCES	206,708	206,708
031	COMMAND POST SYSTEMS	35,190	35,190
032	RADIO SYSTEMS	89,059	89,059
033	COMM SWITCHING & CONTROL SYSTEMS	22,500	22,500
034	COMM & ELEC INFRASTRUCTURE SUPPORT	42,625	42,625
CLASSIFIED PROGRAMS			
035A	CLASSIFIED PROGRAMS	2,290	2,290
ADMINISTRATIVE VEHICLES			
035	COMMERCIAL PASSENGER VEHICLES	2,877	2,877
036	COMMERCIAL CARGO VEHICLES	13,960	13,960
TACTICAL VEHICLES			
037	5/4T TRUCK HMMWV (MYP)	8,052	8,052
038	MOTOR TRANSPORT MODIFICATIONS	50,269	50,269
039	MEDIUM TACTICAL VEHICLE REPLACEMENT	0	0
040	LOGISTICS VEHICLE SYSTEM REP	37,262	37,262
041	FAMILY OF TACTICAL TRAILERS	48,160	48,160
042	TRAILERS	0	0
OTHER SUPPORT			
043	ITEMS LESS THAN \$5 MILLION	6,705	6,705
ENGINEER AND OTHER EQUIPMENT			
044	ENVIRONMENTAL CONTROL EQUIP ASSORT	13,576	13,576
045	BULK LIQUID EQUIPMENT	16,869	16,869
046	TACTICAL FUEL SYSTEMS	19,108	19,108
047	POWER EQUIPMENT ASSORTED	56,253	56,253
048	AMPHIBIOUS SUPPORT EQUIPMENT	13,089	13,089
049	EOD SYSTEMS	73,699	73,699
MATERIALS HANDLING EQUIPMENT			
050	PHYSICAL SECURITY EQUIPMENT	3,510	3,510
051	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	11,490	11,490
052	MATERIAL HANDLING EQUIP	20,659	20,659
053	FIRST DESTINATION TRANSPORTATION	132	132
GENERAL PROPERTY			
054	FIELD MEDICAL EQUIPMENT	31,068	31,068
055	TRAINING DEVICES	45,895	45,895
056	CONTAINER FAMILY	5,801	5,801
057	FAMILY OF CONSTRUCTION EQUIPMENT	23,939	23,939
058	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	0	0
059	BRIDGE BOATS	0	0
060	RAPID DEPLOYABLE KITCHEN	8,365	8,365
OTHER SUPPORT			
061	ITEMS LESS THAN \$5 MILLION	7,077	7,077
SPARES AND REPAIR PARTS			
062	SPARES AND REPAIR PARTS	3,190	3,190
PRIOR YEAR SAVINGS			
062A	PRIOR YEAR SAVINGS		-135,200
	LAV procurement acquisition objective change PY		[-135,200]
TOTAL, PROCUREMENT, MARINE CORPS		1,622,955	1,347,755
AIRCRAFT PROCUREMENT, AIR FORCE			
TACTICAL FORCES			
001	F-35	3,124,302	3,124,302
002	ADVANCE PROCUREMENT (CY)	293,400	293,400
003	F-22A	0	0
004	C-17A (MYP)	0	0
OTHER AIRLIFT			
005	C-130J	68,373	68,373
006	ADVANCE PROCUREMENT (CY)	0	0
007	HC-130J	152,212	152,212
008	ADVANCE PROCUREMENT (CY)	0	0
009	MC-130J	374,866	374,866
010	ADVANCE PROCUREMENT (CY)	0	0
011	HC/MC-130 RECAP	0	0

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(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
012	C-27J	0	0
	UPT TRAINERS		
013	LIGHT MOBILITY AIRCRAFT	0	0
014	USAF A POWERED FLIGHT PROGRAM	0	0
	HELICOPTERS		
015	HH-60 LOSS REPLACEMENT/RECAP	60,596	60,596
016	COMMON VERTICAL LIFT SUPPORT PLATFORM (CVLSP)	0	0
017	CV-22 (MYP)	294,220	294,220
018	ADVANCE PROCUREMENT (CY)	15,000	15,000
	MISSION SUPPORT AIRCRAFT		
019	CIVIL AIR PATROL A/C	2,498	2,498
020	LIGHT ATTACK ARMED RECON ACFT	0	0
021	RQ-11	0	0
022	STUASL0	0	0
	OTHER AIRCRAFT		
023	INTERIM GATEWAY	0	0
024	TARGET DRONES	129,866	129,866
025	C-37A	0	0
026	RQ-4	75,000	75,000
027	ADVANCE PROCUREMENT (CY)	0	0
028	AC-130J	163,970	163,970
029	ADVANCE PROCUREMENT (CY)	0	0
030	MQ-9	553,530	553,530
031	RQ-4 BLOCK 40 PROC	11,654	11,654
	STRATEGIC AIRCRAFT		
032	B-2A	82,296	82,296
033	B-1B	149,756	149,756
034	B-52	9,781	9,781
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES	28,800	28,800
	TACTICAL AIRCRAFT		
036	A-10	89,919	89,919
037	F-15	148,378	148,378
038	F-16	6,896	6,896
039	F-22A	283,871	283,871
040	F-35 MODIFICATIONS	147,995	147,995
	AIRLIFT AIRCRAFT		
041	C-5	6,967	6,967
042	ADVANCE PROCUREMENT (CY)	0	0
043	C-5M	944,819	944,819
044	ADVANCE PROCUREMENT (CY)	175,800	175,800
045	C-9C	0	0
046	C-17A	205,079	205,079
047	C-21	199	199
048	C-32A	1,750	1,750
049	C-37A	445	445
050	C-130 AMP	0	0
	TRAINER AIRCRAFT		
051	GLIDER MODS	126	126
052	T-6	15,494	15,494
053	T-1	272	272
054	T-38	20,455	20,455
	OTHER AIRCRAFT		
055	U-2 MODS	0	0
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
064	C-130 INTEL	0	0
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	71,320
	Restart production line for the JSTARS re-engining program		[12,000]
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

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Line	Item	FY 2013 Request	Senate Authorized
080	CV-22 MODS	23,881	23,881
	AIRCRAFT SPARES AND REPAIR PARTS		
081	INITIAL SPARES/REPAIR PARTS	729,691	729,691
	COMMON SUPPORT EQUIPMENT		
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP	56,542	56,542
	POST PRODUCTION SUPPORT		
083	A-10	5,100	5,100
084	B-1	965	965
085	B-2A	0	0
086	B-2A	47,580	47,580
087	C-5	0	0
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	8,506
094	HH-60 PPS	0	0
095	T-6	0	0
096	OTHER AIRCRAFT	9,522	9,522
	INDUSTRIAL PREPAREDNESS		
097	INDUSTRIAL RESPONSIVENESS	20,731	20,731
	WAR CONSUMABLES		
098	WAR CONSUMABLES	89,727	89,727
	OTHER PRODUCTION CHARGES		
099	OTHER PRODUCTION CHARGES	842,392	842,392
	DARP		
103	U-2	0	0
	CLASSIFIED PROGRAMS		
103A	CLASSIFIED PROGRAMS	20,164	20,164
	PRIOR YEAR SAVINGS		
103B	PRIOR YEAR SAVINGS		-920,748
	Light attack armed reconnaissance (LAAR) cancellation		[-115,049]
	Light mobility aircraft cancellation		[-65,296]
	Common vertical lift support platform (CVLSP) cancellation		[-52,800]
	C-130 AMP cancellation		[-207,163]
	RQ-4 Global Hawk Block 30 cancellation		[-480,440]
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	11,002,999	10,094,251
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	56,906	56,906
	TACTICAL		
002	JASSM	240,399	240,399
003	SIDEWINDER (AIM-9X)	88,020	88,020
004	AMRAAM	229,637	229,637
005	PREDATOR HELLFIRE MISSILE	47,675	47,675
006	SMALL DIAMETER BOMB	42,000	42,000
	INDUSTRIAL FACILITIES		
007	INDUSTRIAL PREPAREDNESS/POL PREVENTION	744	744
	CLASS IV		
008	ADVANCED CRUISE MISSILE	0	0
009	MM III MODIFICATIONS	54,794	54,794
010	AGM-65D MAVERICK	271	271
011	AGM-88A HARM	23,240	23,240
012	AIR LAUNCH CRUISE MISSILE (ALCM)	13,620	13,620
013	SMALL DIAMETER BOMB	5,000	5,000
	MISSILE SPARES AND REPAIR PARTS		
014	INITIAL SPARES/REPAIR PARTS	74,373	74,373
	SPACE PROGRAMS		
015	ADVANCED EHF	557,205	557,205
016	ADVANCE PROCUREMENT (CY)	0	0
017	WIDEBAND GAPFILLER SATELLITES(SPACE)	36,835	36,835
018	ADVANCE PROCUREMENT (CY)	0	0
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
026	ADVANCE PROCUREMENT (CY)	0	0
	SPECIAL PROGRAMS		
028	DEFENSE SPACE RECONN PROGRAM	0	0
030	SPECIAL UPDATE PROGRAMS	138,904	138,904
	CLASSIFIED PROGRAMS		

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Line	Item	FY 2013 Request	Senate Authorized
030A	CLASSIFIED PROGRAMS	1,097,483	1,097,483
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	5,491,846	5,491,846
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	8,927	8,927
	CARTRIDGES		
002	CARTRIDGES	118,075	118,075
	BOMBS		
003	PRACTICE BOMBS	32,393	32,393
004	GENERAL PURPOSE BOMBS	163,467	163,467
005	JOINT DIRECT ATTACK MUNITION	101,921	101,921
	FLARE, IR MJU-7B		
006	CAD/PAD	43,829	43,829
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	7,515	7,515
008	SPARES AND REPAIR PARTS	1,003	1,003
009	MODIFICATIONS	5,321	5,321
010	ITEMS LESS THAN \$5 MILLION	5,066	5,066
	FUZES		
011	FLARES	46,010	46,010
012	FUZES	36,444	36,444
	SMALL ARMS		
013	SMALL ARMS	29,223	29,223
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	599,194	599,194
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	1,905	1,905
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	18,547	18,547
003	CAP VEHICLES	932	932
004	ITEMS LESS THAN \$5 MILLION	1,699	1,699
	SPECIAL PURPOSE VEHICLES		
005	SECURITY AND TACTICAL VEHICLES	10,850	10,850
006	ITEMS LESS THAN \$5 MILLION	9,246	9,246
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	23,148	23,148
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAN \$5 MILLION	18,323	18,323
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV AND CLEANING EQU	1,685	1,685
010	ITEMS LESS THAN \$5 MILLION	17,014	17,014
	CANCELLED ACCOUNT ADJUSTMENTS		
011	CANCELLED ACCOUNT ADJUSTMENTS	0	0
	COMM SECURITY EQUIPMENT(COMSEC)		
012	COMSEC EQUIPMENT	166,559	166,559
013	MODIFICATIONS (COMSEC)	1,133	1,133
	INTELLIGENCE PROGRAMS		
014	INTELLIGENCE TRAINING EQUIPMENT	2,749	2,749
015	INTELLIGENCE COMM EQUIPMENT	32,876	32,876
016	ADVANCE TECH SENSORS	877	877
017	MISSION PLANNING SYSTEMS	15,295	15,295
	ELECTRONICS PROGRAMS		
018	AIR TRAFFIC CONTROL & LANDING SYS	21,984	21,984
019	NATIONAL AIRSPACE SYSTEM	30,698	30,698
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	53,995
024	CHEYENNE MOUNTAIN COMPLEX	14,578	14,578
025	TAC SIGINT SPT	208	208
026	DRUG INTERDICTION SPT	0	0
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	69,743	69,743
028	AF GLOBAL COMMAND & CONTROL SYS	15,829	15,829
029	MOBILITY COMMAND AND CONTROL	11,023	11,023
030	AIR FORCE PHYSICAL SECURITY SYSTEM	64,521	64,521
031	COMBAT TRAINING RANGES	18,217	18,217
032	C3 COUNTERMEASURES	11,899	11,899
033	GCSS-AF FOS	13,920	13,920
034	THEATER BATTLE MGT C2 SYSTEM	9,365	9,365
035	AIR & SPACE OPERATIONS CTR-WPN SYS	33,907	33,907
	AIR FORCE COMMUNICATIONS		
036	INFORMATION TRANSPORT SYSTEMS	52,464	52,464
037	BASE INFO INFRASTRUCTURE	0	0
038	AFNET	125,788	125,788
039	VOICE SYSTEMS	16,811	16,811
040	USCENTCOM	32,138	32,138

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Line	Item	FY 2013 Request	Senate Authorized
DISA PROGRAMS			
041	SPACE BASED IR SENSOR PGM SPACE	47,135	47,135
042	NAVSTAR GPS SPACE	2,031	2,031
043	NUDET DETECTION SYS SPACE	5,564	5,564
044	AF SATELLITE CONTROL NETWORK SPACE	44,219	44,219
045	SPACELIFT RANGE SYSTEM SPACE	109,545	109,545
046	MILSATCOM SPACE	47,592	47,592
047	SPACE MODS SPACE	47,121	47,121
048	COUNTERSPACE SYSTEM	20,961	20,961
ORGANIZATION AND BASE			
049	TACTICAL C-E EQUIPMENT	126,131	126,131
050	COMBAT SURVIVOR EVADER LOCATER	23,707	23,707
051	RADIO EQUIPMENT	12,757	12,757
052	CCTV/AUDIOVISUAL EQUIPMENT	10,716	10,716
053	BASE COMM INFRASTRUCTURE	74,528	74,528
MODIFICATIONS			
054	COMM ELECT MODS	43,507	43,507
PERSONAL SAFETY & RESCUE EQUIP			
055	NIGHT VISION GOGGLES	22,693	22,693
056	ITEMS LESS THAN \$5 MILLION	30,887	30,887
DEPOT PLANT+MTRLS HANDLING EQ			
057	MECHANIZED MATERIAL HANDLING EQUIP	2,850	2,850
BASE SUPPORT EQUIPMENT			
058	BASE PROCURED EQUIPMENT	8,387	8,387
059	CONTINGENCY OPERATIONS	10,358	10,358
060	PRODUCTIVITY CAPITAL INVESTMENT	3,473	3,473
061	RAPID IMPROVEMENT PROCUREMENT INOVAT	0	0
062	MOBILITY EQUIPMENT	14,471	14,471
063	ITEMS LESS THAN \$5 MILLION	1,894	1,894
SPECIAL SUPPORT PROJECTS			
065	DARP RC135	24,176	24,176
066	DCGS-AF	142,928	142,928
068	SPECIAL UPDATE PROGRAM	479,446	479,446
069	DEFENSE SPACE RECONNAISSANCE PROG.	39,155	39,155
CLASSIFIED PROGRAMS			
069A	CLASSIFIED PROGRAMS	14,331,312	14,331,312
SPARES AND REPAIR PARTS			
071	SPARES AND REPAIR PARTS	14,663	14,663
	TOTAL, OTHER PROCUREMENT, AIR FORCE	16,720,848	16,720,848
PROCUREMENT, DEFENSE-WIDE			
MAJOR EQUIPMENT, BTA			
001	MAJOR EQUIPMENT, BTA	0	0
MAJOR EQUIPMENT, DCAA			
002	ITEMS LESS THAN \$5 MILLION	1,486	1,486
MAJOR EQUIPMENT, DCMA			
003	MAJOR EQUIPMENT	2,129	2,129
EQUIPMENT			
004	EQUIPMENT	0	0
MAJOR EQUIPMENT, DHRA			
005	PERSONNEL ADMINISTRATION	6,147	6,147
MAJOR EQUIPMENT, DISA			
012	INFORMATION SYSTEMS SECURITY	12,708	12,708
013	GLOBAL COMMAND AND CONTROL SYSTEM	0	0
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
020	DRUG INTERDICTION SUPPORT	0	0
021	CYBER SECURITY INITIATIVE	10,319	10,319
MAJOR EQUIPMENT, DLA			
022	MAJOR EQUIPMENT	9,575	9,575
MAJOR EQUIPMENT, DMACT			
023	MAJOR EQUIPMENT	15,179	15,179
MAJOR EQUIPMENT, DODEA			
024	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,458	1,458
MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY			
025	EQUIPMENT	0	0
MAJOR EQUIPMENT, DSS			
026	MAJOR EQUIPMENT	2,522	2,522
MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY			
027	VEHICLES	50	50
028	OTHER MAJOR EQUIPMENT	13,096	13,096
MAJOR EQUIPMENT, DTSA			
029	MAJOR EQUIPMENT	0	0

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Line	Item	FY 2013 Request	Senate Authorized
MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY			
030	THAAD	460,728	560,728
	THAAD Interceptors		[100,000]
031	AEGIS BMD	389,626	389,626
032	BMDs AN/TPY-2 RADARS	217,244	217,244
033	RADAR SPARES	10,177	10,177
034	IRON DOME	0	0
MAJOR EQUIPMENT, NSA			
041	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	6,770	6,770
MAJOR EQUIPMENT, OSD			
042	MAJOR EQUIPMENT, OSD	45,938	45,938
043	MAJOR EQUIPMENT, INTELLIGENCE	17,582	17,582
MAJOR EQUIPMENT, TJS			
044	MAJOR EQUIPMENT, TJS	21,878	21,878
MAJOR EQUIPMENT, WHS			
045	MAJOR EQUIPMENT, WHS	26,550	26,550
CLASSIFIED PROGRAMS			
045A	CLASSIFIED PROGRAMS	555,787	555,787
AVIATION PROGRAMS			
046	ROTARY WING UPGRADES AND SUSTAINMENT	74,832	74,832
047	MH-47 SERVICE LIFE EXTENSION PROGRAM	0	0
048	MH-60 MODERNIZATION PROGRAM	126,780	126,780
049	NON-STANDARD AVIATION	99,776	37,000
	Transfer to Line 51 at USSOCOM request		[-62,776]
050	TANKER RECAPITALIZATION	0	0
051	U-28	7,530	116,906
	Transfer from Line 49 at USSOCOM request		[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]
057	RQ-7 UNMANNED AERIAL VEHICLE	0	0
058	STUASL0	12,945	12,945
059	PRECISION STRIKE PACKAGE	73,013	73,013
060	AC/MC-130J	51,484	51,484
061	MQ-8 UAV	0	0
062	C-130 MODIFICATIONS	25,248	25,248
063	AIRCRAFT SUPPORT	5,314	5,314
SHIPBUILDING			
064	UNDERWATER SYSTEMS	23,037	15,037
	Transfer to RDDW Line 272 at USSOCOM request		[-8,000]
065	SEAL DELIVERY VEHICLE	0	0
AMMUNITION PROGRAMS			
066	ORDNANCE REPLENISHMENT	113,183	113,183
067	ORDNANCE ACQUISITION	36,981	36,981
OTHER PROCUREMENT PROGRAMS			
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	99,838	103,738
	USSOCOM UFR		[3,900]
069	INTELLIGENCE SYSTEMS	71,428	71,428
070	SMALL ARMS AND WEAPONS	27,108	27,108
071	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	12,767	15,967
	USSOCOM UFR		[3,200]
073	MARITIME EQUIPMENT MODIFICATIONS	0	0
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	20,255
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
088	MARITIME EQUIPMENT	0	0
089	DRUG INTERDICTION	0	0
090	MISCELLANEOUS EQUIPMENT	6,667	6,667
091	OPERATIONAL ENHANCEMENTS	217,972	243,272
	USSOCOM UFR		[25,300]
092	MILITARY INFORMATION SUPPORT OPERATIONS	27,417	27,417
CLASSIFIED PROGRAMS			
092A	CLASSIFIED PROGRAMS	0	0

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Line	Item	FY 2013 Request	Senate Authorized
CBDP			
093	INSTALLATION FORCE PROTECTION	24,025	24,025
094	INDIVIDUAL PROTECTION	73,720	73,720
095	DECONTAMINATION	506	506
096	JOINT BIO DEFENSE PROGRAM (MEDICAL)	32,597	32,597
097	COLLECTIVE PROTECTION	3,144	3,144
098	CONTAMINATION AVOIDANCE	164,886	164,886
	TOTAL, PROCUREMENT, DEFENSE-WIDE	4,187,935	4,422,335
NATIONAL GUARD & RESERVE EQUIPMENT			
ARMY RESERVE			
001	MISCELLANEOUS EQUIPMENT	0	0
NAVY RESERVE			
002	MISCELLANEOUS EQUIPMENT	0	0
MARINE CORPS RESERVE			
003	MISCELLANEOUS EQUIPMENT	0	0
AIR FORCE RESERVE			
004	MISCELLANEOUS EQUIPMENT	0	0
ARMY NATIONAL GUARD			
005	MISCELLANEOUS EQUIPMENT	0	0
AIR NATIONAL GUARD			
006	MISCELLANEOUS EQUIPMENT	0	0
NATIONAL GUARD AIRCRAFT			
007	MISCELLANEOUS EQUIPMENT	0	0
	TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT	0	0
JOINT URGENT OPERATIONAL NEEDS FUND			
JOINT URGENT OPERATIONAL NEEDS FUND			
001	JOINT URGENT OPERATIONAL NEEDS FUND	99,477	99,477
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND	99,477	99,477
	TOTAL, PROCUREMENT	97,432,379	96,959,163

1 **SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY**
 2 **OPERATIONS.**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Senate Authorized
AIRCRAFT PROCUREMENT, ARMY			
ROTARY			
009	AH-64 APACHE BLOCK IIIB NEW BUILD	71,000	0
	Funding ahead of need		[-71,000]
012	KIOWA WARRIOR (OH-58F) WRA	183,900	183,900
015	CH-47 HELICOPTER	231,300	231,300
	TOTAL, AIRCRAFT PROCUREMENT, ARMY	486,200	415,200
MISSILE PROCUREMENT, ARMY			
SURFACE-TO-AIR MISSILE SYSTEM			
004	HELLFIRE SYS SUMMARY	29,100	29,100
008	GUIDED MLRS ROCKET (GMLRS)	20,553	20,553
	TOTAL, MISSILE PROCUREMENT, ARMY	49,653	49,653
PROCUREMENT OF W&TCV, ARMY			
MOD OF WEAPONS AND OTHER COMBAT VEH			
036	M16 RIFLE MODS	15,422	15,422
	TOTAL, PROCUREMENT OF W&TCV, ARMY	15,422	15,422
PROCUREMENT OF AMMUNITION, ARMY			
SMALL/MEDIUM CAL AMMUNITION			
003	CTG, HANDGUN, ALL TYPES	1,500	1,500
004	CTG, .50 CAL, ALL TYPES	10,000	10,000
007	CTG, 30MM, ALL TYPES	80,000	80,000
MORTAR AMMUNITION			
009	60MM MORTAR, ALL TYPES	14,000	14,000
010	81MM MORTAR, ALL TYPES	6,000	6,000
011	120MM MORTAR, ALL TYPES	56,000	56,000
ARTILLERY AMMUNITION			
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	29,956	29,956
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	37,044	37,044
015	PROJ 155MM EXTENDED RANGE XM982	12,300	12,300
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	17,000	17,000
MINES			
017	MINES & CLEARING CHARGES, ALL TYPES	12,000	12,000
ROCKETS			
020	ROCKET, HYDRA 70, ALL TYPES	63,635	63,635
OTHER AMMUNITION			
023	SIGNALS, ALL TYPES	16,858	16,858
MISCELLANEOUS			
028	ITEMS LESS THAN \$5 MILLION	1,200	1,200
PRODUCTION BASE SUPPORT			
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	357,493	357,493
OTHER PROCUREMENT, ARMY			
TACTICAL VEHICLES			
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	28,247	28,247
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	2,050	2,050
011	HMMWV RECAPITALIZATION PROGRAM	271,000	271,000
014	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	927,400	927,400
COMM—INTELLIGENCE COMM			
052	RESERVE CA/MISO GPF EQUIPMENT	8,000	8,000
COMM—BASE COMMUNICATIONS			
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(.....	25,000	65,000
	Transfer from OMA OCO at SOUTHCOM request		[40,000]
ELECT EQUIP—TACT INT REL ACT (TIARA)			
069	DCGS-A (MIP)	90,355	90,355
073	CI HUMINT AUTO REPRINTING AND COLLECTION	6,516	6,516
ELECT EQUIP—ELECTRONIC WARFARE (EW)			
075	LIGHTWEIGHT COUNTER MORTAR RADAR	27,646	27,646
077	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES	52,000	52,000
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	205,209	205,209
ELECT EQUIP—TACTICAL SURV. (TAC SURV)			
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	14,600	14,600
099	COUNTERFIRE RADARS	54,585	54,585
ELECT EQUIP—TACTICAL C2 SYSTEMS			
102	FIRE SUPPORT C2 FAMILY	22,430	22,430
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	2,400	2,400
112	MANEUVER CONTROL SYSTEM (MCS)	6,400	6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	5,160	5,160
CHEMICAL DEFENSIVE EQUIPMENT			
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	15,000	15,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
127	BASE DEFENSE SYSTEMS (BDS)	66,100	66,100
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	3,565	3,565
	COMBAT SERVICE SUPPORT EQUIPMENT		
143	FORCE PROVIDER	39,700	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	650	650
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	2,119	2,119
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	428	428
153	ITEMS LESS THAN \$5 MILLION (MAINT EQ)	30	30
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT	7,000	7,000
176	TRAINING DEVICES, NONSYSTEM	27,250	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER	1,000	1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	5,900	5,900
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	98,167	91,167
	Slow execution of prior years appropriations		[−37,000]
	Solar power units		[30,000]
	TOTAL, OTHER PROCUREMENT, ARMY	2,015,907	2,048,907
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	950,500	850,500
	Program decrease—under execution		[−100,000]
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	400,000	350,000
	Program decrease—under execution & program delays		[−50,000]
	FORCE TRAINING		
003	TRAIN THE FORCE	149,500	128,500
	Program decrease—under execution & program delays		[−21,000]
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	175,400	373,814
	Transfer from Base		[227,414]
	Program decrease—excessive contractor service support		[−29,000]
	TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	1,675,400	1,702,814
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
011	H-1 UPGRADES (UH-1Y/AH-1Z)	29,800	29,800
	MODIFICATION OF AIRCRAFT		
030	AV-8 SERIES	42,238	42,238
032	F-18 SERIES	41,243	41,243
035	H-53 SERIES	15,870	15,870
038	EP-3 SERIES	13,030	13,030
043	C-130 SERIES	16,737	16,737
048	SPECIAL PROJECT AIRCRAFT	2,714	2,714
054	COMMON AVIONICS CHANGES	570	570
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
062	COMMON GROUND EQUIPMENT	2,380	2,380
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	164,582	164,582
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
009	HELLFIRE	17,000	17,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	6,500	6,500
	TOTAL, WEAPONS PROCUREMENT, NAVY	23,500	23,500
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	18,000	18,000
002	AIRBORNE ROCKETS, ALL TYPES	80,200	80,200
003	MACHINE GUN AMMUNITION	21,500	21,500
006	AIR EXPENDABLE COUNTERMEASURES	20,303	20,303
011	OTHER SHIP GUN AMMUNITION	532	532
012	SMALL ARMS & LANDING PARTY AMMO	2,643	2,643
013	PYROTECHNIC AND DEMOLITION	2,322	2,322
014	AMMUNITION LESS THAN \$5 MILLION	6,308	6,308
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	10,948	10,948
016	LINEAR CHARGES, ALL TYPES	9,940	9,940
017	40MM, 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

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
025	DEMOLITION MUNITIONS, ALL TYPES	1,391	1,391
026	FUZE, ALL TYPES	30,945	30,945
027	NON LETHALS	8	8
029	ITEMS LESS THAN \$5 MILLION	12	12
	TOTAL, PROCUREMENT OF AMMO, NAVY & MC	285,747	285,747
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		
070	TACTICAL/MOBILE C4I SYSTEMS	3,603	3,603
	AIRCRAFT SUPPORT EQUIPMENT		
097	EXPEDITIONARY AIRFIELDS	58,200	58,200
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES	3,901	3,901
128	GENERAL PURPOSE TRUCKS	852	852
129	CONSTRUCTION & MAINTENANCE EQUIP	2,436	2,436
130	FIRE FIGHTING EQUIPMENT	3,798	3,798
131	TACTICAL VEHICLES	13,394	13,394
134	ITEMS UNDER \$5 MILLION	375	375
	COMMAND SUPPORT EQUIPMENT		
149	C4ISR EQUIPMENT	3,000	3,000
151	PHYSICAL SECURITY EQUIPMENT	9,323	9,323
	TOTAL, OTHER PROCUREMENT, NAVY	98,882	98,882
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
002	LAV PIP	10,000	10,000
	ARTILLERY AND OTHER WEAPONS		
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	108,860	108,860
	GUIDED MISSILES		
010	JAVELIN	29,158	29,158
	OTHER SUPPORT		
013	MODIFICATION KITS	41,602	41,602
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT	13,632	13,632
	OTHER SUPPORT (TEL)		
017	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
019	AIR OPERATIONS C2 SYSTEMS	15,575	15,575
	RADAR + EQUIPMENT (NON-TEL)		
020	RADAR SYSTEMS	8,015	8,015
	INTELL/COMM EQUIPMENT (NON-TEL)		
023	INTELLIGENCE SUPPORT EQUIPMENT	35,310	35,310
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
029	NIGHT VISION EQUIPMENT	652	652
	OTHER SUPPORT (NON-TEL)		
030	COMMON COMPUTER RESOURCES	19,807	19,807
032	RADIO SYSTEMS	36,482	36,482
033	COMM SWITCHING & CONTROL SYSTEMS	41,295	41,295
	TACTICAL VEHICLES		
039	MEDIUM TACTICAL VEHICLE REPLACEMENT	10,466	10,466
041	FAMILY OF TACTICAL TRAILERS	7,642	7,642
	ENGINEER AND OTHER EQUIPMENT		
045	BULK LIQUID EQUIPMENT	18,239	18,239
046	TACTICAL FUEL SYSTEMS	51,359	51,359
047	POWER EQUIPMENT ASSORTED	20,247	20,247
049	EOD SYSTEMS	362,658	362,658
	MATERIALS HANDLING EQUIPMENT		
050	PHYSICAL SECURITY EQUIPMENT	55,500	55,500
052	MATERIAL HANDLING EQUIP	19,100	19,100
	GENERAL PROPERTY		
054	FIELD MEDICAL EQUIPMENT	15,751	15,751
055	TRAINING DEVICES	3,602	3,602
057	FAMILY OF CONSTRUCTION EQUIPMENT	15,900	15,900
	TOTAL, PROCUREMENT, MARINE CORPS	943,683	943,683
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC AIRCRAFT		
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES	139,800	139,800
	OTHER AIRCRAFT		
055	U-2 MODS	46,800	46,800
063	C-130	11,400	11,400
067	COMPASS CALL MODS	14,000	14,000
068	RC-135	8,000	8,000
075	HC/MC-130 MODIFICATIONS	4,700	4,700
	AIRCRAFT SPARES AND REPAIR PARTS		
081	INITIAL SPARES/REPAIR PARTS	21,900	21,900
	OTHER PRODUCTION CHARGES		
099	OTHER PRODUCTION CHARGES	59,000	59,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	305,600	305,600
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
005	PREDATOR HELLFIRE MISSILE	34,350	34,350
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	34,350	34,350
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	CARTRIDGES		
002	CARTRIDGES	13,592	13,592
	BOMBS		
004	GENERAL PURPOSE BOMBS	23,211	23,211
005	JOINT DIRECT ATTACK MUNITION	53,923	53,923
	FLARE, IR MJU-7B		
006	CAD/PAD	2,638	2,638
010	ITEMS LESS THAN \$5 MILLION	2,600	2,600
	FUZES		
011	FLARES	11,726	11,726
012	FUZES	8,513	8,513
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	116,203	116,203
	OTHER PROCUREMENT, AIR FORCE		
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	2,010	2,010
004	ITEMS LESS THAN \$5 MILLION	2,675	2,675
	SPECIAL PURPOSE VEHICLES		
006	ITEMS LESS THAN \$5 MILLION	2,557	2,557
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAN \$5 MILLION	4,329	4,329
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV AND CLEANING EQU	984	984
010	ITEMS LESS THAN \$5 MILLION	9,120	9,120
	ELECTRONICS PROGRAMS		
022	WEATHER OBSERVATION FORECAST	5,600	5,600
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	11,157	11,157
	ORGANIZATION AND BASE		
049	TACTICAL C-E EQUIPMENT	7,000	7,000
053	BASE COMM INFRASTRUCTURE	10,654	10,654
	MODIFICATIONS		
054	COMM ELECT MODS	8,000	8,000
	PERSONAL SAFETY & RESCUE EQUIP		
055	NIGHT VISION GOGGLES	902	902
	BASE SUPPORT EQUIPMENT		
059	CONTINGENCY OPERATIONS	60,090	60,090
062	MOBILITY EQUIPMENT	9,400	9,400
063	ITEMS LESS THAN \$5 MILLION	9,175	9,175
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	2,672,317	2,672,317
	SPARES AND REPAIR PARTS		
071	SPARES AND REPAIR PARTS	2,300	2,300
	TOTAL, OTHER PROCUREMENT, AIR FORCE	2,818,270	2,818,270
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
015	TELEPORT PROGRAM	5,260	5,260
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	126,201	126,201
	AVIATION PROGRAMS		
061	MQ-8 UAV	16,500	16,500
	OTHER PROCUREMENT PROGRAMS		
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	151	151
069	INTELLIGENCE SYSTEMS	30,528	30,528
077	TACTICAL VEHICLES	1,843	1,843
082	AUTOMATION SYSTEMS	1,000	1,000
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	108	108
091	OPERATIONAL ENHANCEMENTS	14,758	14,758
	TOTAL, PROCUREMENT, DEFENSE-WIDE	196,349	196,349
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	100,000
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND	100,000	100,000
	TOTAL, PROCUREMENT	9,687,241	9,676,655

1 **TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
2 **OPMENT, TEST, AND EVALUA-**
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	Senate Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	20,860	20,860
002	0601102A	DEFENSE RESEARCH SCIENCES	219,180	219,180
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,986	80,986
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	123,045	123,045
		SUBTOTAL, BASIC RESEARCH	444,071	444,071
APPLIED RESEARCH				
005	0602105A	MATERIALS TECHNOLOGY	29,041	29,041
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
014	0602618A	BALLISTICS TECHNOLOGY	60,823	60,823
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	4,465	4,465
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,169	7,169
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	35,218	35,218
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	60,300	60,300
019	0602709A	NIGHT VISION TECHNOLOGY	53,244	53,244
020	0602712A	COUNTERMINE SYSTEMS	18,850	18,850
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	19,872	19,872
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,095	20,095
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	28,852	28,852
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	9,830	9,830
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	70,693	70,693
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	17,781	17,781
027	0602786A	WARFIGHTER TECHNOLOGY	28,281	28,281
028	0602787A	MEDICAL TECHNOLOGY	107,891	107,891
		SUBTOTAL, APPLIED RESEARCH	874,730	874,730
ADVANCED TECHNOLOGY DEVELOPMENT				
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	39,359	39,359
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	69,580	69,580
031	0603003A	AVIATION ADVANCED TECHNOLOGY	64,215	64,215
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	67,613	67,613
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	104,359	104,359
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	4,157	4,157
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	9,856	9,856
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,661	50,661
037	0603009A	TRACTOR HIKE	9,126	9,126
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,257	17,257
039	0603020A	TRACTOR ROSE	9,925	9,925
040	0603105A	MILITARY HIV RESEARCH	6,984	6,984
041	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	9,716	9,716
042	0603130A	TRACTOR NAIL	3,487	3,487
043	0603131A	TRACTOR EGGS	2,323	2,323
044	0603270A	ELECTRONIC WARFARE TECHNOLOGY	21,683	21,683
045	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	71,111	71,111
046	0603322A	TRACTOR CAGE	10,902	10,902
047	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	180,582	180,582
048	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	27,204	27,204
049	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	6,095	6,095

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Senate Authorized
050	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	37,217	37,217
051	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	13,626	13,626
052	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	28,458	28,458
053	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	25,226	25,226
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT ..	890,722	890,722
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	14,505	14,505
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,876	9,876
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	5,054	5,054
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV	2,725	2,725
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	30,560	30,560
059	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	14,347	14,347
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,073	10,073
061	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV ...	8,660	8,660
062	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,715	10,715
063	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	4,631	4,631
064	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL	278,018	278,018
065	0603790A	NATO RESEARCH AND DEVELOPMENT	4,961	4,961
066	0603801A	AVIATION—ADV DEV	8,602	8,602
067	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	14,605	14,605
068	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS	5,054	5,054
069	0603807A	MEDICAL SYSTEMS—ADV DEV	24,384	24,384
070	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	32,050	32,050
071	0603850A	INTEGRATED BROADCAST SERVICE	96	96
072	0604115A	TECHNOLOGY MATURATION INITIATIVES	24,868	24,868
073	0604131A	TRACTOR JUTE	59	59
074	0604284A	JOINT COOPERATIVE TARGET IDENTIFICATION—GROUND (JCTI-G)/TECHNOLOGY DEV	0	0
075	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2)	76,039	76,039
076	0604775A	DEFENSE RAPID INNOVATION PROGRAM	0	0
077	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	4,043	4,043
078	0305205A	ENDURANCE UAVS	26,196	26,196
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	610,121	610,121
		SYSTEM DEVELOPMENT & DEMONSTRATION		
079	0604201A	AIRCRAFT AVIONICS	78,538	78,538
080	0604220A	ARMED, DEPLOYABLE HELOS	90,494	90,494
081	0604270A	ELECTRONIC WARFARE DEVELOPMENT	181,347	181,347
082	0604280A	JOINT TACTICAL RADIO	0	0
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	96,478
087	0604604A	MEDIUM TACTICAL VEHICLES	3,006	3,006
088	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ENG DEV	0	0
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	25,141
		Transfer from OPA line 191 at Army request		[12,000]
093	0604642A	LIGHT TACTICAL WHEELED VEHICLES	0	0
094	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	0	0
095	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS	0	0
096	0604663A	FCS UNMANNED GROUND VEHICLES	0	0
097	0604664A	FCS UNATTENDED GROUND SENSORS	0	0
098	0604665A	FCS SUSTAINMENT & TRAINING R&D	0	0
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 EQUIPMENT—ENG DEV	43,395	43,395

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113	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	104,983	104,983
114	0604814A	ARTILLERY MUNITIONS—EMD	4,346	4,346
115	0604817A	COMBAT IDENTIFICATION	0	0
116	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	77,223	77,223
117	0604820A	RADAR DEVELOPMENT	3,486	3,486
118	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	9,963	27,163
		GFEBS 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
		No funds authorized		[-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
127	0605455A	SLAMRAAM	0	0
128	0605456A	PAC-3/MSE MISSILE	69,029	69,029
129	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	277,374	277,374
130	0605625A	MANNED GROUND VEHICLE	639,874	639,874
131	0605626A	AERIAL COMMON SENSOR	47,426	47,426
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH	72,295	72,295
133	0303032A	TROJAN—RH12	4,232	4,232
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,942	13,942
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	3,286,629	2,914,968
		RDT&E MANAGEMENT SUPPORT		
135	0604256A	THREAT SIMULATOR DEVELOPMENT	18,090	18,090
136	0604258A	TARGET SYSTEMS DEVELOPMENT	14,034	14,034
137	0604759A	MAJOR T&E INVESTMENT	37,394	37,394
138	0605103A	RAND ARROYO CENTER	21,026	21,026
139	0605301A	ARMY KWAJALEIN ATOLL	176,816	176,816
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	27,902	27,902
141	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
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
145	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	0	0
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
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 SAFETY	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
158	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	1,153,980	1,153,980
		OPERATIONAL SYSTEMS DEVELOPMENT		
159	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	143,005	143,005
160	0607665A	FAMILY OF BIOMETRICS	0	0
161	0607865A	PATRIOT PRODUCT IMPROVEMENT	109,978	109,978
162	0102419A	AEROSTAT JOINT PROJECT OFFICE	190,422	190,422
163	0203347A	INTELLIGENCE SUPPORT TO CYBER (ISC) MIP	0	0
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 PROGRAMS	280,247	226,247
		Improved turbine engine program delay		[-54,000]
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	898	898
169	0203758A	DIGITIZATION	35,180	35,180
170	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	0	0
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

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177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	15,961	15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	120,927	120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	15,756	15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	14,443	14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	31,303	31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	40,876	40,876
184	0305219A	MQ-1 SKY WARRIOR A UAV	74,618	74,618
185	0305232A	RQ-11 UAV	4,039	4,039
186	0305233A	RQ-7 UAV	31,158	31,158
187	0305235A	VERTICAL UAS	2,387	2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,248	15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,908	59,908
189A	9999999999	CLASSIFIED PROGRAMS	4,628	4,628
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,669,162	1,615,162
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	8,929,415	8,503,754
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,690	113,690
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,261	18,261
003	0601153N	DEFENSE RESEARCH SCIENCES	473,070	473,070
		SUBTOTAL, BASIC RESEARCH	605,021	605,021
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	89,189	89,189
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	143,301	143,301
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	46,528	46,528
007	0602235N	COMMON PICTURE APPLIED RESEARCH	41,696	41,696
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	44,127	44,127
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	78,228	78,228
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	49,635	49,635
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,973	5,973
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	96,814	96,814
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	162,417	162,417
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	32,394	32,394
		SUBTOTAL, APPLIED RESEARCH	790,302	790,302
		ADVANCED TECHNOLOGY DEVELOPMENT		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	56,543	56,543
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	18,616	18,616
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	0	0
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	0	0
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
024	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	0	0
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS ..	51,819	51,819
026	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECH- NOLOGY	0	0
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT ..	584,402	584,402
		ADVANCED COMPONENT DEVELOPMENT & PROTO- TYPES		
027	0603128N	UNMANNED AERIAL SYSTEM	0	0
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 ...	190,622	190,622
036	0603506N	SURFACE SHIP TORPEDO DEFENSE	93,346	93,346
037	0603512N	CARRIER SYSTEMS DEVELOPMENT	108,871	108,871
038	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	0	0
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

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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
067	0603755N	SHIP SELF DEFENSE—DEM/VAL	0	0
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
074	0603889N	COUNTERDRUG RDT&E PROJECTS	0	0
075	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	0	0
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
081	0604775N	DEFENSE RAPID INNOVATION PROGRAM	0	0
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
085	0303562N	SUBMARINE TACTICAL WARFARE SYSTEMS—MIP	0	0
086	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	643	643
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	4,335,297	4,335,297
		SYSTEM DEVELOPMENT & DEMONSTRATION		
087	0604212N	OTHER HELO DEVELOPMENT	33,978	33,978
088	0604214N	AV-8B AIRCRAFT—ENG DEV	32,789	32,789
089	0604215N	STANDARDS DEVELOPMENT	84,988	84,988
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
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	260,616
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	63,891
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

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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
130	0604761N	INTELLIGENCE ENGINEERING	0	0
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	737,149
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	743,926	743,926
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	12,143	12,143
136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	72,209	72,209
137	0605018N	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (N-IMHRS)	0	0
138	0605212N	CH-53K RDTE	606,204	606,204
139	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	0	0
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
143	0304503N	SSN-688 AND TRIDENT MODERNIZATION—MIP	0	0
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	23,255	23,255
145	0305124N	SPECIAL APPLICATIONS PROGRAM	0	0
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	5,747,232	5,747,232
		RDT&E MANAGEMENT SUPPORT		
146	0604256N	THREAT SIMULATOR DEVELOPMENT	30,790	30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT	59,221	59,221
148	0604759N	MAJOR T&E INVESTMENT	35,894	35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	7,573	7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	20,963	20,963
151	0605154N	CENTER FOR NAVAL ANALYSES	46,856	46,856
152	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
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
164	0804758N	SERVICE SUPPORT TO JFCOM, JNTC	0	0
165	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	845,077	845,077
		OPERATIONAL SYSTEMS DEVELOPMENT		
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT	142,282	142,282
168	0604717M	MARINE CORPS COMBAT SERVICES SUPPORT	0	0
169	0604766M	MARINE CORPS DATA SYSTEMS	0	0
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	105,892	105,892
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	188,299
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

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182	0204460M	GROUND/AIR TASK ORIENTED RADAR (GATOR)	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	WWWCCS/GLOBAL COMMAND AND CONTROL SYSTEM	500	500
208	0303238N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)—MIP	0	0
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
214	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS	0	0
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
222	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	0	0
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	9,734	9,734
224	0305237N	MEDIUM RANGE MARITIME UAS	0	0
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
228	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM	0	0
229	0708011N	INDUSTRIAL PREPAREDNESS	54,879	54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000
230A	9999999999	CLASSIFIED PROGRAMS	1,151,159	1,151,159
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	3,975,546	3,975,546
230B		PRIOR YEAR SAVINGS		-8,832
		Medium range maritime UAS cancellation		[-8,832]
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	16,882,877	16,874,045
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	361,787	361,787
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	141,153	141,153
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	13,094	13,094
		SUBTOTAL, BASIC RESEARCH	516,034	516,034
		APPLIED RESEARCH		
004	0602102F	MATERIALS	114,166	114,166
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	120,719	120,719
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	89,319	89,319
007	0602203F	AEROSPACE PROPULSION	232,547	232,547
008	0602204F	AEROSPACE SENSORS	127,637	127,637
009	0602601F	SPACE TECHNOLOGY	98,375	98,375
010	0602602F	CONVENTIONAL MUNITIONS	77,175	77,175
011	0602605F	DIRECTED ENERGY TECHNOLOGY	106,196	106,196
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	104,362	104,362
013	0602890F	HIGH ENERGY LASER RESEARCH	38,557	38,557
		SUBTOTAL, APPLIED RESEARCH	1,109,053	1,109,053
		ADVANCED TECHNOLOGY DEVELOPMENT		

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014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	47,890	47,890
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
027	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	0	0
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT ..	596,737	596,737
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	3,866	3,866
029	0603287F	PHYSICAL SECURITY EQUIPMENT	3,704	3,704
030	0603430F	ADVANCED EHF MILSATCOM (SPACE)	229,171	227,671
		Excess funding		[-1,500]
031	0603432F	POLAR MILSATCOM (SPACE)	120,676	120,676
032	0603438F	SPACE CONTROL TECHNOLOGY	25,144	23,144
		Excess funding		[-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
046	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	0	0
047	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	16,343	16,343
048	0604422F	WEATHER SATELLITE FOLLOW-ON	2,000	2,000
049	0604436F	NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT	0	0
050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	9,423	9,423
051	0604775F	DEFENSE RAPID INNOVATION PROGRAM	0	0
052	0604796F	ALTERNATIVE FUELS	0	0
053	0604830F	AUTOMATED AIR-TO-AIR REFUELING	0	0
054	0604857F	OPERATIONALLY RESPONSIVE SPACE	0	45,000
		Restore Operationally Responsive Space		[45,000]
055	0604858F	TECH TRANSITION PROGRAM	37,558	34,558
		Excess funding		[-3,000]
056	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	96,840	96,840
057	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS)	0	0
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	1,181,177	1,219,677
SYSTEM DEVELOPMENT & DEMONSTRATION				
058	0603840F	GLOBAL BROADCAST SERVICE (GBS)	14,652	14,652
059	0604222F	NUCLEAR WEAPONS SUPPORT	25,713	25,713
060	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,583	6,583
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
		Excess funding		[-20,000]
068	0604429F	AIRBORNE ELECTRONIC ATTACK	4,118	4,118
069	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	448,594	446,594
		Excess funding		[-2,000]
070	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,951	9,951

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071	0604604F	SUBUNITIONS	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
075	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	0	0
076	0604750F	INTELLIGENCE EQUIPMENT	803	803
077	0604800F	F-35—EMD	1,210,306	1,210,306
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	1,728,458
		Excess prior year funds		[-87,130]
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
088	0207100F	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS	0	0
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
092	0401138F	C-27J AIRLIFT SQUADRONS	0	0
093	0401318F	CV-22	28,027	28,027
094	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	1,960	1,960
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	4,966,724	4,857,594
		RDT&E MANAGEMENT SUPPORT		
095	0604256F	THREAT SIMULATOR DEVELOPMENT	22,812	22,812
096	0604759F	MAJOR T&E INVESTMENT	42,236	42,236
097	0605101F	RAND PROJECT AIR FORCE	25,579	25,579
098	0605502F	SMALL BUSINESS INNOVATION RESEARCH	0	0
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
109	0909980F	JUDGMENT FUND REIMBURSEMENT	0	0
110	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
111	1001004F	INTERNATIONAL ACTIVITIES	3,851	3,851
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	1,190,349	1,225,349
		OPERATIONAL SYSTEMS DEVELOPMENT		
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	371,595	370,095
		Excess funding		[-1,500]
113	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	0	0
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	20,970
		Efficiencies		[-15,000]
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
125	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	0	0
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

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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
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
144	0207277F	ISR INNOVATIONS	0	0
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
150	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	0	0
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,756	5,756
153	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	0	0
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD	16,226	16,226
155	0207445F	FIGHTER TACTICAL DATA LINK	0	0
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	4,316
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
204	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	0	0
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	64,965

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221	0305940F	SPACE SITUATION AWARENESS OPERATIONS	19,586	19,586
222	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT	0	0
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	100
230	0401218F	KC-135S	0	0
231	0401219F	KC-10S	24,022	24,022
232	0401314F	OPERATIONAL SUPPORT AIRLIFT	7,471	7,471
233	0401315F	C-STOL AIRCRAFT	0	0
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	119,327
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT	15,873	15,873
239	0801711F	RECRUITING ACTIVITIES	0	0
240	0804743F	OTHER FLIGHT TRAINING	349	349
241	0804757F	JOINT NATIONAL TRAINING CENTER	0	0
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 DEVELOP- MENT	100,160	100,160
249	0902998F	MANAGEMENT HQ—ADP SUPPORT (AF)	0	0
249A	9999999999	CLASSIFIED PROGRAMS	11,172,183	11,149,583
		Classified reduction		[-4,600]
		Classified reduction		[-18,000]
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	15,867,972	15,828,872
249B		PRIOR YEAR SAVINGS		-78,426
		C-130 AMP cancellation		[-6,509]
		MALD II Cancellation		[-7,917]
		Global Hawk Block 30 cancellation		[-64,000]
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF ...	25,428,046	25,274,890
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	45,071	45,071
002	0601101E	DEFENSE RESEARCH SCIENCES	309,051	309,051
003	0601110D8Z	BASIC RESEARCH INITIATIVES	19,405	19,405
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	39,676	39,676
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	87,979	87,979
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	50,566	50,566
		SUBTOTAL, BASIC RESEARCH	551,748	551,748
		APPLIED RESEARCH		
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	20,615	20,615
008	0602115E	BIOMEDICAL TECHNOLOGY	110,900	110,900
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE	0	0
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
014	0602305E	MACHINE INTELLIGENCE	0	0
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	13,753
018	0602668D8Z	CYBER SECURITY RESEARCH	18,985	18,985
019	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	6,771	6,771
020	0602702E	TACTICAL TECHNOLOGY	233,209	233,209
021	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	166,067	166,067
022	0602716E	ELECTRONICS TECHNOLOGY	222,416	222,416
023	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES ...	172,352	172,352
024	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	28,739	28,739
		SUBTOTAL, APPLIED RESEARCH	1,703,881	1,703,881
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
025	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,612	25,612

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026	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	26,324	26,324
027	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,144	65,844
		Reduction due to duplication of effort		[-11,300]
028	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT	275,022	275,022
029	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	79,975	79,975
030	0603200D8Z	JOINT ADVANCED CONCEPTS	0	0
031	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,032	20,032
032	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)— THEATER CAPABILITY	3,892	3,892
033	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	36,685	36,685
034	0603286E	ADVANCED AEROSPACE SYSTEMS	174,316	174,316
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 DEVELOP- MENT	13,754	13,754
041	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	0	0
042	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	19,935	19,935
043	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT	8,235	8,235
044	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECH- NOLOGY PROGRAM	21,966	51,966
		Industrial Base Innovation Fund		[30,000]
045	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	24,662	24,662
046	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	0	0
047	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	24,605	24,605
048	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECH- NOLOGY	30,678	30,678
049	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,282	65,282
050	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUP- PORT	72,234	69,234
		DMEA upgrade reduction		[-3,000]
051	0603727D8Z	JOINT WARFIGHTING PROGRAM	8,403	8,403
052	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	111,008	111,008
053	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	0	0
054	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	237,859	237,859
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 DEVELOP- MENT	12,195	12,195
059	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,036	30,036
060	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,002	107,002
061	0603828D8Z	JOINT EXPERIMENTATION	0	0
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	46,944
065	0603902C	NEXT GENERATION AEGIS MISSILE	224,077	224,077
066	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	92,602	92,602
067	0603942D8Z	TECHNOLOGY TRANSFER	0	0
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	26,244	26,244
069	0303310D8Z	CWMD SYSTEMS	53,946	53,946
070	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOP- MENT	45,317	45,317
071	1160422BB	AVIATION ENGINEERING ANALYSIS	861	861
072	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY	4,959	4,959
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD)	3,194,413	3,210,113
		ADVANCED COMPONENT DEVELOPMENT & PROTO- TYPES	3,194,413	3,210,113
073	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIP- MENT RDT&E ADC&P	33,234	33,234
074	0603527D8Z	RETRACT LARCH	21,023	21,023
075	0603600D8Z	WALKOFF	94,624	94,624
076	0603709D8Z	JOINT ROBOTICS PROGRAM	0	0
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 SEG- MENT	903,172	903,172

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081	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL ..	179,023	179,023
082	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	347,012	347,012
083	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	0	0
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, BAT- TLE 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	409,836
		Arrow Weapon System improvements		[20,000]
		Arrow-3 intercepter		[20,000]
		David's Sling short-range BMD		[60,000]
		Iron Dome short-range rocket defense		[210,000]
095	0603914C	BALLISTIC MISSILE DEFENSE TEST	454,400	454,400
096	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	435,747	435,747
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 SYS- TEM (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	0	200,000
		Rapid Innovation Program		[200,000]
103	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	0	0
104	0604787J	JOINT SYSTEMS INTEGRATION	3,273	3,273
105	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM ...	0	0
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	297,375
110	0604884C	AIRBORNE INFRARED (ABIR)	0	0
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST)	58,742	58,742
112	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST	0	0
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,158	3,158
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	6,282,166	6,814,966
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)		
114	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	0	0
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIP- MENT 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
118	0604709D8Z	JOINT ROBOTICS PROGRAM—EMD	0	0
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
123	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYS- TEM (DIMHRS)	0	0
124	0605020BTA	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	0	0
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	387	387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,859	1,859
127	0605027D8Z	ODSD(C) IT DEVELOPMENT INITIATIVES	7,010	7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEM- ONSTRATION	133,104	133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION	25,269	25,269
130	0605140D8Z	TRUSTED FOUNDRY	0	0
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 (EEDM)	3,556	3,556
134	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COM- MITTEE (WI-SOC) STAFF OFFICE	0	0
		SUBTOTAL, SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)	694,287	694,287
		RDT&E MANAGEMENT SUPPORT		

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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 (JMETC)	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
145	0605128D8Z	CLASSIFIED PROGRAM USD(P)	0	0
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
153	0605502BR	SMALL BUSINESS INNOVATION RESEARCH	0	0
154	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH--MDA	0	0
155	0605502D8W	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
156	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
157	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
158	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH	0	0
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
161	0605799D8Z	EMERGING CAPABILITIES	0	0
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]
165	0605897E	DARPA AGENCY RELOCATION	0	0
166	0605898E	MANAGEMENT HQ--R&D	69,767	69,767
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,454	4,454
168	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	0	0
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,637	2,637
170	0204571J	JOINT STAFF ANALYTICAL SUPPORT	0	0
173	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	0	0
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	8,238	8,238
175	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	0	0
176	0305103E	CYBER SECURITY INITIATIVE	1,801	1,801
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	16,041	16,041
179	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	0	0
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)	77,475	77,475
181	0901585C	PENTAGON RESERVATION	0	0
182	0901598C	MANAGEMENT HQ--MDA	34,855	34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS	104	104
184	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	0	0
184A	9999999999	CLASSIFIED PROGRAMS	64,255	64,255
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	887,928	892,928
		OPERATIONAL SYSTEMS DEVELOPMENT		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,866	8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT	3,238	3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAIS)	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	14,745	14,745
189	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	0	0
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY	5,013	5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,922	3,922
192	0208045K	C4I 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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Senate Authorized
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	191,452	191,452
209	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	0	0
210	0303149J	C4I FOR THE WARRIOR	0	0
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
220	0305103D8Z	CYBER SECURITY INITIATIVE	0	0
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
239	0305231BB	MQ-8 UAV	0	0
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,303	2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHI- TECTURES	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
252	1001018D8Z	NATO AGS	0	0
253	1105219BB	MQ-9 UAV	3,002	3,002
254	1105232BB	RQ-11 UAV	0	0
255	1105233BB	RQ-7 UAV	0	0
256	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG	0	0
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVEL- OPMENT	97,267	97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	821	821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOP- MENT	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 SYS- TEMS	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	34,405
		Transfer from PDW Line 64 at USSOCOM request		[8,000]
273	1160484BB	SOF SURFACE CRAFT	8,573	8,573
274	1160488BB	SOF MILITARY INFORMATION SUPPORT OPERATIONS	0	0
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,620	7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	16,386	16,386
276A	9999999999	CLASSIFIED PROGRAMS	3,754,516	3,754,516
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	4,667,738	4,676,338
		UNDISTRIBUTED		
		UNDISTRIBUTED		-100,000
		DARPA undistributed reduction		[-75,000]
		DARPA classified programs reduction		[-25,000]
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW ..	17,982,161	18,444,261
		OPERATIONAL TEST & EVAL, DEFENSE		
		RDT&E MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	72,501	76,501
		NCR transition		[4,000]
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	49,201	49,201
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	63,566	63,566
		TOTAL, OPERATIONAL TEST & EVAL, DEFENSE	185,268	189,268
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL	69,407,767	69,286,218

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	Senate Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
ADVANCED COMPONENT DEVELOPMENT & PROTO-				
TYPES				
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	19,860	19,860
SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			19,860	19,860
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY			19,860	19,860
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
ADVANCED COMPONENT DEVELOPMENT & PROTO-				
TYPES				
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	4,600	4,600
SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			4,600	4,600
SYSTEM DEVELOPMENT & DEMONSTRATION				
131	0604771N	MEDICAL DEVELOPMENT	2,173	2,173
SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION			2,173	2,173
RDT&E MANAGEMENT SUPPORT				
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	5,200	5,200
SUBTOTAL, RDT&E MANAGEMENT SUPPORT			5,200	5,200
OPERATIONAL SYSTEMS DEVELOPMENT				
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	6,762	6,762
221	0305233N	RQ-7 UAV	7,600	7,600
230A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784
SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT			48,146	48,146
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY			60,119	60,119
RESEARCH, DEVELOPMENT, TEST & EVAL, AF				
OPERATIONAL SYSTEMS DEVELOPMENT				
249A	9999999999	CLASSIFIED PROGRAMS	53,150	53,150
SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT			53,150	53,150
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF ..			53,150	53,150
RESEARCH, DEVELOPMENT, TEST & EVAL, DW				
OPERATIONAL SYSTEMS DEVELOPMENT				
239	0305231BB	MQ-8 UAV	5,000	5,000
276A	9999999999	CLASSIFIED PROGRAMS	107,387	107,387
SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT			112,387	112,387
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW ..			112,387	112,387
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL			245,516	245,516

1 **TITLE XLIII—OPERATION AND**
 2 **MAINTENANCE**

3 **SEC. 4301. OPERATION AND MAINTENANCE.**

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Senate Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
010	MANEUVER UNITS	1,223,087	1,223,087
020	MODULAR SUPPORT BRIGADES	80,574	80,574
030	ECHELONS ABOVE BRIGADE	723,039	723,039
040	THEATER LEVEL ASSETS	706,974	706,974
050	LAND FORCES OPERATIONS SUPPORT	1,226,650	1,226,650
060	AVIATION ASSETS	1,319,832	1,319,832
070	FORCE READINESS OPERATIONS SUPPORT	3,447,174	3,447,174
080	LAND FORCES SYSTEMS READINESS	454,774	454,774
090	LAND FORCES DEPOT MAINTENANCE	1,762,757	1,762,757
100	BASE OPERATIONS SUPPORT	7,401,613	7,401,613
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	3,041,074	3,041,074
120	MANAGEMENT AND OPERATIONAL HQ'S	410,171	410,171
130	COMBATANT COMMANDERS CORE OPERATIONS	177,819	177,819
140	ADDITIONAL ACTIVITIES	0	0
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	0	0
160	RESET	0	0
170	COMBATANT COMMANDERS ANCLLARY MISSIONS	461,333	461,333
	SUBTOTAL, OPERATING FORCES	22,436,871	22,436,871
MOBILIZATION			
180	STRATEGIC MOBILITY	405,496	405,496
190	ARMY PREPOSITIONING STOCKS	195,349	195,349
200	INDUSTRIAL PREPAREDNESS	6,379	6,379
	SUBTOTAL, MOBILIZATION	607,224	607,224
TRAINING AND RECRUITING			
210	OFFICER ACQUISITION	112,866	112,866
220	RECRUIT TRAINING	73,265	73,265
230	ONE STATION UNIT TRAINING	51,227	51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS	443,306	443,306
250	SPECIALIZED SKILL TRAINING	1,099,556	1,099,556
260	FLIGHT TRAINING	1,130,627	1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,683	191,683
280	TRAINING SUPPORT	652,095	652,095
290	RECRUITING AND ADVERTISING	507,510	507,510
300	EXAMINING	156,964	156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION	244,343	244,343
320	CIVILIAN EDUCATION AND TRAINING	212,477	212,477
330	JUNIOR ROTC	182,691	182,691
	SUBTOTAL, TRAINING AND RECRUITING	5,058,610	5,058,610
ADMIN & SRVWIDE ACTIVITIES			
350	SERVICEWIDE TRANSPORTATION	601,331	601,331
360	CENTRAL SUPPLY ACTIVITIES	741,324	741,324
370	LOGISTIC SUPPORT ACTIVITIES	610,136	610,136
380	AMMUNITION MANAGEMENT	478,707	478,707
390	ADMINISTRATION	556,307	539,107
	GFEBS realignment per Army request		[-17,200]
400	SERVICEWIDE COMMUNICATIONS	1,547,925	1,547,925
410	MANPOWER MANAGEMENT	362,205	362,205
420	OTHER PERSONNEL SUPPORT	220,754	220,754
430	OTHER SERVICE SUPPORT	1,153,556	1,145,456
	Decrease for ahead of need request		[-8,100]
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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
480	MISC. SUPPORT OF OTHER NATIONS	25,637	25,637
490	CLASSIFIED PROGRAMS	1,052,595	1,052,595
	SUBTOTAL, ADMIN & SRVWIDE ACTIVITIES	8,505,887	8,480,587
	UNDISTRIBUTED		
	UNDISTRIBUTED		-120,000
	Unobligated balances		[-120,000]
	TOTAL, OPERATION & MAINTENANCE, ARMY	36,608,592	36,463,292
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	4,918,144	4,918,144
020	FLEET AIR TRAINING	1,886,825	1,886,825
030	AVIATION TECHNICAL DATA & ENGINEERING SERV- ICES	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	4,686,535
100	SHIP OPERATIONS SUPPORT & TRAINING	769,204	769,204
110	SHIP DEPOT MAINTENANCE	5,089,981	5,089,981
120	SHIP DEPOT OPERATIONS SUPPORT	1,315,366	1,315,366
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	2,101,279
300	BASE OPERATING SUPPORT	4,822,093	4,822,093
	SUBTOTAL, OPERATING FORCES	33,758,297	33,758,297
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	334,659	334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,562	6,562
330	SHIP ACTIVATIONS/INACTIVATIONS	1,066,329	1,066,329
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	83,901	83,901
350	INDUSTRIAL READINESS	2,695	2,695
360	COAST GUARD SUPPORT	23,502	23,502
	SUBTOTAL, MOBILIZATION	1,517,648	1,517,648
	TRAINING AND RECRUITING		
370	OFFICER ACQUISITION	147,807	147,807
380	RECRUIT TRAINING	10,473	10,473
390	RESERVE OFFICERS TRAINING CORPS	139,220	139,220
400	SPECIALIZED SKILL TRAINING	582,177	582,177
410	FLIGHT TRAINING	5,456	5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION	170,746	170,746
430	TRAINING SUPPORT	153,403	153,403
440	RECRUITING AND ADVERTISING	241,329	241,329
450	OFF-DUTY AND VOLUNTARY EDUCATION	108,226	108,226
460	CIVILIAN EDUCATION AND TRAINING	105,776	105,776
470	JUNIOR ROTC	51,817	51,817
	SUBTOTAL, TRAINING AND RECRUITING	1,716,430	1,716,430
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	797,177	797,177

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
490	EXTERNAL RELATIONS	12,872	12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	120,181	120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	235,753	235,753
520	OTHER PERSONNEL SUPPORT	263,060	263,060
530	SERVICEWIDE COMMUNICATIONS	363,213	363,213
540	MEDICAL ACTIVITIES	0	0
550	SERVICEWIDE TRANSPORTATION	182,343	182,343
560	ENVIRONMENTAL PROGRAMS	0	0
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
690	CANCELLED ACCOUNT ADJUSTMENTS	0	0
700	JUDGEMENT FUND	0	0
710	CLASSIFIED PROGRAMS	537,079	537,079
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	4,614,568	4,614,568
	UNDISTRIBUTED		
	UNDISTRIBUTED		-23,000
	Unobligated balances		[-23,000]
	TOTAL, OPERATION & MAINTENANCE, NAVY	41,606,943	41,583,943
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	788,055	788,055
020	FIELD LOGISTICS	762,614	762,614
030	DEPOT MAINTENANCE	168,447	168,447
040	MARITIME PREPOSITIONING	100,374	100,374
050	SUSTAINMENT, RESTORATION & MODERNIZATION	825,039	825,039
060	BASE OPERATING SUPPORT	2,188,883	2,188,883
	SUBTOTAL, OPERATING FORCES	4,833,412	4,833,412
	TRAINING AND RECRUITING		
070	RECRUIT TRAINING	18,251	18,251
080	OFFICER ACQUISITION	869	869
090	SPECIALIZED SKILL TRAINING	80,914	80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION	42,744	42,744
110	TRAINING SUPPORT	292,150	292,150
120	RECRUITING AND ADVERTISING	168,609	168,609
130	OFF-DUTY AND VOLUNTARY EDUCATION	56,865	56,865
140	JUNIOR ROTC	19,912	19,912
	SUBTOTAL, TRAINING AND RECRUITING	680,314	680,314
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	39,962	39,962
170	ACQUISITION AND PROGRAM MANAGEMENT	83,404	83,404
180	CANCELLED ACCOUNT ADJUSTMENT	0	0
190	CLASSIFIED PROGRAMS	346,071	346,071
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	469,437	469,437
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	5,983,163	5,983,163
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,973,141	2,973,141
020	COMBAT ENHANCEMENT FORCES	1,611,032	1,611,032
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 & MOD- ERNIZATION	1,353,987	1,353,987
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
090	JCS EXERCISES	0	0

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
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	862,979
140	COMBATANT COMMANDERS CORE OPERATIONS	222,429	222,429
	SUBTOTAL, OPERATING FORCES	20,047,084	20,047,084
	MOBILIZATION		
150	AIRLIFT OPERATIONS	1,785,379	1,785,379
160	MOBILIZATION PREPAREDNESS	154,049	154,049
170	DEPOT MAINTENANCE	1,477,396	1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	309,699	309,699
190	BASE SUPPORT	707,574	707,574
	SUBTOTAL, MOBILIZATION	4,434,097	4,434,097
	TRAINING AND RECRUITING		
200	OFFICER ACQUISITION	115,427	115,427
210	RECRUIT TRAINING	17,619	17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	92,949	92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	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
300	JUDGEMENT FUND	0	0
310	RECRUITING AND ADVERTISING	130,217	130,217
320	EXAMINING	2,738	2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION	155,170	155,170
340	CIVILIAN EDUCATION AND TRAINING	175,147	175,147
350	JUNIOR ROTC	74,809	74,809
	SUBTOTAL, TRAINING AND RECRUITING	3,745,868	3,745,868
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	1,029,734	1,029,734
370	TECHNICAL SUPPORT ACTIVITIES	913,843	913,843
390	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	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
450	JUDGEMENT FUND REIMBURSEMENT	0	0
470	INTERNATIONAL SUPPORT	81,307	81,307
480	CLASSIFIED PROGRAMS	1,239,040	1,239,040
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	7,208,311	7,208,311
	UNDISTRIBUTED		
	UNDISTRIBUTED		-32,000
	Unobligated balances		[-32,000]
	TOTAL, OPERATION & MAINTENANCE, AIR FORCE	35,435,360	35,403,360
	OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES		
010	JOINT CHIEF'S OF STAFF	485,708	485,708
020	SPECIAL OPERATIONS COMMAND	0	5,107,501
	Transfer from Line 025		[5,091,001]
	USSOCOM UFR		[16,500]
025	CLASSIFIED PROGRAMS	5,091,001	0
	Transfer to Line 020		[-5,091,001]
	SUBTOTAL, OPERATING FORCES	5,576,709	5,593,209
	TRAINING AND RECRUITING		
030	DEFENSE ACQUISITION UNIVERSITY	147,210	147,210

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
040	NATIONAL DEFENSE UNIVERSITY	84,999	84,999
	SUBTOTAL, TRAINING AND RECRUITING	232,209	232,209
	ADMIN & SRVWD ACTIVITIES		
050	CIVIL MILITARY PROGRAMS	161,294	161,294
070	DEFENSE BUSINESS TRANSFORMATION AGENCY	0	0
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	540,317
	Program decrease—Defense Security Assessment		[-2,600]
	Program decrease—Global Train and Equip		[-15,000]
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	114,037
	Decrease for ahead of need request		[-139,400]
260	OFFICE OF THE SECRETARY OF DEFENSE	2,095,362	2,095,362
270	WASHINGTON HEADQUARTERS SERVICE	521,297	521,297
280	CLASSIFIED PROGRAMS	14,933,801	14,158,757
	Transfer to Line 190		[-506,662]
	Transfer to Line 210		[-443,382]
	Commercial imagery service level agreement		[125,000]
	Additional ISR Support to Operation Observant Compass		[50,000]
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	26,184,095	26,202,095
	UNDISTRIBUTED		
	UNDISTRIBUTED		5,000
	Unobligated balances		[-25,000]
	Impact aid for schools with military dependent students		[25,000]
	Impact aid for children with severe disabilities		[5,000]
	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	31,993,013	32,032,513
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
010	MANEUVER UNITS	1,391	1,391
020	MODULAR SUPPORT BRIGADES	20,889	20,889
030	ECHELONS ABOVE BRIGADE	592,724	592,724
040	THEATER LEVEL ASSETS	114,983	114,983
050	LAND FORCES OPERATIONS SUPPORT	633,091	633,091
060	AVLATION 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
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	287,399	287,399
120	MANAGEMENT AND OPERATIONAL HQ'S	52,431	52,431
130	ADDITIONAL ACTIVITIES	0	0
	SUBTOTAL, OPERATING FORCES	3,034,929	3,034,929
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	12,995	12,995
150	ADMINISTRATION	32,432	32,432
160	SERVICEWIDE COMMUNICATIONS	4,895	4,895
170	MANPOWER MANAGEMENT	16,074	16,074
180	RECRUITING AND ADVERTISING	60,683	60,683
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	127,079	127,079

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
	TOTAL, OPERATION & MAINTENANCE, ARMY RES	3,162,008	3,162,008
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	616,776	616,776
020	INTERMEDIATE MAINTENANCE	15,076	15,076
030	AIR OPERATIONS AND SAFETY SUPPORT	1,479	1,479
040	AIRCRAFT DEPOT MAINTENANCE	107,251	107,251
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	355	355
060	MISSION AND OTHER SHIP OPERATIONS	82,186	82,186
070	SHIP OPERATIONS SUPPORT & TRAINING	589	589
080	SHIP DEPOT MAINTENANCE	48,593	48,593
090	COMBAT COMMUNICATIONS	15,274	15,274
100	COMBAT SUPPORT FORCES	124,917	124,917
110	WEAPONS MAINTENANCE	1,978	1,978
120	ENTERPRISE INFORMATION	43,699	43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION ..	60,646	60,646
140	BASE OPERATING SUPPORT	105,227	105,227
	SUBTOTAL, OPERATING FORCES	1,224,046	1,224,046
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	3,117	3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	14,337	14,337
170	SERVICEWIDE COMMUNICATIONS	2,392	2,392
180	ACQUISITION AND PROGRAM MANAGEMENT	3,090	3,090
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	22,936	22,936
	TOTAL, OPERATION & MAINTENANCE, NAVY RES	1,246,982	1,246,982
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	89,690	89,690
020	DEPOT MAINTENANCE	16,735	16,735
030	SUSTAINMENT, RESTORATION AND MODERNIZATION ..	37,913	37,913
040	BASE OPERATING SUPPORT	103,746	103,746
	SUBTOTAL, OPERATING FORCES	248,084	248,084
	ADMIN & SRVWD ACTIVITIES		
050	SERVICEWIDE TRANSPORTATION	873	873
060	ADMINISTRATION	14,330	14,330
070	RECRUITING AND ADVERTISING	8,998	8,998
080	CANCELLED ACCOUNT ADJUSTMENT	0	0
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	24,201	24,201
	TOTAL, OPERATION & MAINTENANCE, MC RE- SERVE	272,285	272,285
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,089,326	2,089,326
020	MISSION SUPPORT OPERATIONS	112,992	112,992
030	DEPOT MAINTENANCE	406,101	406,101
040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	71,564	71,564
050	BASE SUPPORT	364,862	364,862
	SUBTOTAL, OPERATING FORCES	3,044,845	3,044,845
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	78,824	78,824
070	RECRUITING AND ADVERTISING	16,020	16,020
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,496	19,496
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,489	6,489
100	AUDIOVISUAL	808	808
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	121,637	121,637
	TOTAL, OPERATION & MAINTENANCE, AF RE- SERVE	3,166,482	3,166,482
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	680,206	680,206

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
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 & MOD- ERNIZATION	688,189	688,189
120	MANAGEMENT AND OPERATIONAL HQ'S	953,716	953,716
	SUBTOTAL, OPERATING FORCES	6,648,912	6,648,912
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	11,806	11,806
140	REAL ESTATE MANAGEMENT	1,656	1,656
150	ADMINISTRATION	89,358	89,358
160	SERVICEWIDE COMMUNICATIONS	39,513	39,513
170	MANPOWER MANAGEMENT	7,224	7,224
180	RECRUITING AND ADVERTISING	310,143	310,143
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	459,700	459,700
	TOTAL, OPERATION & MAINTENANCE, ARNG	7,108,612	7,108,612
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,559,824	3,559,824
020	MISSION SUPPORT OPERATIONS	721,225	721,225
030	DEPOT MAINTENANCE	774,875	774,875
040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	270,709	270,709
050	BASE SUPPORT	624,443	624,443
	SUBTOTAL, OPERATING FORCES	5,951,076	5,951,076
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	32,358	32,358
070	RECRUITING AND ADVERTISING	32,021	32,021
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	64,379	64,379
	TOTAL, OPERATION & MAINTENANCE, ANG	6,015,455	6,015,455
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DE- FENSE	13,516	13,516
040	ACQ WORKFORCE DEV FD	274,198	274,198
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	108,759	108,759
030	COOPERATIVE THREAT REDUCTION	519,111	519,111
050	ENVIRONMENTAL RESTORATION, ARMY	335,921	335,921
060	ENVIRONMENTAL RESTORATION, NAVY	310,594	310,594
070	ENVIRONMENTAL RESTORATION, AIR FORCE	529,263	529,263
080	ENVIRONMENTAL RESTORATION, DEFENSE	11,133	11,133
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	237,543	237,543
	TOTAL, MISCELLANEOUS APPROPRIATIONS	2,340,038	2,340,038
	TOTAL, OPERATION & MAINTENANCE	174,938,933	174,778,133

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	Senate Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
040	THEATER LEVEL ASSETS	2,758,162	2,758,162
050	LAND FORCES OPERATIONS SUPPORT	991,396	991,396
060	AVIATION ASSETS	40,300	40,300
070	FORCE READINESS OPERATIONS SUPPORT	1,755,445	1,755,445
080	LAND FORCES SYSTEMS READINESS	307,244	307,244
100	BASE OPERATIONS SUPPORT	393,165	393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES	12,524,137	12,524,137
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	400,000	200,000
	Program decrease		[-200,000]
160	RESET	3,687,973	3,687,973
	SUBTOTAL, OPERATING FORCES	23,107,822	22,907,822
ADMIN & SRVWIDE ACTIVITIES			
350	SERVICEWIDE TRANSPORTATION	3,238,310	3,238,310
360	CENTRAL SUPPLY ACTIVITIES	129,000	129,000
380	AMMUNITION MANAGEMENT	78,022	78,022
420	OTHER PERSONNEL SUPPORT	137,277	97,277
	Transfer to OPA OCO Line 061 at SOUTHCOM request		[-40,000]
430	OTHER SERVICE SUPPORT	72,293	72,293
490	CLASSIFIED PROGRAMS	1,828,717	1,828,717
	SUBTOTAL, ADMIN & SRVWIDE ACTIVITIES	5,483,619	5,443,619
	TOTAL, OPERATION & MAINTENANCE, ARMY	28,591,441	28,351,441
OPERATION & MAINTENANCE, NAVY			
OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	937,098	937,098
030	AVIATION TECHNICAL DATA & ENGINEERING SERV- ICES	1,000	1,000
040	AIR OPERATIONS AND SAFETY SUPPORT	15,794	15,794
050	AIR SYSTEMS SUPPORT	19,013	19,013
060	AIRCRAFT DEPOT MAINTENANCE	201,912	201,912
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	3,000	3,000
080	AVIATION LOGISTICS	44,150	44,150
090	MISSION AND OTHER SHIP OPERATIONS	463,738	463,738
100	SHIP OPERATIONS SUPPORT & TRAINING	24,774	24,774
110	SHIP DEPOT MAINTENANCE	1,310,010	1,310,010
130	COMBAT COMMUNICATIONS	42,965	42,965
160	WARFARE TACTICS	25,970	25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY ...	19,226	19,226
180	COMBAT SUPPORT FORCES	1,668,359	1,668,359
190	EQUIPMENT MAINTENANCE	7,954	7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	94,655	94,655
260	WEAPONS MAINTENANCE	303,087	303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION ..	3,218	3,218
300	BASE OPERATING SUPPORT	143,442	143,442
	SUBTOTAL, OPERATING FORCES	5,329,365	5,329,365
MOBILIZATION			
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	31,395	31,395
360	COAST GUARD SUPPORT	254,461	254,461
	SUBTOTAL, MOBILIZATION	285,856	285,856
TRAINING AND RECRUITING			
400	SPECIALIZED SKILL TRAINING	50,903	50,903
	SUBTOTAL, TRAINING AND RECRUITING	50,903	50,903
ADMIN & SRVWD ACTIVITIES			
480	ADMINISTRATION	1,377	1,377
490	EXTERNAL RELATIONS	487	487

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
510	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	6,022	6,022
520	OTHER PERSONNEL SUPPORT	3,514	3,514
550	SERVICEWIDE TRANSPORTATION	184,864	184,864
580	ACQUISITION AND PROGRAM MANAGEMENT	2,026	2,026
620	NAVAL INVESTIGATIVE SERVICE	1,425	1,425
710	CLASSIFIED PROGRAMS	14,556	14,556
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	214,271	214,271
	TOTAL, OPERATION & MAINTENANCE, NAVY	5,880,395	5,880,395
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
010	OPERATIONAL FORCES	1,921,258	1,921,258
020	FIELD LOGISTICS	1,094,028	1,094,028
030	DEPOT MAINTENANCE	222,824	222,824
060	BASE OPERATING SUPPORT	88,690	88,690
	SUBTOTAL, OPERATING FORCES	3,326,800	3,326,800
	TRAINING AND RECRUITING		
110	TRAINING SUPPORT	215,212	215,212
	SUBTOTAL, TRAINING AND RECRUITING	215,212	215,212
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	512,627	512,627
190	CLASSIFIED PROGRAMS	11,701	11,701
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	524,328	524,328
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	4,066,340	4,066,340
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,494,144	1,494,144
020	COMBAT ENHANCEMENT FORCES	809,531	809,531
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) ...	13,095	13,095
040	DEPOT MAINTENANCE	1,403,238	1,403,238
050	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	155,954	155,954
060	BASE SUPPORT	342,226	342,226
070	GLOBAL C3I AND EARLY WARNING	15,108	15,108
080	OTHER COMBAT OPS SPT PROGRAMS	271,390	271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	25,400	25,400
120	SPACE CONTROL SYSTEMS	5,110	5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	52,173	52,173
	SUBTOTAL, OPERATING FORCES	4,587,369	4,587,369
	MOBILIZATION		
150	AIRLIFT OPERATIONS	3,187,211	3,187,211
160	MOBILIZATION PREPAREDNESS	43,509	43,509
170	DEPOT MAINTENANCE	554,943	554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	4,431	4,431
190	BASE SUPPORT	9,256	9,256
	SUBTOTAL, MOBILIZATION	3,799,350	3,799,350
	TRAINING AND RECRUITING		
230	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	424	424
240	BASE SUPPORT	1,036	1,036
250	SPECIALIZED SKILL TRAINING	10,923	10,923
260	FLIGHT TRAINING	72	72
270	PROFESSIONAL DEVELOPMENT EDUCATION	323	323
280	TRAINING SUPPORT	352	352
	SUBTOTAL, TRAINING AND RECRUITING	13,130	13,130
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	100,429	100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	47,200	47,200
400	BASE SUPPORT	7,242	7,242
410	ADMINISTRATION	1,552	1,552

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
420	SERVICEWIDE COMMUNICATIONS	82,094	82,094
430	OTHER SERVICEWIDE ACTIVITIES	582,977	582,977
480	CLASSIFIED PROGRAMS	20,270	20,270
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	841,764	841,764
	TOTAL, OPERATION & MAINTENANCE, AIR FORCE	9,241,613	9,241,613
	OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	2,000	2,000
020	SPECIAL OPERATIONS COMMAND	2,503,060	2,503,060
	SUBTOTAL, OPERATING FORCES	2,505,060	2,505,060
	ADMIN & SRVWD ACTIVITIES		
080	DEFENSE CONTRACT AUDIT AGENCY	30,674	30,674
090	DEFENSE CONTRACT MANAGEMENT AGENCY	69,803	69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY	3,334	3,334
120	DEFENSE INFORMATION SYSTEMS AGENCY	152,925	152,925
140	DEFENSE LEGAL SERVICES AGENCY	102,322	102,322
160	DEFENSE MEDIA ACTIVITY	10,823	10,823
180	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	2,200,000
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	139,830	139,830
260	OFFICE OF THE SECRETARY OF DEFENSE	87,805	87,805
280	CLASSIFIED PROGRAMS	2,522,003	2,522,003
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	5,319,519	5,319,519
	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	7,824,579	7,824,579
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
030	ECHELONS ABOVE BRIGADE	78,600	78,600
050	LAND FORCES OPERATIONS SUPPORT	20,811	20,811
070	FORCE READINESS OPERATIONS SUPPORT	20,726	20,726
100	BASE OPERATIONS SUPPORT	34,400	34,400
	SUBTOTAL, OPERATING FORCES	154,537	154,537
	TOTAL, OPERATION & MAINTENANCE, ARMY RES	154,537	154,537
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	24,834	24,834
020	INTERMEDIATE MAINTENANCE	300	300
040	AIRCRAFT DEPOT MAINTENANCE	13,364	13,364
060	MISSION AND OTHER SHIP OPERATIONS	8,213	8,213
080	SHIP DEPOT MAINTENANCE	929	929
100	COMBAT SUPPORT FORCES	8,244	8,244
140	BASE OPERATING SUPPORT	40	40
	SUBTOTAL, OPERATING FORCES	55,924	55,924
	TOTAL, OPERATION & MAINTENANCE, NAVY RES	55,924	55,924
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
010	OPERATING FORCES	22,657	22,657
040	BASE OPERATING SUPPORT	2,820	2,820
	SUBTOTAL, OPERATING FORCES	25,477	25,477
	TOTAL, OPERATION & MAINTENANCE, MC RESERVE	25,477	25,477
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	7,600	7,600
030	DEPOT MAINTENANCE	106,768	106,768
050	BASE SUPPORT	6,250	6,250
	SUBTOTAL, OPERATING FORCES	120,618	120,618
	TOTAL, OPERATION & MAINTENANCE, AF RESERVE	120,618	120,618
	OPERATION & MAINTENANCE, ARNG		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
OPERATING FORCES			
010	MANEUVER UNITS	38,485	38,485
020	MODULAR SUPPORT BRIGADES	1,959	1,959
030	ECHELONS ABOVE BRIGADE	20,076	20,076
040	THEATER LEVEL ASSETS	2,028	2,028
060	AVIATION ASSETS	183,811	183,811
070	FORCE READINESS OPERATIONS SUPPORT	43,780	43,780
100	BASE OPERATIONS SUPPORT	70,237	70,237
120	MANAGEMENT AND OPERATIONAL HQ'S	20,072	20,072
	SUBTOTAL, OPERATING FORCES	380,448	380,448
ADMIN & SRVWD ACTIVITIES			
160	SERVICEWIDE COMMUNICATIONS	2,000	2,000
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	2,000	2,000
	TOTAL, OPERATION & MAINTENANCE, ARNG	382,448	382,448
OPERATION & MAINTENANCE, ANG			
OPERATING FORCES			
020	MISSION SUPPORT OPERATIONS	19,975	19,975
	SUBTOTAL, OPERATING FORCES	19,975	19,975
	TOTAL, OPERATION & MAINTENANCE, ANG	19,975	19,975
AFGHANISTAN SECURITY FORCES FUND			
MINISTRY OF DEFENSE			
010	SUSTAINMENT	2,523,825	2,523,825
020	INFRASTRUCTURE	190,000	190,000
030	EQUIPMENT AND TRANSPORTATION	241,521	241,521
040	TRAINING AND OPERATIONS	758,380	758,380
	SUBTOTAL, MINISTRY OF DEFENSE	3,713,726	3,713,726
MINISTRY OF INTERIOR			
050	SUSTAINMENT	1,305,950	1,305,950
060	INFRASTRUCTURE	50,000	50,000
070	EQUIPMENT AND TRANSPORTATION	84,859	84,859
080	TRAINING AND OPERATIONS	569,868	569,868
	SUBTOTAL, MINISTRY OF INTERIOR	2,010,677	2,010,677
RELATED ACTIVITIES			
090	SUSTAINMENT	18,325	18,325
100	INFRASTRUCTURE	1,200	1,200
110	EQUIPMENT & TRANSPORTATION	1,239	1,239
120	TRAINING AND OPERATIONS	4,000	4,000
	SUBTOTAL, RELATED ACTIVITIES	24,764	24,764
	TOTAL, AFGHANISTAN SECURITY FORCES FUND	5,749,167	5,749,167
AFGHANISTAN INFRASTRUCTURE FUND			
010	POWER	400,000	350,000
	Program decrease		[-50,000]
	TOTAL, AFGHANISTAN INFRASTRUCTURE FUND	400,000	350,000
	TOTAL, OPERATION & MAINTENANCE	62,512,514	62,222,514

1 **TITLE XLIV—MILITARY**
 2 **PERSONNEL**

3 **SEC. 4401. MILITARY PERSONNEL.**

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2013 Request	Senate Authorized
MILITARY PERSONNEL	135,111,799	135,117,799
BAH for Full-time Guard Transition to Active Duty		[6,000]
TOTAL, MILITARY PERSONNEL	135,111,799	135,117,799

1 **SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTIN-**
 2 **GENCY OPERATIONS.**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Item	FY 2013 Request	Senate Authorized
MILITARY PERSONNEL	14,060,094	14,060,094
TOTAL, MILITARY PERSONNEL	14,060,094	14,060,094

1 **TITLE XLV—OTHER**
 2 **AUTHORIZATIONS**

3 **SEC. 4501. OTHER AUTHORIZATIONS.**

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Senate Authorized
WORKING CAPITAL FUND, ARMY			
010	PREPOSITIONED WAR RESERVE STOCKS	60,037	60,037
	TOTAL, WORKING CAPITAL FUND, ARMY	60,037	60,037
WORKING CAPITAL FUND, AIR FORCE			
010	C-17 CLS ENGINE REPAIR	0	0
020	TRANSPORTATION FALLEN HEROES	0	0
040	SUPPLIES AND MATERIALS (MEDICAL/DENTAL)	45,452	45,452
	TOTAL, WORKING CAPITAL FUND, AIR FORCE	45,452	45,452
WORKING CAPITAL FUND, DEFENSE-WIDE			
010	DEFENSE LOGISTICS AGENCY (DLA)	39,135	39,135
	TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE	39,135	39,135
WORKING CAPITAL FUND, DECA			
010	WORKING CAPITAL FUND, DECA	1,371,560	1,371,560
	TOTAL, WORKING CAPITAL FUND, DECA	1,371,560	1,371,560
NATIONAL DEFENSE SEALIFT FUND			
010	T-AKE	0	0
020	MPF MLP	38,000	38,000
030	POST DELIVERY AND OUTFITTING	39,386	39,386
040	NATIONAL DEF SEALIFT VESSEL	0	0
050	LG MED SPD RO/RO MAINTENANCE	128,819	128,819
060	DOD MOBILIZATION ALTERATIONS	26,598	26,598
070	TAH MAINTENANCE	29,199	29,199
080	RESEARCH AND DEVELOPMENT	42,811	42,811
090	READY RESERVE FORCE	303,323	303,323
100	MARAD SHIP FINANCING GUARANTEE PROGRAM	0	0
	TOTAL, NATIONAL DEFENSE SEALIFT FUND	608,136	608,136
DEFENSE HEALTH PROGRAM			
DHP, OPERATION & MAINTENANCE			
010	IN-HOUSE CARE	8,625,507	8,625,507
020	PRIVATE SECTOR CARE	16,148,263	16,148,263
030	CONSOLIDATED HEALTH SUPPORT	2,309,185	2,309,185
040	INFORMATION MANAGEMENT	1,465,328	1,465,328
050	MANAGEMENT ACTIVITIES	332,121	332,121
060	EDUCATION AND TRAINING	722,081	722,081
070	BASE OPERATIONS/COMMUNICATIONS	1,746,794	1,746,794
070A	UNDISTRIBUTED		452,000
	Restore DOD assumed Savings for TRICARE Proposals		[452,000]
	SUBTOTAL, DHP, OPERATION & MAINTENANCE	31,349,279	31,801,279
DHP, RDT&E			
080	DEFENSE HEALTH PROGRAM	672,977	672,977
	SUBTOTAL, DHP, RDT&E	672,977	672,977
DHP, PROCUREMENT			
090	DEFENSE HEALTH PROGRAM	506,462	506,462
	SUBTOTAL, DHP, PROCUREMENT		
	TOTAL, DEFENSE HEALTH PROGRAM	32,528,718	32,980,718
CHEM AGENTS & MUNITIONS DESTRUCTION			
001	OPERATION & MAINTENANCE	635,843	635,843
002	RDT&E	647,351	647,351
003	PROCUREMENT	18,592	18,592
	TOTAL, CHEM AGENTS & MUNITIONS DESTRUCTION	1,301,786	1,301,786

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Senate Authorized
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF			
010	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	889,545	863,645
	Transfer to Demand Reduction Program		[-25,900]
020	DRUG DEMAND REDUCTION PROGRAM	109,818	135,718
	Expanded drug testing		[25,900]
	TOTAL, DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	999,363	999,363
OFFICE OF THE INSPECTOR GENERAL			
010	OPERATION & MAINTENANCE	272,821	331,921
	DoD IG growth plan		[59,100]
020	RDT&E	0	0
030	PROCUREMENT	1,000	1,000
	TOTAL, OFFICE OF THE INSPECTOR GENERAL	273,821	332,921
	TOTAL, OTHER AUTHORIZATIONS	37,228,008	37,739,108

1 **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**
 2 **TINGENCY OPERATIONS.**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Senate Authorized
WORKING CAPITAL FUND, ARMY			
010	PREPOSITIONED WAR RESERVE STOCKS	42,600	42,600
	TOTAL, WORKING CAPITAL FUND, ARMY	42,600	42,600
WORKING CAPITAL FUND, AIR FORCE			
010	C-17 CLS ENGINE REPAIR	230,400	230,400
020	TRANSPORTATION FALLEN HEROES	10,000	10,000
	TOTAL, WORKING CAPITAL FUND, AIR FORCE	240,400	240,400
WORKING CAPITAL FUND, DEFENSE-WIDE			
010	DEFENSE LOGISTICS AGENCY (DLA)	220,364	220,364
	TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE	220,364	220,364
DEFENSE HEALTH PROGRAM			
DHP, OPERATION & MAINTENANCE			
010	IN-HOUSE CARE	483,326	483,326
020	PRIVATE SECTOR CARE	376,982	376,982
030	CONSOLIDATED HEALTH SUPPORT	111,675	111,675
040	INFORMATION MANAGEMENT	4,773	4,773
050	MANAGEMENT ACTIVITIES	660	660
060	EDUCATION AND TRAINING	15,370	15,370
070	BASE OPERATIONS/COMMUNICATIONS	1,112	1,112
	SUBTOTAL, DHP, OPERATION & MAINTENANCE		
	TOTAL, DEFENSE HEALTH PROGRAM	993,898	993,898
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF			
010	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	469,025	469,025
	TOTAL, DRUG INTERDICTION & CTR-DRUG ACTI-		
	TIES, DEF	469,025	469,025
OFFICE OF THE INSPECTOR GENERAL			
010	OPERATION & MAINTENANCE	10,766	10,766
	TOTAL, OFFICE OF THE INSPECTOR GENERAL	10,766	10,766
	TOTAL, OTHER AUTHORIZATIONS	1,977,053	1,977,053

1 **TITLE XLVI—MILITARY**
 2 **CONSTRUCTION**

3 **SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION
 (In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
ARMY Milcon				
	Alaska			
ARMY	Fort Wainwright	Modified Record Fire Range	10,400	10,400
ARMY	Joint Base Elmendorf-Richardson	Modified Record Fire Range	7,900	7,900
	California			
ARMY	Concord	Lightning Protection System	5,800	5,800
ARMY	Concord	Engineering/Housing Maintenance Shop	3,100	3,100
	Colorado			
ARMY	Fort Carson, Colorado	Digital Multipurpose Training Range	18,000	18,000
	District of Columbia			
ARMY	Fort McNair	Vehicle Storage Building, Installation	7,200	7,200
	Georgia			
ARMY	Fort Benning	Ground Source Heat Transfer System	16,000	16,000
ARMY	Fort Gordon	Modified Record Fire Range	4,000	4,000
ARMY	Fort Gordon	Multipurpose Machine Gun Range	7,100	7,100
ARMY	Fort Gordon	Ground Source Heat Transfer System	12,200	12,200
ARMY	Fort Stewart, Georgia	Digital Multipurpose Training Range	22,000	22,000
ARMY	Fort Stewart, Georgia	Automated Combat Pistol Qual Crse	3,650	3,650
ARMY	Fort Stewart, Georgia	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	41,000	41,000
ARMY	Schofield Barracks	Barracks	55,000	55,000
ARMY	Wheeler Army Air Field	Combat Aviation Brigade Barracks	85,000	85,000
	Kansas			
ARMY	Fort Riley, Kansas	Unmanned Aerial Vehicle Complex	12,200	12,200
	Kentucky			
ARMY	Fort Campbell, Kentucky	Battalion Headquarters Complex	55,000	55,000
ARMY	Fort Campbell, Kentucky	Live Fire Exercise Shoothouse	3,800	3,800
ARMY	Fort Campbell, Kentucky	Unmanned Aerial Vehicle Complex	23,000	23,000
ARMY	Fort Knox	Automated Infantry Squad Battle Course	6,000	6,000
	Missouri			
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
ARMY	Fort Leonard Wood	Battalion Complex Facilities	26,000	26,000
	New Jersey			
ARMY	Picatinny Arsenal	Ballistic Evaluation Center	10,200	10,200
ARMY	Joint Base McGuire-Dix-Lakehurst	Flight Equipment Complex	47,000	47,000
	New York			
ARMY	Fort Drum, New York	Aircraft Maintenance Hangar	95,000	95,000
ARMY	U.S. Military Academy	Cadet Barracks	192,000	0
	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, Texas	Modified Record Fire Range	4,200	4,200
ARMY	Fort Hood, Texas	Training Aids Center	25,000	25,000
ARMY	Fort Hood, Texas	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	Yakima	Convoy Live Fire Range	5,100	5,100

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
ARMY	Joint Base Lewis-McChord	Battalion Complex	73,000	73,000
ARMY	Joint Base Lewis-McChord	Waste Water Treatment Plant	91,000	91,000
	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
	Korea			
ARMY	Camp Humphreys	Battalion Headquarters Complex	45,000	45,000
	Worldwide Unspec			
ARMY	Unspecified Worldwide Locations	Minor Construction FY 13	25,000	25,000
ARMY	Unspecified Worldwide Locations	Host Nation Support FY 13	34,000	34,000
ARMY	Unspecified Worldwide Locations	Planning and Design FY13	65,173	46,173
Milcon, A—SUBTOTAL			1,923,323	1,598,323
NAVY Milcon				
	Arizona			
NAVY	Yuma	Security Operations Complex	13,300	13,300
NAVY	Yuma	Combat Aircraft Loading Apron	15,985	15,985
	California			
NAVY	Camp Pendleton, California	Comm. Information Systems Ops Complex	78,897	78,897
NAVY	Camp Pendleton, California	San Jacinto Road Extension	5,074	5,074
NAVY	Camp Pendleton, California	MV22 Aviation Simulator Building	4,139	4,139
NAVY	Ventura County	BAMS Maintenance Training Facility	14,843	12,790
NAVY	Miramar	Hangar 5 Renovations & Addition	27,897	27,897
NAVY	San Diego	Entry Control Point (Gate Five)	11,752	11,752
NAVY	San Diego	LCS Training Facility	59,436	59,436
NAVY	Seal Beach	Strategic Systems Weapons Eval. Test Lab	30,594	30,594
NAVY	Twentynine Palms, California	Land Expansion Phase 2	47,270	47,270
NAVY	Coronado	Bachelor Quarters	76,063	76,063
NAVY	Coronado	H-60S Simulator Training Facility	2,478	2,478
	Florida			
NAVY	Jacksonville	BAMS Mission Control Complex	21,980	21,980
	Hawaii			
NAVY	Kaneohe Bay	MV-22 Hangar and Infrastructure	82,630	82,630
NAVY	Kaneohe Bay	Aircraft Staging Area	14,680	14,680
	Mississippi			
NAVY	Meridian	Dining Facility	10,926	10,926
	New Jersey			
NAVY	Earle	Combat System Engineering Building Addition	33,498	33,498
	North Carolina			
NAVY	Camp Lejeune, North Carolina	Staff NCO Academy Facilities	28,986	28,986
NAVY	Camp Lejeune, North Carolina	Base Access and Road—Phase 3	40,904	40,904
NAVY	Cherry Point Marine Corps Air Station	Marine Air Support Squadron Compound	34,310	34,310
NAVY	Cherry Point Marine Corps Air Station	Armory	11,581	11,581
NAVY	New River	Personnel Administration Center	8,525	8,525
	South Carolina			
NAVY	Beaufort	Ground Support Equipment Shop	9,465	9,465
NAVY	Beaufort	Simulated LHJ Flight Deck	12,887	12,887
NAVY	Beaufort	Recycling/Hazardous Waste Facility	3,743	3,743
NAVY	Beaufort	Aircraft Maintenance Hangar	42,010	42,010
NAVY	Beaufort	Airfield Security Upgrades	13,675	13,675
NAVY	Parris Island	Front Gate ATFP Improvements	10,135	10,135
	Virginia			
NAVY	Dahlgren	Cruiser/Destroyer Upgrade Training Facility	16,494	16,494
NAVY	Dahlgren	Physical Fitness Center	11,734	11,734
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	The Basic School Student Quarters—Phase 7	31,012	31,012
NAVY	Quantico	Infrastructure—Widen Russell Road	14,826	14,826
NAVY	Quantico	Weapons Training Battalion Mess Hall	12,876	12,876
NAVY	Yorktown	Regimental Headquarters	11,015	11,015

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
NAVY	Yorktown	Bachelor Enlisted Quarters	18,422	18,422
NAVY	Yorktown	Motor Transportation Facility	6,188	6,188
NAVY	Yorktown	Supply Warehouse Facility	8,939	8,939
NAVY	Yorktown	Armory	4,259	4,259
	Washington			
NAVY	Whidbey Island	EA-18G Flight Simulator Facility	6,272	6,272
NAVY	Kitsap	Explosives Handling Wharf #2 (INC)	280,041	254,241
	Bahrain Island			
NAVY	SW Asia	Transient Quarters	41,529	41,529
NAVY	SW Asia	Combined Dining Facility	9,819	9,819
	Diego Garcia			
NAVY	Diego Garcia	Communications Infrastructure	1,691	1,691
	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	0
	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
	Romania			
NAVY	Deveselu, Romania	AEGIS Ashore Missile Defense Complex	45,205	45,205
	Spain			
NAVY	Rota	General Purpose Warehouse	3,378	3,378
NAVY	Rota	High Explosive Magazine	13,837	13,837
	Worldwide Unspec			
NAVY	Various Worldwide Locations	BAMS Operational Facilities	34,048	34,048
	Djibouti			
NAVY	Camp Lemonier, Djibouti	Containerized Living and Work Units	7,510	7,510
NAVY	Camp Lemonier, Djibouti	Galley Addition and Warehouse	22,220	22,220
NAVY	Camp Lemonier, Djibouti	Joint HQ/Joint Operations Center Facility	42,730	42,730
NAVY	Camp Lemonier, Djibouti	Fitness Center	26,960	26,960
	Worldwide Unspec			
NAVY	Unspecified Worldwide Locations	Unspecified Minor Construction	16,535	16,535
NAVY	Unspecified Worldwide Locations	MCON Design Funds	102,619	102,619
	Milcon, N—SUBTOTAL		1,701,985	1,648,228
	AF Milcon			
	Arkansas			
AF	Little Rock AFB	C-130J Fuel Systems Maintenance Hangar	26,000	26,000
AF	Little Rock AFB	C-130J Flight Simulator Addition	4,178	4,178
	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
	Nebraska			
AF	Offutt AFB	US STRATCOM Replacement Facility, Incr 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 Hangar 45W/AMU	7,250	7,250
AF	Hill AFB	F-35 Modular Storage Magazines	2,280	2,280
AF	Hill AFB	F-35 ADAL Building 118 for Flight Simulator	4,000	4,000
	Greenland			
AF	Thule Ab	Dormitory (48 PN)	24,500	24,500
	Italy			
AF	Aviano Ab	F-16 Mission Training Center	9,400	9,400
	Worldwide Unspec			
AF	Unspecified Worldwide Locations	Transient Contingency Dormitory—100 Rm	17,625	0
AF	Unspecified Worldwide Locations	Transient Aircraft Hangars	15,032	0
AF	Unspecified Worldwide Locations	Sanitary Sewer Lift/Pump Station	2,000	2,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
AF	Various Worldwide Locations	Unspecified Minor Construction	18,200	18,200
AF	Unspecified Worldwide Locations	Planning and Design	18,635	18,635
Milcon, AF—SUBTOTAL			388,200	322,543
DEF-WIDE Milcon				
DEFW	Belgium Brussels	NATO Headquarters Facility	26,969	26,969
DEFW	Worldwide Unspec Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000
DEFW	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000
DFAS	Texas Red River Army Depot	DFAS Facility	16,715	16,715
DISA	Illinois Scott AFB	DISA Facility Upgrades	84,111	84,111
DISA	Germany Stuttgart-Patch Barracks	DISA Europe Facility Upgrades	2,413	2,413
DLA	Arizona Yuma	Truck Unload Facility	1,300	1,300
DLA	California Def Fuel Support Point—San Diego	Replace Fuel Pier	91,563	91,563
DLA	Edwards Air Force Base	Replace Fuel Storage	27,500	27,500
DLA	Delaware Dover AFB	Replace Truck Off-Load Facility	2,000	2,000
DLA	Florida Hurlburt Field	Construct Fuel Storage Facility	16,000	16,000
DLA	Indiana Grissom ARB	Replace Hydrant Fuel System	26,800	26,800
DLA	Louisiana Barksdale AFB	Upgrade Pumphouse	11,700	11,700
DLA	North Carolina Seymour Johnson AFB	Replace Pipeline	1,850	1,850
DLA	Pennsylvania Def Dist Depot New Cumberland	Replace Sewage Treatment Plant	6,300	6,300
DLA	Def Dist Depot New Cumberland	Replace Communications Building	6,800	6,800
DLA	Def Dist Depot New Cumberland	Replace Reservoir	4,300	4,300
DLA	Guam Andersen AFB	Upgrade Fuel Pipeline	67,500	0
DLA	Guantanamo Bay, Cuba Guantanamo Bay	Replace Truck Load Facility	2,600	2,600
DLA	Guantanamo Bay	Replace Fuel Pier	37,600	37,600
DODEA	Kentucky Fort Campbell, Kentucky	Replace Barkley Elementary School	41,767	41,767
DODEA	Germany Vogelweh	Replace Vogelweh Elementary School	61,415	61,415
DODEA	Weisbaden	Weisbaden High School Addition	52,178	52,178
DODEA	Japan Camp Zama	Renovate Zama High School	13,273	13,273
DODEA	Kadena AB	Replace Elementary School	71,772	71,772
DODEA	Kadena AB	Replace Stearley Heights Elementary School	71,773	71,773
DODEA	Zukeran	Replace Zukeran Elementary School	79,036	79,036
DODEA	Sasebo	Replace Sasebo Elementary School	35,733	35,733
DODEA	Korea Osan AFB	Replace Osan Elementary School	42,692	42,692
DODEA	United Kingdom RAF Feltwell	Feltwell Elementary School Addition	30,811	30,811
DODEA	Menwith Hill Station	Replace Menwith Hill Elementary/High School	46,488	46,488
MDA	New York Fort Drum, New York	IDT Complex	25,900	25,900
MDA	Romania Deveselu, Romania	Aegis Ashore Missile Defense System Complex	157,900	157,900
NSA	Colorado Buckley Air Force Base	Denver Power House	30,000	30,000
NSA	Maryland Fort Meade	NSAW Recapitalize Building #1/Site M Inc 1	25,000	25,000
NSA	Fort Meade	High Performance Computing Center Inc 2	300,521	225,521

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
NSA	Utah Camp Williams	IC CNCI Data Center 1 Inc 4	191,414	191,414
NSA	United Kingdom Menwith Hill Station	MHS Utilities and Roads	3,795	3,795
SOCOM	California Coronado	SOF Indoor Dynamic Shooting Facility	31,170	31,170
SOCOM	Coronado	SOF Close Quarters Combat/Dynamic Shoot Fac	13,969	13,969
SOCOM	Coronado	SOF Mobile Comm Detachment Support Facility	10,120	10,120
SOCOM	Colorado Fort Carson, Colorado	SOF Battalion Operations Complex	56,673	56,673
SOCOM	Florida Eglin AFB	SOF AVFID Ops and Maintenance Facilities	41,695	41,695
SOCOM	Macdill AFB	SOF Joint Special Ops University Fac (JSOU)	34,409	34,409
SOCOM	Hawaii Joint Base Pearl Harbor-Hickam	SOF SDVT-1 Waterfront Operations Facility	24,289	24,289
SOCOM	Kentucky Fort Campbell, Kentucky	SOF Landgraf Hangar Extension	3,559	3,559
SOCOM	Fort Campbell, Kentucky	SOF Ground Support Battalion	26,313	26,313
SOCOM	New Mexico Cannon AFB	SOF AC-130J Combat Parking Apron	22,062	22,062
SOCOM	North Carolina Camp Lejeune, North Carolina	SOF Marine Battalion Company/Team Facilities	53,399	53,399
SOCOM	Camp Lejeune, North Carolina	SOF Survival Evasion Resist. Escape Tng Fac	5,465	5,465
SOCOM	Fort Bragg	SOF Support Addition	3,875	3,875
SOCOM	Fort Bragg	SOF Battalion Operations Facility	40,481	50,481
SOCOM	Fort Bragg	SOF Civil Affairs Battalion Complex	31,373	41,373
SOCOM	Fort Bragg	SOF Sustainment Brigade Complex	24,693	34,693
SOCOM	Virginia Joint Exp Base Little Creek—Story	SOF Combat Services Support Facility—East	11,132	11,132
SOCOM	Washington Fort Lewis	SOF Military Working Dog Kennel	3,967	3,967
SOCOM	Fort Lewis	SOF Battalion Operations Facility	46,553	46,553
SOCOM	Comus Classified Classified Location	SOF Parachute Training Facility	6,477	6,477
SOCOM	United Kingdom RAF Mildenhall	SOF CV-22 Simulator Facility	6,490	6,490
TMA	California Twentynine Palms, California	Medical Clinic Replacement	27,400	27,400
TMA	Colorado Pikes Peak	High Altitude Medical Research Lab	3,600	3,600
TMA	Illinois Great Lakes	Drug Laboratory Replacement	28,700	28,700
TMA	Scott AFB	Medical Logistics Warehouse	2,600	2,600
TMA	Maryland Annapolis	Health Clinic Replacement	66,500	66,500
TMA	Bethesda Naval Hospital	Temporary Medical Facilities	26,600	26,600
TMA	Bethesda Naval Hospital	Base Installation Access/Appearance Plan	7,000	0
TMA	Bethesda Naval Hospital	Electrical Capacity and Cooling Towers	35,600	35,600
TMA	Fort Detrick	USAMRIID Stage I, Iner 7	19,000	19,000
TMA	Missouri Fort Leonard Wood	Dental Clinic	18,100	18,100
TMA	New Mexico Cannon AFB	Medical/Dental Clinic Replacement	71,023	71,023
TMA	New York Fort Drum, New York	Soldier Specialty Care Clinic	17,300	17,300
TMA	North Carolina Camp Lejeune, North Carolina	Medical Clinic Replacement	21,200	21,200
TMA	Seymour Johnson AFB	Medical Clinic Replacement	53,600	53,600
TMA	South Carolina Shaw AFB	Medical Clinic Replacement	57,200	57,200
TMA	Texas Fort Bliss	Hospital Replacement Iner 4	207,400	107,400
TMA	Joint Base San Antonio	Ambulatory Care Center Phase 3 Iner	80,700	80,700
TMA	Virginia Norfolk	Veterinary Facility Replacement	8,500	8,500
TMA	Germany Rhine Ordnance Barracks	Medical Center Replacement Iner 2	127,000	127,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
	Korea			
TMA	Kunsan Air Base	Medical/Dental Clinic Addition	13,000	13,000
TMA	Osan AFB	Hospital Addition/Alteration	34,600	34,600
	Worldwide Unspec			
DEFW	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
DLA	Unspecified Worldwide Locations	Unspecified Minor Construction	7,254	7,254
DODEA	Unspecified Worldwide Locations	Unspecified Minor Construction	4,091	4,091
NSA	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,000	3,000
SOCOM	Unspecified Worldwide Locations	Unspecified Minor Const	10,000	10,000
TJS	Unspecified Worldwide Locations	Exercise Related Minor Construction	6,440	6,440
TMA	Unspecified Worldwide Locations	Minor Construction	5,000	5,000
DEFW	Unspecified Worldwide Locations	Planning and Design	47,978	47,978
DIA	Unspecified Worldwide Locations	Planning and Design	2,919	2,919
DLA	Unspecified Worldwide Locations	Planning & Design	5,000	5,000
DODEA	Unspecified Worldwide Locations	Planning and Design	105,569	105,569
MDA	Unspecified Worldwide Locations	Planning and Design	4,548	4,548
NSA	Unspecified Worldwide Locations	Planning and Design	8,300	8,300
SOCOM	Unspecified Worldwide Locations	Planning and Design	27,620	27,620
TMA	Unspecified Worldwide Locations	Planning and Design	105,700	105,700
WHS	Unspecified Worldwide Locations	Planning and Design	7,928	7,928
	Milcon,Def-Wide—SUBTOTAL		3,654,623	3,435,123
	Services MILCON—TOTAL		7,668,131	7,004,217
MCon,Army				
NG				
	Alabama			
ARMY, NG	Fort McClellan	Live Fire Shoot House	5,400	5,400
	Arkansas			
ARMY, NG	Searcy	Field Maintenance Shop	6,800	6,800
	California			
ARMY, NG	Fort Irwin	Maneuver Area Training & Equipment Site Ph3	25,000	25,000
	Connecticut			
ARMY, NG	Camp Hartell	Combined Support Maintenance Shop	32,000	32,000
	Delaware			
ARMY, NG	Bethany Beach	Regional Training Institute Ph1	5,500	5,500
	Florida			
ARMY, NG	Camp Blanding	Combined Arms Collective Training Fac	9,000	9,000
ARMY, NG	Miramar	Readiness Center	20,000	20,000
	Hawaii			
ARMY, NG	Kapolei	Army Aviation Support Facility Ph1	28,000	28,000
	Idaho			
ARMY, NG	Orchard Training Area	ORTC(Barracks)Ph2	40,000	40,000
	Indiana			
ARMY, NG	South Bend	Armed Forces Reserve Center Add/Alt	21,000	21,000
ARMY, NG	Terre Haute	Field Maintenance Shop	9,000	9,000
	Iowa			
ARMY, NG	Camp Dodge	Urban Assault Course	3,000	3,000
	Kansas			
ARMY, NG	Topeka	Taxiway, Ramp & Hangar Alterations	9,500	9,500
	Kentucky			
ARMY, NG	Frankfort	Army Aviation Support Facility	32,000	32,000
	Massachusetts			
ARMY, NG	Camp Edwards	Unit Training Equipment Site	22,000	22,000
	Minnesota			
ARMY, NG	Camp Ripley	Scout Reconnaissance Range	17,000	17,000
ARMY, NG	St Paul	Readiness Center	17,000	17,000
	Missouri			
ARMY, NG	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

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
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	Utah Camp Williams	BEQ Facility (Regional Training Institute)	15,000	15,000
ARMY, NG	Camp Williams	Regional Training Institute Ph2	21,000	21,000
ARMY, NG	Washington Fort Lewis	Readiness Center	35,000	35,000
ARMY, NG	West Virginia Logan	Readiness Center	14,200	14,200
ARMY, NG	Wisconsin Wausau	Field Maintenance Shop	10,000	10,000
ARMY, NG	Guam Barrigada	JFHQ Ph4	8,500	8,500
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	Worldwide Unspec Unspecified Worldwide Locations	Unspecified Minor Construction	15,057	15,057
ARMY, NG	Unspecified Worldwide Locations	Planning and Design	26,622	26,622
MCon,Army NG—Subtotal			613,799	613,799
MCon,Air NG				
AF, NG	California Fresno Yosemite IAP ANG	F-15 Conversion	11,000	11,000
AF, NG	Hawaii Joint Base Pearl Harbor-Hickam	TFI—F-22 Combat Apron Addition	6,500	6,500
AF, NG	New Mexico Kirtland AFB	Alter Target Intelligence Facility	8,500	8,500
AF, NG	Wyoming Cheyenne Map	C-130 Flight Simulator Training Facility	6,486	6,486
AF, NG	Worldwide Unspec Various Worldwide Locations	Unspecified Minor Construction	5,900	5,900
AF, NG	Various Worldwide Locations	Planning and Design	4,000	4,000
MCon,Air NG—Subtotal			42,386	42,386
NG MILCON—TOTAL			656,185	656,185
MCon,A Res				
ARMY, RE-SERVE	California Fort Hunter Liggett	ORTC	64,000	64,000
ARMY, RE-SERVE	Fort Hunter Liggett	UPH Barracks	4,300	4,300
ARMY, RE-SERVE	Tustin	Army Reserve Center	27,000	27,000
ARMY, RE-SERVE	Illinois Fort Sheridan	Army Reserve Center	28,000	28,000
ARMY, RE-SERVE	Maryland Aberdeen Proving Ground	Army Reserve Center	21,000	21,000
ARMY, RE-SERVE	Baltimore	Add/Alt Army Reserve Center	10,000	10,000
ARMY, RE-SERVE	Massachusetts Devens Reserve Forces Training Area	Automatic Record Fire Range	4,800	4,800
ARMY, RE-SERVE	Devens Reserve Forces Training Area	Combat Pistol/MP Firearms Qualification	3,700	3,700
ARMY, RE-SERVE	Nevada Las Vegas	Army Reserve Center/AMSA	21,000	21,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
	New Jersey			
ARMY, RE-SERVE	Joint Base McGuire-Dix-Lakehurst	Automated Infantry Squad Battle Course	7,400	7,400
	Washington			
ARMY, RE-SERVE	Joint Base Lewis-McChord	Army Reserve Center	40,000	40,000
	Wisconsin			
ARMY, RE-SERVE	Fort McCoy	Central Issue Facility	12,200	12,200
ARMY, RE-SERVE	Fort McCoy	Dining Facility	8,600	8,600
ARMY, RE-SERVE	Fort McCoy	ECS Tactical Equip. Maint. Facility (TEMP)	27,000	27,000
	Worldwide Unspec			
ARMY, RE-SERVE	Unspecified Worldwide Locations	Unspecified Minor Construction	10,895	10,895
ARMY, RE-SERVE	Unspecified Worldwide Locations	Planning and Design	15,951	15,951
MCon,A Res—Subtotal			305,846	305,846
Milcon, Naval Res				
	Arizona			
NAVY, RE-SERVE	Yuma	Reserve Training Facility—Yuma AZ	5,379	5,379
	Iowa			
NAVY, RE-SERVE	Fort Des Moines	Joint Reserve Center—Des Moines IA	19,162	19,162
	Louisiana			
NAVY, RE-SERVE	New Orleans	Transient Quarters	7,187	7,187
	New York			
NAVY, RE-SERVE	Brooklyn	Vehicle Maint. Fac.—Brooklyn NY	4,430	4,430
	Texas			
NAVY, RE-SERVE	Fort Worth	Commercial Vehicle Inspection Site	11,256	11,256
	Worldwide Unspec			
NAVY, RE-SERVE	Unspecified Worldwide Locations	Planning and Design	2,118	2,118
Milcon, Naval Res—Subtotal			49,532	49,532
MCon,AF Res				
	New York			
AF, RESERVE	Niagara Falls IAP	Flight Simulator Facility	6,100	6,100
	Worldwide Unspec			
AF, RESERVE	Various Worldwide Locations	Unspecified Minor Construction	2,000	2,000
AF, RESERVE	Various Worldwide Locations	Planning and Design	2,879	2,879
MCon,AF Res—Subtotal			10,979	10,979
Reserve Milcon—TOTAL			366,357	366,357
MILCON Major Accounts—TOTAL			8,690,673	8,026,759
Chem-Demil				
	Colorado			
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph XIV	36,000	36,000
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph XIII	115,000	115,000
ChemDemil / NSIP—Total			151,000	151,000
NSIP				
	Worldwide Unspec			
NSIP	NATO Security Investment Program	NATO Security Investment Program	254,163	254,163
NATO Security Investment Program			254,163	254,163
Army Fam Housing				
	Worldwide Unspec			
FH Const,A	Unspecified Worldwide Locations	Family Housing P&D	4,641	4,641

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
Army Fam Hsg Construction—Subtotal			4,641	4,641
	Worldwide Unspec			
FH Op&Dt,A	Unspecified Worldwide Locations	Utilities Account	88,112	88,112
FH Op&Dt,A	Unspecified Worldwide Locations	Services Account	13,487	13,487
FH Op&Dt,A	Unspecified Worldwide Locations	Management Account	56,970	56,970
FH Op&Dt,A	Unspecified Worldwide Locations	Miscellaneous Account	620	620
FH Op&Dt,A	Unspecified Worldwide Locations	Furnishings Account	31,785	31,785
FH Op&Dt,A	Unspecified Worldwide Locations	Leasing	203,533	203,533
FH Op&Dt,A	Unspecified Worldwide Locations	Maintenance of Real Property	109,534	109,534
FH Op&Dt,A	Unspecified Worldwide Locations	Privatization Support Costs	26,010	26,010
Army Fam Hsg O&M—Subtotal			530,051	530,051
Army Fam Hsg—TOTAL			534,692	534,692
Navy Fam Housing				
	Worldwide Unspec			
FH Const,N	Unspecified Worldwide Locations	Improvements	97,655	97,655
FH Const,N	Unspecified Worldwide Locations	Design	4,527	4,527
Navy Fam Hsg Construction—Subtotal			102,182	102,182
	Worldwide Unspec			
FH Op&Dt,N	Unspecified Worldwide Locations	Utilities Account	80,860	80,860
FH Op&Dt,N	Unspecified Worldwide Locations	Furnishings Account	17,697	17,697
FH Op&Dt,N	Unspecified Worldwide Locations	Management Account	62,741	62,741
FH Op&Dt,N	Unspecified Worldwide Locations	Miscellaneous Account	491	491
FH Op&Dt,N	Unspecified Worldwide Locations	Services Account	19,615	19,615
FH Op&Dt,N	Unspecified Worldwide Locations	Leasing	83,774	83,774
FH Op&Dt,N	Unspecified Worldwide Locations	Maintenance of Real Property	85,254	85,254
FH Op&Dt,N	Unspecified Worldwide Locations	Privatization Support Costs	27,798	27,798
Navy Fam Hsg O&M—Subtotal			378,230	378,230
Navy Fam Hsg—TOTAL			480,412	480,412
AF Fam Housing				
	Worldwide Unspec			
FH Con,AF	Unspecified Worldwide Locations	Improvements	79,571	79,571
FH Con,AF	Unspecified Worldwide Locations	Planning and Design	4,253	4,253
AF Fam Hsg Construction—Subtotal			83,824	83,824
	Worldwide Unspec			
FH Op&Dt,AF	Unspecified Worldwide Locations	Utilities Account	75,662	75,662
FH Op&Dt,AF	Unspecified Worldwide Locations	Management Account	55,002	55,002
FH Op&Dt,AF	Unspecified Worldwide Locations	Services Account	16,550	16,550
FH Op&Dt,AF	Unspecified Worldwide Locations	Furnishings Account	37,878	37,878
FH Op&Dt,AF	Unspecified Worldwide Locations	Miscellaneous Account	1,943	1,943
FH Op&Dt,AF	Unspecified Worldwide Locations	Leasing	62,730	62,730

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(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
FH Op&Dt,AF	Unspecified Worldwide Locations	Maintenance (RPMA RPMC)	201,937	201,937
FH Op&Dt,AF	Unspecified Worldwide Locations	Housing Privatization	46,127	46,127
AF Fam Hsg O&M—Subtotal			497,829	497,829
AF Fam Hsg—TOTAL			581,653	581,653
Def-Wide Fam Housing				
	Worldwide Unspec			
FH Op&Dt,D-W	Unspecified Worldwide Locations	Utilities Account	283	283
FH Op&Dt,D-W	Unspecified Worldwide Locations	Utilities Account	12	12
FH Op&Dt,D-W	Unspecified Worldwide Locations	Furnishings Account	4,660	4,660
FH Op&Dt,D-W	Unspecified Worldwide Locations	Furnishings Account	20	20
FH Op&Dt,D-W	Unspecified Worldwide Locations	Services Account	31	31
FH Op&Dt,D-W	Unspecified Worldwide Locations	Management Account	371	371
FH Op&Dt,D-W	Unspecified Worldwide Locations	Furnishings Account	66	66
FH Op&Dt,D-W	Unspecified Worldwide Locations	Leasing	35,333	35,333
FH Op&Dt,D-W	Unspecified Worldwide Locations	Leasing	10,822	10,822
FH Op&Dt,D-W	Unspecified Worldwide Locations	Maintenance of Real Property	567	567
FH Op&Dt,D-W	Unspecified Worldwide Locations	Maintenance of Real Property	73	73
DefWide Fam Hsg O&M—Subtotal			52,238	52,238
DoD FH Imprv Fd				
	Worldwide Unspec			
DoD FH Imprv Fd	Unspecified Worldwide Locations	Family Housing Improvement Fund	1,786	1,786
DoD Fam Hsg Imprv Fd—Subtotal			1,786	1,786
FAM HSG—TOTAL			1,650,781	1,650,781
BRAC IV				
	Worldwide Unspec			
BRAC, A	Base Realignment & Closure, Army	Base Realignment & Closure	79,893	79,893
BRAC, N	Base Realignment & Closure, Navy	Base Realignment & Closure	146,951	146,951
BRAC, AF	Base Realignment & Closure, AF	Base Realignment & Closure	122,552	122,552
BRAC IV—TOTAL			349,396	349,396
2005 BRAC ARMY BRAC				
	Worldwide Unspec			
BRAC—Army	Unspecified Worldwide Locations	USA—121: Fort Gillem, GA	4,976	4,976
BRAC—Army	Unspecified Worldwide Locations	USA—222: Fort McPherson, GA	6,772	6,772
BRAC—Army	Unspecified Worldwide Locations	Program Management Various Locations	20,453	20,453
BRAC—Army	Unspecified Worldwide Locations	USA—223: Fort Monmouth, NJ	9,989	9,989
BRAC—Army	Unspecified Worldwide Locations	USA—36: Red River Army Depot	1,385	1,385
BRAC—Army	Unspecified Worldwide Locations	USA—113: Fort Monroe, VA	12,184	12,184
BRAC—Army	Unspecified Worldwide Locations	USA—236: RC Transformation in CT	557	557
BRAC—Army	Unspecified Worldwide Locations	USA—242: RC Transformation in NY	172	172
BRAC—Army	Unspecified Worldwide Locations	USA—253: RC Transformation in PA	100	100
BRAC—Army	Unspecified Worldwide Locations	USA—212: USAR Cmd & Cntrl—New England	222	222

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Agreement
BRAC—Army	Unspecified Worldwide Locations	USA-167: USAR Command and Control—NE	175	175
BRAC—Army	Unspecified Worldwide Locations	IND-112: River Bank Army Ammo Plant, CA	22,431	22,431
BRAC—Army	Unspecified Worldwide Locations	IND-119: Newport Chemical Depot, IN	197	197
BRAC—Army	Unspecified Worldwide Locations	IND-106: Kansas Army Ammunition Plant, KS	7,280	7,280
BRAC—Army	Unspecified Worldwide Locations	IND-110: Mississippi Army Ammo Plant, MS	160	160
BRAC—Army	Unspecified Worldwide Locations	IND-122: Lone Star Army Ammo Plant, TX	11,379	11,379
BRAC—Army	Unspecified Worldwide Locations	MED-2: Walter Reed NMMC, Bethesda, MD	7,787	7,787
BRAC—Army—Subtotal			106,219	106,219
NAVY BRAC				
	Worldwide Unspec			
BRAC—Navy	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA	2,129	2,129
BRAC—Navy	Unspecified Worldwide Locations	DON-138: NAS Brunswick, ME	4,897	4,897
BRAC—Navy	Unspecified Worldwide Locations	DON-157: MCSA Kansas City, MO	39	39
BRAC—Navy	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg AP ...	189	189
BRAC—Navy	Unspecified Worldwide Locations	DON-168: NS Newport, RI	1,742	1,742
BRAC—Navy	Unspecified Worldwide Locations	DON-100: Planning, Design and Management	5,038	5,038
BRAC—Navy	Unspecified Worldwide Locations	DON-101: Various Locations	4,176	4,176
BRAC—Navy—Subtotal			18,210	18,210
AF BRAC				
	Worldwide Unspec			
BRAC—Air Force	Unspecified Worldwide Locations	Program Management Various Locations	605	605
BRAC—Air Force	Unspecified Worldwide Locations	MED-57: Brooks City Base, TX	326	326
BRAC—Air Force	Unspecified Worldwide Locations	Comm Add 3: Galena Fol, AK	1,337	1,337
BRAC—Air Force—Subtotal			2,268	2,268
BRAC 2005—TOTAL			126,697	126,697
BRAC IV + BRAC 2005—TOTAL			476,093	476,093
MILCON GRAND TOTAL			11,222,710	10,558,796

1 **TITLE XLVII—DEPARTMENT OF**
 2 **ENERGY NATIONAL SECURITY**
 3 **PROGRAMS**

4 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**
 5 **PROGRAMS.**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2013 Request	Senate Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Electricity delivery and energy reliability	6,000	0
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	7,577,341	7,602,341
Defense nuclear nonproliferation	2,458,631	2,458,631
Naval reactors	1,088,635	1,126,621
Office of the administrator	411,279	386,279
Total, National nuclear security administration	11,535,886	11,573,872
Environmental and other defense activities:		
Defense environmental cleanup	5,472,001	5,009,001
Other defense activities	735,702	735,702
Total, Environmental & other defense activities	6,207,703	5,744,703
Total, Atomic Energy Defense Activities	17,743,589	17,318,575
Total, Discretionary Funding	17,749,589	17,318,575
Electricity Delivery & Energy Reliability		
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,000	0
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	369,000	369,000
W76 Life extension program	174,931	174,931
Total, Life extension programs	543,931	543,931
Stockpile systems		
B61 Stockpile systems	72,364	72,364
W76 Stockpile systems	65,445	90,445
W78 Stockpile systems	139,207	139,207
W80 Stockpile systems	46,540	46,540
B83 Stockpile systems	57,947	57,947
W87 Stockpile systems	85,689	85,689
W88 Stockpile systems	123,217	123,217
Total, Stockpile systems	590,409	615,409
Weapons dismantlement and disposition		
Operations and maintenance	51,265	51,265
Stockpile services		
Production support	365,405	365,405
Research and development support	28,103	28,103
R&D certification and safety	191,632	191,632
Management, technology, and production	175,844	175,844
Plutonium sustainment	141,685	141,685
Total, Stockpile services	902,669	902,669
Total, Directed stockpile work	2,088,274	2,113,274

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Senate Authorized
Campaigns:		
Science campaign		
Advanced certification	44,104	44,104
Primary assessment technologies	94,000	94,000
Dynamic materials properties	97,000	97,000
Advanced radiography	30,000	30,000
Secondary assessment technologies	85,000	85,000
Total, Science campaign	350,104	350,104
Engineering campaign		
Enhanced surety	46,421	46,421
Weapon systems engineering assessment technology	18,983	18,983
Nuclear survivability	21,788	21,788
Enhanced surveillance	63,379	63,379
Total, Engineering campaign	150,571	150,571
Inertial confinement fusion ignition and high yield campaign		
Diagnostics, cryogenics and experimental support	81,942	81,942
Ignition	84,172	84,172
Support of other stockpile programs	14,817	14,817
Pulsed power inertial confinement fusion	6,044	6,044
Joint program in high energy density laboratory plasmas	8,334	8,334
Facility operations and target production	264,691	264,691
Total, Inertial confinement fusion and high yield campaign ..	460,000	460,000
Advanced simulation and computing campaign	600,000	600,000
Readiness Campaign		
Nonnuclear readiness	64,681	64,681
Tritium readiness	65,414	65,414
Total, Readiness campaign	130,095	130,095
Total, Campaigns	1,690,770	1,690,770
Readiness in technical base and facilities (RTBF)		
Operations of facilities		
Kansas City Plant	163,602	163,602
Lawrence Livermore National Laboratory	89,048	89,048
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
Total, Operations of facilities	1,419,403	1,419,403
Science, technology and engineering capability support	166,945	166,945
Nuclear operations capability support	203,346	203,346
Subtotal, Readiness in technical base and facilities	1,789,694	1,789,694
Construction:		
13-D-301 Electrical infrastructure upgrades, LANL/LLNL	23,000	23,000
12-D-301 TRU waste facilities, LANL	24,204	24,204
11-D-801 TA-55 Reinvestment project, LANL	8,889	8,889
10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN	17,909	17,909
09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	11,332	11,332
08-D-802 High explosive pressing facility Pantex Plant, Amarillo, TX	24,800	24,800
06-D-141 PED/Construction, UPFY-12, Oak Ridge, TN	340,000	0
06-D-141 PED/Construction, UPFY-12, Phase I, Oak Ridge, TN	0	340,000
Total, Construction	450,134	450,134
Total, Readiness in technical base and facilities	2,239,828	2,239,828
Secure transportation asset		
Operations and equipment	114,965	114,965
Program direction	104,396	104,396
Total, Secure transportation asset	219,361	219,361

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Senate Authorized
Nuclear counterterrorism incident response	247,552	247,552
Site stewardship		
Operations and maintenance	90,001	90,001
Total, Site stewardship	90,001	90,001
Defense nuclear security		
Operations and maintenance	643,285	643,285
NNSA CIO activities	155,022	155,022
Legacy contractor pensions	185,000	185,000
National security applications	18,248	18,248
Subtotal, Weapons activities	7,577,341	7,602,341
Total, Weapons Activities	7,577,341	7,602,341
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	398,186	398,186
Domestic Enrichment R&D	150,000	150,000
Subtotal, Nonproliferation and verification R&D	548,186	548,186
Nonproliferation and international security	150,119	150,119
International nuclear materials protection and cooperation	311,000	311,000
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		
U.S. plutonium disposition	498,979	498,979
U.S. uranium disposition	29,736	29,736
Total, Operations and maintenance	528,715	528,715
Construction:		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	388,802	388,802
Total, Construction	388,802	388,802
Total, U.S. surplus fissile materials disposition	917,517	917,517
Russian surplus fissile materials disposition	3,788	3,788
Total, Fissile materials disposition	921,305	921,305
Global threat reduction initiative	466,021	466,021
Legacy contractor pensions	62,000	62,000
Subtotal, Defense Nuclear Nonproliferation	2,458,631	2,458,631
Total, Defense Nuclear Nonproliferation	2,458,631	2,458,631
Naval Reactors		
Naval reactors development	418,072	418,072
Ohio replacement reactor systems development	89,700	127,686
S8G Prototype refueling	121,100	121,100
Naval reactors operations and infrastructure	366,961	366,961
Construction:		
13-D-905 Remote-handled low-level waste facility, INL	8,890	8,890
13-D-904 KS Radiological work and storage building, KSO	2,000	2,000
13-D-903, KS Prototype Staff Building, KSO	14,000	14,000
10-D-903, Security upgrades, KAPL	19,000	19,000
08-D-190 Expended Core Facility M-290 recovering discharge sta- tion, Naval Reactor Facility, ID	5,700	5,700
Total, Construction	49,590	49,590
Program direction	43,212	43,212
Subtotal, Naval Reactors	1,088,635	1,126,621
Total, Naval Reactors	1,088,635	1,126,621

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Senate Authorized
Office Of The Administrator		
Office of the administrator	411,279	386,279
Total, Office Of The Administrator	411,279	386,279
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	1,990	1,990
Hanford site:		
River corridor and other cleanup operations	389,347	389,347
Central plateau remediation	558,820	558,820
Richland community and regulatory support	15,156	15,156
Total, Hanford site	963,323	963,323
Idaho National Laboratory:		
Idaho cleanup and waste disposition	396,607	396,607
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	399,607	399,607
NNSA sites		
Lawrence Livermore National Laboratory	1,484	1,484
Nuclear facility D&D Separations Process Research Unit	24,000	24,000
Nevada	64,641	64,641
Sandia National Laboratories	5,000	5,000
Los Alamos National Laboratory	239,143	239,143
Total, NNSA sites and Nevada off-sites	334,268	334,268
Oak Ridge Reservation:		
Building 3019	67,525	67,525
OR cleanup and disposition	109,470	109,470
OR reservation community and regulatory support	4,500	4,500
Total, Oak Ridge Reservation	181,495	181,495
Office of River Protection:		
Waste treatment and immobilization plant		
01-D-416 A-E/ORP-0060/Major construction	690,000	690,000
Tank farm activities		
Rad liquid tank waste stabilization and disposition	482,113	482,113
Total, Office of River protection	1,172,113	1,172,113
Savannah River sites:		
Savannah River risk management operations	444,089	444,089
SR community and regulatory support	16,584	16,584
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	698,294	698,294
Construction:		
05-D-405 Salt waste processing facility, Savannah River	22,549	22,549
Total, Radioactive liquid tank waste	720,843	720,843
Total, Savannah River site	1,181,516	1,181,516
Waste Isolation Pilot Plant		
Waste isolation pilot plant	198,010	198,010
Total, Waste Isolation Pilot Plant	198,010	198,010
Program direction	323,504	323,504
Program support	18,279	18,279
Safeguards and Security:		
Oak Ridge Reservation	18,817	18,817
Paducah	8,909	8,909
Portsmouth	8,578	8,578
Richland/Hanford Site	71,746	71,746
Savannah River Site	121,977	121,977
Waste Isolation Pilot Project	4,977	4,977
West Valley	2,015	2,015
Total, Safeguards and Security	237,019	237,019

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Senate Authorized
Technology development	20,000	20,000
Uranium enrichment D&D fund contribution	463,000	0
Subtotal, Defense environmental cleanup	5,494,124	5,031,124
Adjustments		
Use of prior year balances	-12,123	-12,123
Use of unobligated balances	-10,000	-10,000
Total, Adjustments	-22,123	-22,123
Total, Defense Environmental Cleanup	5,472,001	5,009,001
Other Defense Activities		
Health, safety and security		
Health, safety and security	139,325	139,325
Program direction	106,175	106,175
Total, Health, safety and security	245,500	245,500
Specialized security activities	188,619	188,619
Office of Legacy Management		
Legacy management	164,477	164,477
Program direction	13,469	13,469
Total, Office of Legacy Management	177,946	177,946
Defense-related activities		
Defense related administrative support	118,836	118,836
Office of hearings and appeals	4,801	4,801
Subtotal, Other defense activities	735,702	735,702
Total, Other Defense Activities	735,702	735,702

1 **DIVISION E—HOUSING**
2 **ASSISTANCE FOR VETERANS**
3 **TITLE L—HOUSING ASSISTANCE**
4 **FOR VETERANS**

5 **SEC. 5001. SHORT TITLE.**

6 This division may be cited as the “Housing Assist-
7 ance for Veterans Act of 2012” or the “HAVEN Act”.

8 **SEC. 5002. DEFINITIONS.**

9 In this division:

10 (1) **DISABLED.**—The term “disabled” means an
11 individual with a disability, as defined by section
12 12102 of title 42, United States Code.

13 (2) **ELIGIBLE VETERAN.**—The term “eligible
14 veteran” means a disabled or low-income veteran.

15 (3) **ENERGY EFFICIENT FEATURES OR EQUIP-**
16 **MENT.**—The term “energy efficient features or
17 equipment” means features of, or equipment in, a
18 primary residence that help reduce the amount of
19 electricity used to heat, cool, or ventilate such resi-
20 dence, including insulation, weatherstripping, air
21 sealing, heating system repairs, duct sealing, or
22 other measures.

23 (4) **LOW-INCOME VETERAN.**—The term “low-in-
24 come veteran” means a veteran whose income does

1 not exceed 80 percent of the median income for an
2 area, as determined by the Secretary.

3 (5) NONPROFIT ORGANIZATION.—The term
4 “nonprofit organization” means an organization that
5 is—

6 (A) described in section 501(c)(3) or
7 501(c)(19) of the Internal Revenue Code of
8 1986; and

9 (B) exempt from tax under section 501(a)
10 of such Code.

11 (6) PRIMARY RESIDENCE.—

12 (A) IN GENERAL.—The term “primary res-
13 idence” means a single family house, a duplex,
14 or a unit within a multiple-dwelling structure
15 that is an eligible veteran’s principal dwelling
16 and is owned by such veteran or a family mem-
17 ber of such veteran.

18 (B) FAMILY MEMBER DEFINED.—For pur-
19 poses of this paragraph, the term “family mem-
20 ber” includes—

21 (i) a spouse, child, grandchild, parent,
22 or sibling;

23 (ii) a spouse of such a child, grand-
24 child, parent, or sibling; or

1 (iii) any individual related by blood or
2 affinity whose close association with a vet-
3 eran is the equivalent of a family relation-
4 ship.

5 (7) QUALIFIED ORGANIZATION.—The term
6 “qualified organization” means a nonprofit organiza-
7 tion that provides nationwide or State-wide pro-
8 grams that primarily serve veterans or low-income
9 individuals.

10 (8) SECRETARY.—The term “Secretary” means
11 the Secretary of Housing and Urban Development.

12 (9) VETERAN.—The term “veteran” has the
13 same meaning as given such term in section 101 of
14 title 38, United States Code.

15 (10) VETERANS SERVICE ORGANIZATION.—The
16 term “veterans service organization” means any or-
17 ganization recognized by the Secretary of Veterans
18 Affairs for the representation of veterans under sec-
19 tion 5902 of title 38, United States Code.

20 **SEC. 5003. ESTABLISHMENT OF A PILOT PROGRAM.**

21 (a) GRANT.—

22 (1) IN GENERAL.—The Secretary shall establish
23 a pilot program to award grants to qualified organi-
24 zations to rehabilitate and modify the primary resi-
25 dence of eligible veterans.

1 (2) COORDINATION.—The Secretary shall work
2 in conjunction with the Secretary of Veterans Af-
3 fairs to establish and oversee the pilot program and
4 to ensure that such program meets the needs of eli-
5 gible veterans.

6 (3) MAXIMUM GRANT.—A grant award under
7 the pilot program to any one qualified organization
8 shall not exceed \$1,000,000 in any one fiscal year,
9 and such an award shall remain available until ex-
10 pended by such organization.

11 (b) APPLICATION.—

12 (1) IN GENERAL.—Each qualified organization
13 that desires a grant under the pilot program shall
14 submit an application to the Secretary at such time,
15 in such manner, and, in addition to the information
16 required under paragraph (2), accompanied by such
17 information as the Secretary may reasonably re-
18 quire.

19 (2) CONTENTS.—Each application submitted
20 under paragraph (1) shall include—

21 (A) a plan of action detailing outreach ini-
22 tiatives;

23 (B) the approximate number of veterans
24 the qualified organization intends to serve using
25 grant funds;

1 (C) a description of the type of work that
2 will be conducted, such as interior home modi-
3 fications, energy efficiency improvements, and
4 other similar categories of work; and

5 (D) a plan for working with the Depart-
6 ment of Veterans Affairs and veterans service
7 organizations to identify veterans and serve
8 their needs.

9 (3) PREFERENCES.—In awarding grants under
10 the pilot program, the Secretary shall give pref-
11 erence to a qualified organization—

12 (A) with experience in providing housing
13 rehabilitation and modification services for dis-
14 abled veterans; or

15 (B) that proposes to provide housing reha-
16 bilitation and modification services for eligible
17 veterans who live in rural areas (the Secretary,
18 through regulations, shall define the term
19 “rural areas”).

20 (c) CRITERIA.—In order to receive a grant award
21 under the pilot program, a qualified organization shall
22 meet the following criteria:

23 (1) Demonstrate expertise in providing housing
24 rehabilitation and modification services for disabled
25 or low-income individuals for the purpose of making

1 the homes of such individuals accessible, functional,
2 and safe for such individuals.

3 (2) Have established outreach initiatives that—

4 (A) would engage eligible veterans and vet-
5 erans service organizations in projects utilizing
6 grant funds under the pilot program; and

7 (B) identify eligible veterans and their
8 families and enlist veterans involved in skilled
9 trades, such as carpentry, roofing, plumbing, or
10 HVAC work.

11 (3) Have an established nationwide or State-
12 wide network of affiliates that are—

13 (A) nonprofit organizations; and

14 (B) able to provide housing rehabilitation
15 and modification services for eligible veterans.

16 (4) Have experience in successfully carrying out
17 the accountability and reporting requirements in-
18 volved in the proper administration of grant funds,
19 including funds provided by private entities or Fed-
20 eral, State, or local government entities.

21 (d) USE OF FUNDS.—A grant award under the pilot
22 program shall be used—

23 (1) to modify and rehabilitate the primary resi-
24 dence of an eligible veteran, and may include—

1 (A) installing wheelchair ramps, widening
2 exterior and interior doors, reconfiguring and
3 re-equipping bathrooms (which includes install-
4 ing new fixtures and grab bars), removing door-
5 way thresholds, installing special lighting, add-
6 ing additional electrical outlets and electrical
7 service, and installing appropriate floor cov-
8 erings to—

9 (i) accommodate the functional limita-
10 tions that result from having a disability;
11 or

12 (ii) if such residence does not have
13 modifications necessary to reduce the
14 chances that an elderly, but not disabled
15 person, will fall in their home, reduce the
16 risks of such an elderly person from fall-
17 ing;

18 (B) rehabilitating such residence that is in
19 a state of interior or exterior disrepair; and

20 (C) installing energy efficient features or
21 equipment if—

22 (i) an eligible veteran's monthly utility
23 costs for such residence is more than 5
24 percent of such veteran's monthly income;
25 and

1 (ii) an energy audit of such residence
2 indicates that the installation of energy ef-
3 ficient features or equipment will reduce
4 such costs by 10 percent or more;

5 (2) in connection with modification and reha-
6 bilitation services provided under the pilot program,
7 to provide technical, administrative, and training
8 support to an affiliate of a qualified organization re-
9 ceiving a grant under such pilot program; and

10 (3) for other purposes as the Secretary may
11 prescribe through regulations.

12 (e) OVERSIGHT.—The Secretary shall direct the over-
13 sight of the grant funds for the pilot program so that such
14 funds are used efficiently until expended to fulfill the pur-
15 pose of addressing the adaptive housing needs of eligible
16 veterans.

17 (f) MATCHING FUNDS.—

18 (1) IN GENERAL.—A qualified organization re-
19 ceiving a grant under the pilot program shall con-
20 tribute towards the housing modification and reha-
21 bilitation services provided to eligible veterans an
22 amount equal to not less than 50 percent of the
23 grant award received by such organization.

1 (2) IN-KIND CONTRIBUTIONS.—In order to
2 meet the requirement under paragraph (1), such or-
3 ganization may arrange for in-kind contributions.

4 (g) LIMITATION COST TO THE VETERANS.—A quali-
5 fied organization receiving a grant under the pilot pro-
6 gram shall modify or rehabilitate the primary residence
7 of an eligible veteran at no cost to such veteran (including
8 application fees) or at a cost such that such veteran pays
9 no more than 30 percent of his or her income in housing
10 costs during any month.

11 (h) REPORTS.—

12 (1) ANNUAL REPORT.—The Secretary shall
13 submit to Congress, on an annual basis, a report
14 that provides, with respect to the year for which
15 such report is written—

16 (A) the number of eligible veterans pro-
17 vided assistance under the pilot program;

18 (B) the socioeconomic characteristics of
19 such veterans, including their gender, age, race,
20 and ethnicity;

21 (C) the total number, types, and locations
22 of entities contracted under such program to
23 administer the grant funding;

24 (D) the amount of matching funds and in-
25 kind contributions raised with each grant;

1 (E) a description of the housing rehabilita-
2 tion and modification services provided, costs
3 saved, and actions taken under such program;

4 (F) a description of the outreach initiatives
5 implemented by the Secretary to educate the
6 general public and eligible entities about such
7 program;

8 (G) a description of the outreach initiatives
9 instituted by grant recipients to engage eligible
10 veterans and veteran service organizations in
11 projects utilizing grant funds under such pro-
12 gram;

13 (H) a description of the outreach initia-
14 tives instituted by grant recipients to identify
15 eligible veterans and their families; and

16 (I) any other information that the Sec-
17 retary considers relevant in assessing such pro-
18 gram.

19 (2) FINAL REPORT.—Not later than 6 months
20 after the completion of the pilot program, the Sec-
21 retary shall submit to Congress a report that pro-
22 vides such information that the Secretary considers
23 relevant in assessing the pilot program.

24 (i) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated for carrying out this di-

1 vision \$4,000,000 for each of fiscal years 2013 through
2 2017.

3 **DIVISION F—STOLEN VALOR ACT**
4 **TITLE LI—STOLEN VALOR ACT**

5 **SEC. 5011. SHORT TITLE.**

6 This division may be cited as the “Stolen Valor Act
7 of 2012”.

8 **SEC. 5012. FINDINGS.**

9 Congress find the following:

10 (1) Because of the great respect in which mili-
11 tary service and military awards are rightfully held
12 by the public, false claims of receiving such medals
13 or serving in the military are especially likely to be
14 harmful and material to employers, voters in decid-
15 ing to whom paid elective positions should be en-
16 trusted, and in the award of contracts.

17 (2) Military service and military awards are
18 held in such great respect that public and private
19 decisions are correctly influenced by claims of her-
20 oism.

21 (3) False claims of military service or military
22 heroism are an especially noxious means of obtaining
23 something of value because they are particularly
24 likely to cause tangible harm to victims of fraud.

1 (4) False claims of military service or the re-
2 receipt of military awards, if believed, are especially
3 likely to dispose people favorably toward the speak-
4 er.

5 (5) False claims of military service or the re-
6 ceipt of military awards are particularly likely to be
7 material and cause people to part with money or
8 property. Even if such claims are unsuccessful in
9 bringing about this result, they still constitute at-
10 tempted fraud.

11 (6) False claims of military service or the re-
12 ceipt of military awards that are made to secure ap-
13 pointment to the board of an organization are likely
14 to cause harm to such organization through their ob-
15 taining the services of an individual who does not
16 bring to that organization what he or she claims,
17 and whose falsehood, if discovered, would cause the
18 organization's donors concern that the organization's
19 board might not manage money honestly.

20 (7) The easily verifiable nature of false claims
21 regarding military service or the receipt of military
22 awards, the relative infrequency of such claims, and
23 the fact that false claims of having served in the
24 military or received such awards are rightfully con-
25 demned across the political spectrum, it is especially

1 likely that any law prohibiting such false claims
2 would not be enforced selectively.

3 (8) Congress may make criminal the false claim
4 of military service or the receipt of military awards
5 based on its powers under article I, section 8, clause
6 2 of the Constitution of the United States, to raise
7 and support armies, and article I, section 8, clause
8 18 of the Constitution of the United States, to enact
9 necessary and proper measures to carry into execu-
10 tion that power.

11 **SEC. 5013. MILITARY MEDALS OR DECORATIONS.**

12 Section 704 of title 18, United States Code, is
13 amended to read as follows:

14 **“§ 704. Military medals or decorations**

15 “(a) IN GENERAL.—Whoever knowingly purchases,
16 attempts to purchase, solicits for purchase, mails, ships,
17 imports, exports, produces blank certificates of receipt for,
18 manufactures, sells, attempts to sell, advertises for sale,
19 trades, barter, or exchanges for anything of value any
20 decoration or medal authorized by Congress for the Armed
21 Forces of the United States, or any of the service medals
22 or badges awarded to the members of such forces, or the
23 ribbon, button, or rosette of any such badge, decoration,
24 or medal, or any colorable imitation thereof, except when
25 authorized under regulations made pursuant to law, shall

1 be fined under this title, imprisoned for not more than
2 6 months, or both.

3 “(b) FALSE CLAIMS TO THE RECEIPT OF MILITARY
4 DECORATIONS, MEDALS, OR RIBBONS AND FALSE
5 CLAIMS RELATING TO MILITARY SERVICE IN ORDER TO
6 SECURE A TANGIBLE BENEFIT OR PERSONAL GAIN.—

7 “(1) IN GENERAL.—Whoever, with the intent of
8 securing a tangible benefit or personal gain, know-
9 ingly, falsely, and materially represents himself or
10 herself through any written or oral communication
11 (including a resume) to have served in the Armed
12 Forces of the United States or to have been awarded
13 any decoration, medal, ribbon, or other device au-
14 thorized by Congress or pursuant to Federal law for
15 the Armed Forces of the United States, shall be
16 fined under this title, imprisoned for not more than
17 6 months, or both.

18 “(2) TANGIBLE BENEFIT OR PERSONAL GAIN.—
19 For purposes of this subsection, the term ‘tangible
20 benefit or personal gain’ includes—

21 “(A) a benefit relating to military service
22 provided by the Federal Government or a State
23 or local government;

24 “(B) public or private employment;

25 “(C) financial remuneration;

1 “(D) an effect on the outcome of a crimi-
2 nal or civil court proceeding;

3 “(E) election of the speaker to paying of-
4 fice; and

5 “(F) appointment to a board or leadership
6 position of a non-profit organization.

7 “(c) DEFINITION.—In this section, the term ‘Armed
8 Forces of the United States’ means the Army, Navy, Air
9 Force, Marine Corps, and Coast Guard, including the re-
10 serve components named in section 10101 of title 10.”.

11 **SEC. 5014. SEVERABILITY.**

12 If any provision of this division, any amendment
13 made by this division, or the application of such provision
14 or amendment to any person or circumstance is held to
15 be unconstitutional, the remainder of the provisions of this
16 division, the amendments made by this division, and the
17 application of such provisions or amendments to any per-
18 son or circumstance shall not be affected.

19 **DIVISION G—MISCELLANEOUS**
20 **TITLE LII—MISCELLANEOUS**

21 **SEC. 5021. PUBLIC SAFETY OFFICERS’ BENEFITS PROGRAM.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Dale Long Public Safety Officers’ Benefits Improve-
24 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 ignated 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 (aa) by striking “, to such
6 officer”;

7 (V) by striking “the total” and
8 all that follows through “For” and in-
9 serting “for”; and

10 (VI) 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) TECHNICAL AND CONFORMING AMEND-
4 MENT.—Section 402(l)(4)(C) of the Internal Rev-
5 enue Code of 1986 is amended—

6 (A) by striking “section 1204(9)(A)” and
7 inserting “section 1204(10)(A)”; and

8 (B) by striking “42 U.S.C. 3796b(9)(A)”
9 and inserting “42 U.S.C. 3796b(10)(A)”.

10 (c) AUTHORIZATION OF APPROPRIATIONS; DETER-
11 MINATIONS; APPEALS.—The matter under the heading
12 “PUBLIC SAFETY OFFICERS BENEFITS” under the heading
13 “OFFICE OF JUSTICE PROGRAMS” under title II of divi-
14 sion B of the Consolidated Appropriations Act, 2008
15 (Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–
16 2) is amended—

17 (1) by striking “decisions” and inserting “de-
18 terminations”;

19 (2) by striking “(including those, and any re-
20 lated matters, pending)”; and

21 (3) by striking the period at the end and insert-
22 ing the following: “: *Provided further*, That, on and
23 after the date of enactment of the Public Safety Of-
24 ficers’ Benefits Improvements Act of 2012, as to
25 each such statute—

1 “(1) the provisions of section 1001(a)(4) of
2 such title I (42 U.S.C. 3793(a)(4)) shall apply;

3 “(2) payment (other than payment made pursu-
4 ant to section 611 of the Uniting and Strengthening
5 America by Providing Appropriate Tools Required to
6 Intercept and Obstruct Terrorism Act of 2001 (42
7 U.S.C. 3796c–1)) shall be made only upon a deter-
8 mination by the Bureau that the facts legally war-
9 rant the payment;

10 “(3) any reference to section 1202 of such title
11 I shall be deemed to be a reference to paragraphs
12 (2) and (3) of such section 1202; and

13 “(4) a certification submitted under any such
14 statute (other than a certification submitted pursu-
15 ant to section 611 of the Uniting and Strengthening
16 America by Providing Appropriate Tools Required to
17 Intercept and Obstruct Terrorism Act of 2001 (42
18 U.S.C. 3796c–1)) may be accepted by the Bureau as
19 prima facie evidence of the facts asserted in the cer-
20 tification:

21 *Provided further*, That, on and after the date of enactment
22 of the Public Safety Officers’ Benefits Improvements Act
23 of 2012, no appeal shall bring any final determination of
24 the Bureau before any court for review unless notice of
25 appeal is filed (within the time specified herein and in the

1 manner prescribed for appeal to United States courts of
2 appeals from United States district courts) not later than
3 90 days after the date on which the Bureau serves notice
4 of the final determination: *Provided further*, That any reg-
5 ulations promulgated by the Bureau under such part (or
6 any such statute) before, on, or after the date of enact-
7 ment of the Public Safety Officers' Benefits Improvements
8 Act of 2012 shall apply to any matter pending on, or filed
9 or accruing after, the effective date specified in the regula-
10 tions.”.

11 (d) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (1), the amendments made by this section
14 shall—

15 (A) take effect on the date of enactment of
16 this Act; and

17 (B) apply to any matter pending, before
18 the Bureau of Justice Assistance or otherwise,
19 on the date of enactment of this Act, or filed
20 or accruing after that date.

21 (2) EXCEPTIONS.—

22 (A) RESCUE SQUADS AND AMBULANCE
23 CREWS.—For a member of a rescue squad or
24 ambulance crew (as defined in section 1204(7)
25 of title I of the Omnibus Crime Control and

1 Safe Streets Act of 1968, as amended by this
2 section), the amendments made by this Act
3 shall apply to injuries sustained on or after
4 June 1, 2009.

5 (B) HEART ATTACKS, STROKES, AND VAS-
6 CULAR RUPTURES.—Section 1201(k) of title I
7 of the Omnibus Crime Control and Safe Streets
8 Act of 1968, as amended by this section, shall
9 apply to heart attacks, strokes, and vascular
10 ruptures sustained on or after December 15,
11 2003.

12 **SEC. 5022. SCIENTIFIC FRAMEWORK FOR RECALCITRANT**
13 **CANCERS.**

14 Subpart 1 of part C of title IV of the Public Health
15 Service Act (42 U.S.C. 285 et seq.) is amended by adding
16 at the end the following:

17 **“SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT**
18 **CANCERS.**

19 “(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

20 “(1) IN GENERAL.—For each recalcitrant can-
21 cer identified under subsection (b), the Director of
22 the Institute shall develop (in accordance with sub-
23 section (c)) a scientific framework for the conduct or
24 support of research on such cancer.

1 “(2) CONTENTS.—The scientific framework
2 with respect to a recalcitrant cancer shall include the
3 following:

4 “(A) CURRENT STATUS.—

5 “(i) REVIEW OF LITERATURE.—A
6 summary of findings from the current lit-
7 erature in the areas of—

8 “(I) the prevention, diagnosis,
9 and treatment of such cancer;

10 “(II) the fundamental biologic
11 processes that regulate such cancer
12 (including similarities and differences
13 of such processes from the biological
14 processes that regulate other cancers);
15 and

16 “(III) the epidemiology of such
17 cancer.

18 “(ii) SCIENTIFIC ADVANCES.—The
19 identification of relevant emerging sci-
20 entific areas and promising scientific ad-
21 vances in basic, translational, and clinical
22 science relating to the areas described in
23 subclauses (I) and (II) of clause (i).

24 “(iii) RESEARCHERS.—A description
25 of the availability of qualified individuals

1 to conduct scientific research in the areas
2 described in clause (i).

3 “(iv) COORDINATED RESEARCH INI-
4 TIATIVES.—The identification of the types
5 of initiatives and partnerships for the co-
6 ordination of intramural and extramural
7 research of the Institute in the areas de-
8 scribed in clause (i) with research of the
9 relevant national research institutes, Fed-
10 eral agencies, and non-Federal public and
11 private entities in such areas.

12 “(v) RESEARCH RESOURCES.—The
13 identification of public and private re-
14 sources, such as patient registries and tis-
15 sue banks, that are available to facilitate
16 research relating to each of the areas de-
17 scribed in clause (i).

18 “(B) IDENTIFICATION OF RESEARCH
19 QUESTIONS.—The identification of research
20 questions relating to basic, translational, and
21 clinical science in the areas described in sub-
22 clauses (I) and (II) of subparagraph (A)(i) that
23 have not been adequately addressed with re-
24 spect to such recalcitrant cancer.

1 “(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be
2 taken to advance research in the areas described in subparagraph (A)(i) and to address
3 the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such
4 actions, including the following:
5
6
7
8

9 “(i) RESEARCHERS.—Ensuring adequate availability of qualified individuals
10 described in subparagraph (A)(iii).
11

12 “(ii) COORDINATED RESEARCH INITIATIVES.—Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).
13
14
15

16 “(iii) RESEARCH RESOURCES.—Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.
17
18
19

20 “(3) TIMING.—

21 “(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall—
22
23
24

1 “(i) develop a scientific framework
2 under this subsection not later than 18
3 months after the date of the enactment of
4 this section; and

5 “(ii) review and update the scientific
6 framework not later than 5 years after its
7 initial development.

8 “(B) OTHER UPDATES.—The Director of
9 the Institute may review and update each sci-
10 entific framework developed under this sub-
11 section as necessary.

12 “(4) PUBLIC NOTICE.—With respect to each
13 scientific framework developed under subsection (a),
14 not later than 30 days after the date of completion
15 of the framework, the Director of the Institute
16 shall—

17 “(A) submit such framework to the Com-
18 mittee on Energy and Commerce and Com-
19 mittee on Appropriations of the House of Rep-
20 resentatives, and the Committee on Health,
21 Education, Labor, and Pensions and Committee
22 on Appropriations of the Senate; and

23 “(B) make such framework publically
24 available on the Internet website of the Depart-
25 ment of Health and Human Services.

1 “(b) IDENTIFICATION OF RECALCITRANT CANCER.—

2 “(1) IN GENERAL.—Not later than 6 months
3 after the date of the enactment of this section, the
4 Director of the Institute shall identify two or more
5 recalcitrant cancers that each—

6 “(A) have a 5-year relative survival rate of
7 less than 20 percent; and

8 “(B) are estimated to cause the death of at
9 least 30,000 individuals in the United States
10 per year.

11 “(2) ADDITIONAL CANCERS.—The Director of
12 the Institute may, at any time, identify other recal-
13 citrant cancers for purposes of this section. In iden-
14 tifying a recalcitrant cancer pursuant to the previous
15 sentence, the Director may consider additional
16 metrics of progress (such as incidence and mortality
17 rates) against such type of cancer.

18 “(c) WORKING GROUPS.—For each recalcitrant can-
19 cer identified under subsection (b), the Director of the In-
20 stitute shall convene a working group comprised of rep-
21 resentatives of appropriate Federal agencies and other
22 non-Federal entities to provide expertise on, and assist in
23 developing, a scientific framework under subsection (a).
24 The Director of the Institute (or the Director’s designee)

1 shall participate in the meetings of each such working
2 group.

3 “(d) REPORTING.—

4 “(1) BIENNIAL REPORTS.—The Director of
5 NIH shall ensure that each biennial report under
6 section 403 includes information on actions under-
7 taken to carry out each scientific framework devel-
8 oped under subsection (a) with respect to a recal-
9 citrant cancer, including the following:

10 “(A) Information on research grants
11 awarded by the National Institutes of Health
12 for research relating to such cancer.

13 “(B) An assessment of the progress made
14 in improving outcomes (including relative sur-
15 vival rates) for individuals diagnosed with such
16 cancer.

17 “(C) An update on activities pertaining to
18 such cancer under the authority of section
19 413(b)(7).

20 “(2) ADDITIONAL ONE-TIME REPORT FOR CER-
21 TAIN FRAMEWORKS.—For each recalcitrant cancer
22 identified under subsection (b)(1), the Director of
23 the Institute shall, not later than 6 years after the
24 initial development of a scientific framework under
25 subsection (a), submit a report to the Congress on

1 the effectiveness of the framework (including the up-
 2 date required by subsection (a)(3)(A)(ii) in improv-
 3 ing the prevention, detection, diagnosis, and treat-
 4 ment of such cancer.

5 “(e) **RECOMMENDATIONS FOR EXCEPTION FUND-**
 6 **ING.**—The Director of the Institute shall consider each
 7 relevant scientific framework developed under subsection
 8 (a) when making recommendations for exception funding
 9 for grant applications.

10 “(f) **DEFINITION.**—In this section, the term ‘recal-
 11 citrant cancer’ means a cancer for which the five-year rel-
 12 ative survival rate is below 50 percent.”

13 **SEC. 5023. UNITED STATES ADVISORY COMMISSION ON**
 14 **PUBLIC DIPLOMACY.**

15 (a) **TECHNICAL AMENDMENT.**—Section 604(a) of the
 16 United States Information and Educational Exchange Act
 17 of 1948 (22 U.S.C. 1469(a)) is amended by inserting “(re-
 18 ferred to in this section as the ‘Commission’)” before the
 19 period at the end.

20 (b) **DUTIES AND RESPONSIBILITIES.**—Section 604(c)
 21 of such Act is amended to read as follows:

22 “(c) **DUTIES AND RESPONSIBILITIES.**—The Commis-
 23 sion shall appraise United States Government activities in-
 24 tended to understand, inform, and influence foreign
 25 publics. The activities described in this subsection shall

1 be referred to in this section as ‘public diplomacy activi-
2 ties’.”.

3 (c) REPORTS.—Section 604(d) of such Act is amend-
4 ed to read as follows:

5 “(d) REPORTS.—

6 “(1) COMPREHENSIVE ANNUAL REPORT.—

7 “(A) IN GENERAL.—Not less frequently
8 than annually, the Commission shall submit a
9 comprehensive report on public diplomacy and
10 international broadcasting activities to Con-
11 gress, the President, and the Secretary of
12 State. This report shall include—

13 “(i) a detailed list of all public diplo-
14 macy activities funded by the United
15 States Government;

16 “(ii) a description of—

17 “(I) the purpose, means, and ge-
18 ographic scope of each activity;

19 “(II) when each activity was
20 started;

21 “(III) the amount of Federal
22 funding expended on each activity;

23 “(IV) any significant outside
24 sources of funding; and

1 “(V) the Federal department or
2 agency to which the activity belongs;

3 “(iii) the international broadcasting
4 activities under the direction of the Broad-
5 casting Board of Governors;

6 “(iv) an assessment of potentially du-
7 plicative public diplomacy and inter-
8 national broadcasting activities; and

9 “(v) for any activities determined to
10 be ineffective or results not demonstrated
11 under subparagraph (B), recommendations
12 on existing effective or moderately effective
13 public diplomacy activities that could be
14 augmented to carry out the objectives of
15 the ineffective activities.

16 “(B) EFFECTIVENESS ASSESSMENT.—In
17 evaluating the public diplomacy and inter-
18 national broadcasting activities described in
19 subparagraph (A), the Commission shall con-
20 duct an assessment that considers the public di-
21 plomacy target impact, the achieved impact,
22 and the cost of public diplomacy activities and
23 international broadcasting. The assessment
24 shall include, if practicable, an appropriate met-
25 ric such as ‘cost-per-audience’ or ‘cost-per-stu-

1 dent' for each activity. Upon the completion of
2 the assessment, the Commission shall the as-
3 sign a rating of—

4 “(i) ‘effective’ for activities that—

5 “(I) set appropriate goals;

6 “(II) achieve results; and

7 “(III) are well-managed and cost
8 efficient;

9 “(ii) ‘moderately effective’ for activi-
10 ties that—

11 “(I) achieve some results;

12 “(II) are generally well-managed;

13 and

14 “(III) need to improve their per-
15 formance results or cost efficiency, in-
16 cluding reducing overhead;

17 “(iii) ‘ineffective’ for activities that—

18 “(I) are not making sufficient
19 use of available resources to achieve
20 stated goals;

21 “(II) are not well-managed; or

22 “(III) have excessive overhead;

23 and

24 “(iv) ‘results not demonstrated’ for
25 activities that—

1 “(I) do not have acceptable per-
2 formance public diplomacy metrics for
3 measuring results; or

4 “(II) are unable or failed to col-
5 lect data to determine if they are ef-
6 fective.

7 “(2) OTHER REPORTS.—

8 “(A) IN GENERAL.—The Commission shall
9 submit other reports, including working papers,
10 to Congress, the President, and the Secretary
11 of State at least semi-annually on other activi-
12 ties and policies related to United States public
13 diplomacy.

14 “(B) AVAILABILITY.—The Commission
15 shall make the reports submitted pursuant to
16 subparagraph (A) publicly available on the
17 website of the Commission to develop a better
18 understanding of, and support for, public diplo-
19 macy activities.

20 “(3) ACCESS TO INFORMATION.—The Secretary
21 of State shall ensure that the Commission has access
22 to all appropriate information to carry out its duties
23 and responsibilities under this subsection.”.

24 (d) REAUTHORIZATION.—

1 (1) **IN GENERAL.**—Section 1334 of the Foreign
2 Affairs Reform and Restructuring Act of 1998 (22
3 U.S.C. 6553) is amended by striking “October 1,
4 2010” and inserting “October 1, 2014”.

5 (2) **RETROACTIVITY OF EFFECTIVE DATE.**—The
6 amendment made by paragraph (1) shall take effect
7 on October 1, 2010.

8 (e) **FUNDING.**—From amounts appropriated by Con-
9 gress under the heading “**DIPLOMATIC AND CONSULAR**
10 **PROGRAMS**”, the Secretary of State shall allocate sufficient
11 funding to the United States Advisory Commission on
12 Public Diplomacy to carry out section 604 of the United
13 States Information and Educational Exchange Act of
14 1948 (22 U.S.C. 1469), as amended by this section.

15 **SEC. 5024. REMOVAL OF ACTION.**

16 Section 1442 of title 28, United States Code, is
17 amended by striking subsection (c) and inserting the fol-
18 lowing:

19 “(c) Solely for purposes of determining the propriety
20 of removal under subsection (a), a law enforcement officer,
21 who is the defendant in a criminal prosecution, shall be
22 deemed to have been acting under the color of his office
23 if the officer—

24 “(1) protected an individual in the presence of
25 the officer from a crime of violence;

1 “(2) provided immediate assistance to an indi-
2 vidual who suffered, or who was threatened with,
3 bodily harm; or

4 “(3) prevented the escape of any individual who
5 the officer reasonably believed to have committed, or
6 was about to commit, in the presence of the officer,
7 a crime of violence that resulted in, or was likely to
8 result in, death or serious bodily injury.

9 “(d) In this section, the following definitions apply:

10 “(1) The terms ‘civil action’ and ‘criminal pros-
11 ecution’ include any proceeding (whether or not an-
12 cillary to another proceeding) to the extent that in
13 such proceeding a judicial order, including a sub-
14 poena for testimony or documents, is sought or
15 issued. If removal is sought for a proceeding de-
16 scribed in the previous sentence, and there is no
17 other basis for removal, only that proceeding may be
18 removed to the district court.

19 “(2) The term ‘crime of violence’ has the mean-
20 ing given that term in section 16 of title 18.

21 “(3) The term ‘law enforcement officer’ means
22 any employee described in subparagraph (A), (B), or
23 (C) of section 8401(17) of title 5 and any special
24 agent in the Diplomatic Security Service of the De-
25 partment of State.

1 “(4) The term ‘serious bodily injury’ has the
2 meaning given that term in section 1365 of title 18.

3 “(5) The term ‘State’ includes the District of
4 Columbia, United States territories and insular pos-
5 sessions, and Indian country (as defined in section
6 1151 of title 18).

7 “(6) The term ‘State court’ includes the Supe-
8 rior Court of the District of Columbia, a court of a
9 United States territory or insular possession, and a
10 tribal court.”.

11 **TITLE LIII—GAO MANDATES**

12 **REVISION ACT**

13 **Subtitle A—GAO Mandates**

14 **Revision Act**

15 **SEC. 5301. SHORT TITLE.**

16 This subtitle may be cited as the “GAO Mandates
17 Revision Act of 2012”.

18 **SEC. 5302. REPEALS AND MODIFICATIONS.**

19 (a) CAPITOL PRESERVATION FUND FINANCIAL
20 STATEMENTS.—Section 804 of the Arizona-Idaho Con-
21 servation Act of 1988 (2 U.S.C. 2084) is amended by
22 striking “annual audits of the transactions of the Commis-
23 sion” and inserting “periodic audits of the transactions
24 of the Commission, which shall be conducted at least once
25 every 3 years, unless the Chairman or the Ranking Mem-

1 ber of the Committee on Rules and Administration of the
2 Senate or the Committee on House Administration of the
3 House of Representatives, the Secretary of the Senate, or
4 the Clerk of the House of Representatives requests that
5 an audit be conducted at an earlier date.”

6 (b) JUDICIAL SURVIVORS’ ANNUITIES FUND AUDIT
7 BY GAO.—

8 (1) IN GENERAL.—Section 376 of title 28,
9 United States Code, is amended—

10 (A) by striking subsection (w); and

11 (B) by redesignating subsections (x) and
12 (y) as subsections (w) and (x), respectively.

13 (2) TECHNICAL AND CONFORMING AMEND-
14 MENT.—Section 376(h)(2) of title 28, United States
15 Code, is amended by striking “subsection (x)” and
16 inserting “subsection (w)”.

17 (c) ONDCP ANNUAL REPORT REQUIREMENT.—Sec-
18 tion 203 of the Office of National Drug Control Policy
19 Reauthorization Act of 2006 (21 U.S.C. 1708a) is amend-
20 ed—

21 (1) in subsection (a), by striking “of each year”
22 and inserting “, 2013, and every 3 years there-
23 after,”; and

24 (2) in subsection (b), in the matter preceding
25 paragraph (1), by striking “at a frequency of not

1 less than once per year—” and inserting “not later
2 than December 31, 2013, and every 3 years there-
3 after—”.

4 (d) USERRA GAO REPORT.—Section 105(g)(1) of
5 the Veterans’ Benefits Act of 2010 (Public Law 111–275;
6 38 U.S.C. 4301 note) is amended by striking “, and annu-
7 ally thereafter during the period when the demonstration
8 project is conducted,”.

9 (e) SEMIPOSTAL PROGRAM REPORTS BY THE GEN-
10 ERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal
11 Authorization Act (Public Law 106–253; 114 Stat. 636;
12 39 U.S.C. 416 note) is amended—

13 (1) by striking subsection (c); and

14 (2) by redesignating subsections (d) and (e) as
15 subsections (c) and (d), respectively.

16 (f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW
17 BY GAO.—Section 231A(b)(4) of the Caribbean Basin
18 Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is
19 amended—

20 (1) by striking subparagraph (C); and

21 (2) by redesignating subparagraph (D) as sub-
22 paragraph (C).

23 (g) AMERICAN BATTLE MONUMENTS COMMISSION’S
24 FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h)
25 of title 36, United States Code, is amended—

1 (1) in paragraph (1), by striking “of paragraph
2 (2) of this subsection” and inserting “of section
3 3515 of title 31”;

4 (2) in paragraph (1), by striking “(1)”; and
5 (3) by striking paragraph (2).

6 (h) SENATE PRESERVATION FUND AUDITS.—Section
7 3(c)(6) of the Legislative Branch Appropriations Act,
8 2004 (2 U.S.C. 2108(c)(6)) is amended by striking “an-
9 nual audits of the Senate Preservation Fund” and insert-
10 ing “periodic audits of the Senate Preservation Fund,
11 which shall be conducted at least once every 3 years, un-
12 less the Chairman or the Ranking Member of the Com-
13 mittee on Rules and Administration of the Senate or the
14 Secretary of the Senate requests that an audit be con-
15 ducted at an earlier date,”.

16 **Subtitle B—Improper Payments**
17 **Elimination and Recovery Im-**
18 **provement Act**

19 **SEC. 5311. SHORT TITLE.**

20 This subtitle may be cited as the “Improper Pay-
21 ments Elimination and Recovery Improvement Act of
22 2012”.

23 **SEC. 5312. DEFINITIONS.**

24 In this subtitle—

1 (1) the term “agency” means an executive
2 agency as that term is defined under section 102 of
3 title 31, United States Code; and

4 (2) the term “improper payment” has the
5 meaning given that term in section 2(g) of the Im-
6 proper Payments Information Act of 2002 (31
7 U.S.C. 3321 note), as redesignated by section
8 __03(a)(1) of this subtitle.

9 **SEC. 5313. IMPROVING THE DETERMINATION OF IMPROPER**
10 **PAYMENTS BY FEDERAL AGENCIES.**

11 (a) IN GENERAL.—Section 2 of the Improper Pay-
12 ments Information Act of 2002 (31 U.S.C. 3321 note) is
13 amended—

14 (1) by redesignating subsections (b) through (g)
15 as subsections (c) through (h), respectively;

16 (2) by inserting after subsection (a) the fol-
17 lowing:

18 “(b) IMPROVING THE DETERMINATION OF IMPROPER
19 PAYMENTS.—

20 “(1) IN GENERAL.—The Director of the Office
21 of Management and Budget shall on an annual
22 basis—

23 “(A) identify a list of high-priority Federal
24 programs for greater levels of oversight and re-
25 view—

1 “(i) in which the highest dollar value
2 or highest rate of improper payments
3 occur; or

4 “(ii) for which there is a higher risk
5 of improper payments; and

6 “(B) in coordination with the agency re-
7 sponsible for administering the high-priority
8 program, establish annual targets and semi-an-
9 nual or quarterly actions for reducing improper
10 payments associated with each high-priority
11 program.

12 “(2) REPORT ON HIGH-PRIORITY IMPROPER
13 PAYMENTS.—

14 “(A) IN GENERAL.—Subject to Federal
15 privacy policies and to the extent permitted by
16 law, each agency with a program identified
17 under paragraph (1)(A) on an annual basis
18 shall submit to the Inspector General of that
19 agency, and make available to the public (in-
20 cluding availability through the Internet), a re-
21 port on that program.

22 “(B) CONTENTS.—Each report under this
23 paragraph—

24 “(i) shall describe—

25 “(I) any action the agency—

1 “(aa) has taken or plans to
2 take to recover improper pay-
3 ments; and

4 “(bb) intends to take to pre-
5 vent future improper payments;
6 and

7 “(ii) shall not include any referrals
8 the agency made or anticipates making to
9 the Department of Justice, or any informa-
10 tion provided in connection with such re-
11 ferrals.

12 “(C) PUBLIC AVAILABILITY ON CENTRAL
13 WEBSITE.—The Office of Management and
14 Budget shall make each report submitted under
15 this paragraph available on a central website.

16 “(D) AVAILABILITY OF INFORMATION TO
17 INSPECTOR GENERAL.—Subparagraph (B)(ii)
18 shall not prohibit any referral or information
19 being made available to an Inspector General as
20 otherwise provided by law.

21 “(E) ASSESSMENT AND RECOMMENDA-
22 TIONS.—The Inspector General of each agency
23 that submits a report under this paragraph
24 shall, for each program of the agency that is
25 identified under paragraph (1)(A)—

1 “(i) review—

2 “(I) the assessment of the level
3 of risk associated with the program,
4 and the quality of the improper pay-
5 ment estimates and methodology of
6 the agency relating to the program;
7 and

8 “(II) the oversight or financial
9 controls to identify and prevent im-
10 proper payments under the program;
11 and

12 “(ii) submit to Congress recommenda-
13 tions, which may be included in another re-
14 port submitted by the Inspector General to
15 Congress, for modifying any plans of the
16 agency relating to the program, including
17 improvements for improper payments de-
18 termination and estimation methodology.”;

19 (3) in subsection (d) (as redesignated by para-
20 graph (1) of this subsection), by striking “subsection
21 (b)” each place that term appears and inserting
22 “subsection (c)”;

23 (4) in subsection (e) (as redesignated by para-
24 graph (1) of this subsection), by striking “subsection
25 (b)” and inserting “subsection (c)”;

1 (5) in subsection (g)(3) (as redesignated by
2 paragraph (1) of this subsection), by inserting “or
3 a Federal employee” after “non-Federal person or
4 entity”.

5 (b) IMPROVED ESTIMATES.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this subtitle, the Di-
8 rector of the Office of Management and Budget
9 shall provide guidance to agencies for improving the
10 estimates of improper payments under the Improper
11 Payments Information Act of 2002 (31 U.S.C. 3321
12 note).

13 (2) GUIDANCE.—Guidance under this sub-
14 section shall—

15 (A) strengthen the estimation process of
16 agencies by setting standards for agencies to
17 follow in determining the underlying validity of
18 sampled payments to ensure amounts being
19 billed are proper; and

20 (B) instruct agencies to give the persons or
21 entities performing improper payments esti-
22 mates access to all necessary payment data, in-
23 cluding access to relevant documentation;

24 (C) explicitly bar agencies from relying on
25 self-reporting by the recipients of agency pay-

1 ments as the sole source basis for improper
2 payments estimates;

3 (D) require agencies to include all identi-
4 fied improper payments in the reported esti-
5 mate, regardless of whether the improper pay-
6 ment in question has been or is being recovered;

7 (E) include payments to employees, includ-
8 ing salary, locality pay, travel pay, purchase
9 card use, and other employee payments, as sub-
10 ject to risk assessment and, where appropriate,
11 improper payment estimation; and

12 (F) require agencies to tailor their correc-
13 tive actions for the high-priority programs iden-
14 tified under section 2(b)(1)(A) of the Improper
15 Payments Information Act of 2002 (31 U.S.C.
16 3321 note) to better reflect the unique proc-
17 esses, procedures, and risks involved in each
18 specific program.

19 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
20 The Improper Payments Elimination and Recovery Act of
21 2010 (Public Law 111–204; 124 Stat. 2224) is amend-
22 ed—

23 (1) in section 2(h)(1) (31 U.S.C. 3321 note), by
24 striking “section 2(f)” and all that follows and in-

1 serting “section 2(g) of the Improper Payments In-
2 formation Act of 2002 (31 U.S.C. 3321 note).”; and

3 (2) in section 3(a) (31 U.S.C. 3321 note)—

4 (A) in paragraph (1), by striking “section
5 2(f)” and all that follows and inserting “section
6 2(g) of the Improper Payments Information Act
7 of 2002 (31 U.S.C. 3321 note).”; and

8 (B) in paragraph (3)—

9 (i) by striking “section 2(b)” each
10 place it appears and inserting “section
11 2(c)”;

12 (ii) by striking “section 2(c)” each
13 place it appears and inserting “section
14 2(d)”.

15 **SEC. 5314. IMPROPER PAYMENTS INFORMATION.**

16 Section 2(a)(3)(A)(ii) of the Improper Payments In-
17 formation Act of 2002 (31 U.S.C. 3321 note) is amended
18 by striking “with respect to fiscal years following Sep-
19 tember 30th of a fiscal year beginning before fiscal year
20 2013 as determined by the Office of Management and
21 Budget” and inserting “with respect to fiscal year 2014
22 and each fiscal year thereafter”.

23 **SEC. 5315. DO NOT PAY INITIATIVE.**

24 (a) PREPAYMENT AND PREAWARD PROCEDURES.—

1 (1) IN GENERAL.—Each agency shall review
2 prepayment and preaward procedures and ensure
3 that a thorough review of available databases with
4 relevant information on eligibility occurs to deter-
5 mine program or award eligibility and prevent im-
6 proper payments before the release of any Federal
7 funds.

8 (2) DATABASES.—At a minimum and before
9 issuing any payment and award, each agency shall
10 review as appropriate the following databases to
11 verify eligibility of the payment and award:

12 (A) The Death Master File of the Social
13 Security Administration.

14 (B) The General Services Administration’s
15 Excluded Parties List System.

16 (C) The Debt Check Database of the De-
17 partment of the Treasury.

18 (D) The Credit Alert System or Credit
19 Alert Interactive Voice Response System of the
20 Department of Housing and Urban Develop-
21 ment.

22 (E) The List of Excluded Individuals/Enti-
23 ties of the Office of Inspector General of the
24 Department of Health and Human Services.

25 (b) DO NOT PAY INITIATIVE.—

1 (1) ESTABLISHMENT.—There is established the
2 Do Not Pay Initiative which shall include—

3 (A) use of the databases described under
4 subsection (a)(2); and

5 (B) use of other databases designated by
6 the Director of the Office of Management and
7 Budget in consultation with agencies and in ac-
8 cordance with paragraph (2).

9 (2) OTHER DATABASES.—In making designa-
10 tions of other databases under paragraph (1)(B), the
11 Director of the Office of Management and Budget
12 shall—

13 (A) consider any database that substan-
14 tially assists in preventing improper payments;
15 and

16 (B) provide public notice and an oppor-
17 tunity for comment before designating a data-
18 base under paragraph (1)(B).

19 (3) ACCESS AND REVIEW BY AGENCIES.—For
20 purposes of identifying and preventing improper
21 payments, each agency shall have access to, and use
22 of, the Do Not Pay Initiative to verify payment or
23 award eligibility in accordance with subsection (a)
24 when the Director of the Office of Management and

1 Budget determines the Do Not Pay Initiative is ap-
2 propriately established for the agency.

3 (4) PAYMENT OTHERWISE REQUIRED.—When
4 using the Do Not Pay Initiative, an agency shall rec-
5 ognize that there may be circumstances under which
6 the law requires a payment or award to be made to
7 a recipient, regardless of whether that recipient is
8 identified as potentially ineligible under the Do Not
9 Pay Initiative.

10 (5) ANNUAL REPORT.—The Director of the Of-
11 fice of Management and Budget shall submit to
12 Congress an annual report, which may be included
13 as part of another report submitted to Congress by
14 the Director, regarding the operation of the Do Not
15 Pay Initiative, which shall—

16 (A) include an evaluation of whether the
17 Do Not Pay Initiative has reduced improper
18 payments or improper awards; and

19 (B) provide the frequency of corrections or
20 identification of incorrect information.

21 (c) DATABASE INTEGRATION PLAN.—Not later than
22 60 days after the date of enactment of this subtitle, the
23 Director of the Office of Management and Budget shall
24 provide to the Congress a plan for—

1 (1) inclusion of other databases on the Do Not
2 Pay Initiative;

3 (2) to the extent permitted by law, agency ac-
4 cess to the Do Not Pay Initiative; and

5 (3) the multilateral data use agreements de-
6 scribed under subsection (e).

7 (d) INITIAL WORKING SYSTEM.—

8 (1) ESTABLISHMENT.—Not later than 90 days
9 after the date of enactment of this subtitle, the Di-
10 rector of the Office of Management and Budget
11 shall establish a working system for prepayment and
12 preaward review that includes the Do Not Pay Ini-
13 tiative as described under this section.

14 (2) WORKING SYSTEM.—The working system
15 established under paragraph (1)—

16 (A) may be located within an appropriate
17 agency;

18 (B) shall include not less than 3 agencies
19 as users of the system; and

20 (C) shall include investigation activities for
21 fraud and systemic improper payments detec-
22 tion through analytic technologies and other
23 techniques, which may include commercial data-
24 base use or access.

1 (3) APPLICATION TO ALL AGENCIES.—Not later
2 than June 1, 2013, each agency shall review all pay-
3 ments and awards for all programs of that agency
4 through the system established under this sub-
5 section.

6 (e) FACILITATING DATA ACCESS BY FEDERAL AGEN-
7 CIES AND OFFICES OF INSPECTORS GENERAL FOR PUR-
8 POSSES OF PROGRAM INTEGRITY.—

9 (1) DEFINITION.—In this subsection, the term
10 “Inspector General” means an Inspector General de-
11 scribed in subparagraph (A), (B), or (I) of section
12 11(b)(1) of the Inspector General Act of 1978 (5
13 U.S.C. App.).

14 (2) COMPUTER MATCHING BY FEDERAL AGEN-
15 CIES FOR PURPOSES OF INVESTIGATION AND PRE-
16 VENTION OF IMPROPER PAYMENTS AND FRAUD.—

17 (A) IN GENERAL.—Except as provided in
18 this paragraph, in accordance with section 552a
19 of title 5, United States Code (commonly known
20 as the Privacy Act of 1974), each Inspector
21 General and the head of each agency may enter
22 into computer matching agreements that allow
23 ongoing data matching (which shall include
24 automated data matching) in order to assist in

1 the detection and prevention of improper pay-
2 ments.

3 (B) REVIEW.—Not later than 60 days
4 after a proposal for an agreement under sub-
5 paragraph (A) has been presented to a Data In-
6 tegrity Board established under section 552a(u)
7 of title 5, United States Code, for consider-
8 ation, the Data Integrity Board shall respond
9 to the proposal.

10 (C) TERMINATION DATE.—An agreement
11 under subparagraph (A)—

12 (i) shall have a termination date of
13 less than 3 years; and

14 (ii) during the 3-month period ending
15 on the date on which the agreement is
16 scheduled to terminate, may be renewed by
17 the agencies entering the agreement for
18 not more than 3 years.

19 (D) MULTIPLE AGENCIES.—For purposes
20 of this paragraph, section 552a(o)(1) of title 5,
21 United States Code, shall be applied by sub-
22 stituting “between the source agency and the
23 recipient agency or non-Federal agency or an
24 agreement governing multiple agencies” for
25 “between the source agency and the recipient

1 agency or non-Federal agency” in the matter
2 preceding subparagraph (A).

3 (E) COST-BENEFIT ANALYSIS.—A jus-
4 tification under section 552a(o)(1)(B) of title 5,
5 United States Code, relating to an agreement
6 under subparagraph (A) is not required to con-
7 tain a specific estimate of any savings under
8 the computer matching agreement.

9 (F) GUIDANCE BY THE OFFICE OF MAN-
10 AGEMENT AND BUDGET.—Not later than 6
11 months after the date of enactment of this sub-
12 title, and in consultation with the Council of In-
13 spectors General on Integrity and Efficiency,
14 the Secretary of Health and Human Services,
15 the Commissioner of Social Security, and the
16 head of any other relevant agency, the Director
17 of the Office of Management and Budget
18 shall—

19 (i) issue guidance for agencies regard-
20 ing implementing this paragraph, which
21 shall include standards for—

22 (I) reimbursement of costs, when
23 necessary, between agencies;

24 (II) retention and timely destruc-
25 tion of records in accordance with sec-

1 tion 552a(o)(1)(F) of title 5, United
2 States Code;

3 (III) prohibiting duplication and
4 redisclosure of records in accordance
5 with section 552a(o)(1)(H) of title 5,
6 United States Code;

7 (ii) review the procedures of the Data
8 Integrity Boards established under section
9 552a(u) of title 5, United States Code, and
10 develop new guidance for the Data Integ-
11 rity Boards to—

12 (I) improve the effectiveness and
13 responsiveness of the Data Integrity
14 Boards; and

15 (II) ensure privacy protections in
16 accordance with section 552a of title
17 5, United States Code (commonly
18 known as the Privacy Act of 1974);
19 and

20 (III) establish standard matching
21 agreements for use when appropriate;
22 and

23 (iii) establish and clarify rules regard-
24 ing what constitutes making an agreement
25 entered under subparagraph (A) available

1 upon request to the public for purposes of
2 section 552a(o)(2)(A)(ii) of title 5, United
3 States Code, which shall include requiring
4 publication of the agreement on a public
5 website.

6 (G) CORRECTIONS.—The Director of the
7 Office of Management and Budget shall estab-
8 lish procedures providing for the correction of
9 data in order to ensure—

10 (i) compliance with section 552a(p) of
11 title 5, United States Code; and

12 (ii) that corrections are made in any
13 Do Not Pay Initiative database and in any
14 relevant source databases designated by
15 the Director of the Office of Management
16 and Budget under subsection (b)(1).

17 (H) COMPLIANCE.—The head of each
18 agency, in consultation with the Inspector Gen-
19 eral of the agency, shall ensure that any infor-
20 mation provided to an individual or entity
21 under this subsection is provided in accordance
22 with protocols established under this subsection.

23 (I) RULE OF CONSTRUCTION.—Nothing in
24 this subsection shall be construed to affect the

1 rights of an individual under section 552a(p) of
2 title 5, United States Code.

3 (f) DEVELOPMENT AND ACCESS TO A DATABASE OF
4 INCARCERATED INDIVIDUALS.—Not later than 1 year
5 after the date of enactment of this subtitle, the Attorney
6 General shall submit to Congress recommendations for in-
7 creasing the use of, access to, and the technical feasibility
8 of using data on the Federal, State, and local conviction
9 and incarceration status of individuals for purposes of
10 identifying and preventing improper payments by Federal
11 agencies and programs and fraud.

12 (g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS
13 TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY
14 AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECU-
15 RITY ADMINISTRATION DEATH MASTER FILE.—

16 (1) ESTABLISHMENT.—In conjunction with the
17 Commissioner of Social Security and in consultation
18 with relevant stakeholders that have an interest in
19 or responsibility for providing the data, and the
20 States, the Director of the Office of Management
21 and Budget shall establish a plan for improving the
22 quality, accuracy, and timeliness of death data main-
23 tained by the Social Security Administration, includ-
24 ing death information reported to the Commissioner

1 under section 205(r) of the Social Security Act (42
2 U.S.C. 405(r)).

3 (2) ADDITIONAL ACTIONS UNDER PLAN.—The
4 plan established under this subsection shall include
5 recommended actions by agencies to—

6 (A) increase the quality and frequency of
7 access to the Death Master File and other
8 death data;

9 (B) achieve a goal of at least daily access
10 as appropriate;

11 (C) provide for all States and other data
12 providers to use improved and electronic means
13 for providing data;

14 (D) identify improved methods by agencies
15 for determining ineligible payments due to the
16 death of a recipient through proactive
17 verification means; and

18 (E) address improper payments made by
19 agencies to deceased individuals as part of Fed-
20 eral retirement programs.

21 (3) REPORT.—Not later than 120 days after
22 the date of enactment of this subtitle, the Director
23 of the Office of Management and Budget shall sub-
24 mit a report to Congress on the plan established

1 under this subsection, including recommended legis-
2 lation.

3 **SEC. 5316. IMPROVING RECOVERY OF IMPROPER PAY-**
4 **MENTS.**

5 (a) DEFINITION.—In this section, the term “recovery
6 audit” means a recovery audit described under section
7 2(h) of the Improper Payments Elimination and Recovery
8 Act of 2010.

9 (b) REVIEW.—The Director of the Office of Manage-
10 ment and Budget shall determine—

11 (1) current and historical rates and amounts of
12 recovery of improper payments (or, in cases in which
13 improper payments are identified solely on the basis
14 of a sample, recovery rates and amounts estimated
15 on the basis of the applicable sample), including a
16 list of agency recovery audit contract programs and
17 specific information of amounts and payments recov-
18 ered by recovery audit contractors; and

19 (2) targets for recovering improper payments,
20 including specific information on amounts and pay-
21 ments recovered by recovery audit contractors.

22 **Subtitle C—Sense of Congress**
23 **Regarding Spectrum**

24 **SEC. 5317. SENSE OF CONGRESS REGARDING SPECTRUM.**

25 It is the sense of Congress that—

1 (1) the Nation’s mobile communications indus-
2 try is a significant economic engine, by one estimate
3 directly or indirectly supporting 3,800,000 jobs, or
4 2.6 percent of all United States employment, con-
5 tributing \$195,500,000,000 to the United States
6 gross domestic product and driving \$33,000,000,000
7 in productivity improvements in 2011;

8 (2) while wireless carriers are continually imple-
9 menting new and more efficient technologies and
10 techniques to maximize their existing spectrum ca-
11 pacity, there is a pressing need for additional spec-
12 trum for mobile broadband services, with one report
13 predicting that global mobile data traffic will in-
14 crease 18-fold between 2011 and 2016 at a com-
15 pound annual growth rate of 78 percent, reaching
16 10.8 exabytes per month by 2016;

17 (3) as the Nation faces the growing demand for
18 spectrum, consideration should be given to both the
19 supply of spectrum for licensed networks and for un-
20 licensed devices;

21 (4) while this additional demand can be met in
22 part by reallocating spectrum from existing non-gov-
23 ernmental uses, the long-term solution must include
24 reallocation and sharing of Federal Government
25 spectrum for private sector use;

1 (5) recognizing the important uses of spectrum
2 by the Federal Government, including for national
3 and homeland security, law enforcement and other
4 critical federal uses, existing law ensures that Fed-
5 eral operations are not harmed as a result of a re-
6 allocation of spectrum for commercial use, including
7 through the establishment of the Spectrum Reloca-
8 tion Fund to reimburse Federal users for the costs
9 of planning and implementing relocation and sharing
10 arrangements and, with respect to spectrum vacated
11 by the Department of Defense, certification under
12 section 1062 of P.L. 106–65 by the Secretaries of
13 Defense and Commerce and the Chairman of the
14 Joint Chiefs of Staff that replacement spectrum pro-
15 vides comparable technical characteristics to restore
16 essential military capability; and

17 (6) given the need to determine equitable out-
18 comes for the Nation in relation to spectrum use
19 that balance the private sector’s demand for spec-
20 trum with national security and other critical federal
21 missions, all interested parties should be encouraged
22 to continue the collaborative efforts between industry
23 and government stakeholders that have been
24 launched by the National Telecommunications and
25 Information Administration to assess and rec-

1 commend practical frameworks for the development
2 of relocation, transition, and sharing arrangement
3 and plans for 110 megahertz of federal spectrum in
4 the 1695–1710 MHz and the 1755–1850 MHz
5 bands.

Passed the Senate December 4, 2012.

Attest:

Secretary.

112TH CONGRESS
2^D SESSION

S. 3254

AN ACT

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.