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

SECTION 1. SHORT TITLE.

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

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF

CONTENTS.

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

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

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

(3) Division C—Department of Energy Na-
  tional Security Authorizations and Other Authoriza-
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(4) Division D—Funding Tables.

(b) TABLE OF CONTENTS.—The table of contents for

this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

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Sec. 125. Multiyear procurement authority for Arleigh Burke-class destroyers and associated systems.
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Sec. 3504. Donation of excess fuel to maritime academies.
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Sec. 3506. Transfer of vessels to the National Defense Reserve Fleet.
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TITLE XLV—OTHER AUTHORIZATIONS

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TITLE XLVI—MILITARY CONSTRUCTION

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TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

2 In this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.
DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY CH–47 HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—In accordance with section 2306b of title 10, United States Code, the Secretary of the Army may enter into a multiyear contract, beginning with the fiscal year 2013 program year, for the procurement of airframes for CH–47F helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.
SEC. 112. REPORTS ON AIRLIFT REQUIREMENTS OF THE ARMY.

(a) REPORTS.—Not later than October 31, 2012, and each year thereafter through 2017, the Secretary of the Army shall submit to the congressional defense committees a report on the time-sensitive or mission-critical airlift requirements of the Army.

(b) MATTERS INCLUDED.—The reports under subsection (a) shall include, with respect to the fiscal year before the fiscal year in which the report is submitted, the following information:

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

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

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

(A) aircraft of the Army;

(B) aircraft of the Air Force; and

(C) aircraft of contractors.

(4) For each sortie described under subparagraph (A) or (C) of paragraph (3), an explanation
for why the Secretary did not use aircraft of the Air
Force to support the mission.

Subtitle C—Navy Programs

SEC. 121. RETIREMENT OF NUCLEAR-POWERED BALLISTIC
       SUBMARINES.

Section 5062 of title 10, United States Code, is
amended by adding at the end the following new sub-
section:

“(e)(1) Beginning October 1, 2012, the Secretary of
the Navy may not retire or decommission a nuclear-pow-
ered ballistic missile submarine if such retirement or de-
commissioning would result in the active or commissioned
fleet of such submarines consisting of less than 12 sub-
marines.

“(2) The limitation in paragraph (1) shall not apply
to a nuclear-powered ballistic submarine that has been
converted to carry exclusively non-nuclear payloads as of
October 1, 2012.”.

SEC. 122. EXTENSION OF FORD-CLASS AIRCRAFT CARRIER
       CONSTRUCTION AUTHORITY.

Section 121(a) of the John Warner National Defense
Authorization Act for Fiscal Year 2007 (Public Law 109–
364; 120 Stat. 2104), as amended by section 124 of the
(Public Law 112–81; 125 Stat. 1320), is amended by
striking “four fiscal years” and inserting “five fiscal years”.

SEC. 123. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E, F/A–18F, AND EA–18G AIRCRAFT.

Section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2217), as amended by Public Law 111–238 (124 Stat. 2500), is amended by adding at the end the following new subsection:

“(f) EXTENSION OF MULTIYEAR AUTHORITY.—Notwithstanding section 2306b of title 10, United States Code, the Secretary of the Navy may modify a multiyear contract entered into under subsection (a) to add a fifth production year to such contract.”.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 JOINT AIRCRAFT PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—In accordance with section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2013 program year, for the procurement of V–22 aircraft for the Department of the Navy, the Department of the Air Force, and the United States Special Operations Command.
(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

**SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE-CLASS DESTROYERS AND ASSOCIATED SYSTEMS.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—In accordance with section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2013 program year, for the procurement of not more than 10 Arleigh Burke-class guided missile destroyers, including the Aegis weapon systems, MK 41 vertical launching systems, and commercial broadband satellite systems associated with such vessels.

(b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The Secretary of the Navy may enter into a contract, beginning in fiscal year 2013, for advance procurement associated with the vessels and systems for which authorization to enter into a multiyear procurement contract is provided under subsection (a).
(c) Condition for Out-Year Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA-CLASS SUBMARINE PROGRAM.

(a) Authority for Multiyear Procurement.—

(1) In general.—In accordance with section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2014 program year, for the procurement of not more than 10 Virginia-class submarines and Government-furnished equipment associated with the Virginia-class submarine program.

(2) Use of Incremental Funding.—The Secretary may use incremental funding with respect to a contract entered into under paragraph (1).

(b) Authority for Advance Procurement.—The Secretary of the Navy may enter into a contract, beginning in fiscal year 2013, for advance procurement associated with the vessels and systems for which authorization
to enter into a multiyear procurement contract is provided under subsection (a)(1).

(c) Condition for Out-year Contract Payments.—A contract entered into under subsection (a)(1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2014 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

SEC. 127. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. ABRAHAM LINCOLN.

(a) Refueling and Complex Overhaul.—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2013 for shipbuilding and conversion, Navy, not more than $1,613,392,000 may be obligated or expended for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln (CVN–72) during such fiscal year. Such amount shall be the first increment in the two-year sequence of incremental funding planned for such nuclear refueling and complex overhaul.

(b) Contract Authority.—The Secretary of the Navy may enter into a contract during fiscal year 2013 for the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln.
(c) Condition for Out-year Contract Payments.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 128. REPORT ON LITTORAL COMBAT SHIP DESIGNS.

Not later than December 31, 2013, the Secretary of the Navy shall submit to the congressional defense committees a report on the designs of the Littoral Combat Ship, including comparative cost and performance information for both designs of such ship.

SEC. 129. COMPTROLLER GENERAL REVIEWS OF LITTORAL COMBAT SHIP PROGRAM.

(a) Acceptance of LCS.—

(1) In general.—The Comptroller General of the United States shall conduct a review of the compliance of the Secretary of the Navy with part 246 of title 48 of the Code of Federal Regulations and subpart 46.5 of the Federal Acquisition Regulation in accepting the LCS.

(2) Matters included.—The review under paragraph (1) shall include a discussion of the knowledge of, and determinations by, the LCS pro-
gram office and contractors with respect to the following:

(A) Potential for cracks in the LCS hull and deckhouse and any corresponding potential design risks.

(B) Chargeable equipment failures.

(C) Potential for engine failures or breakdowns.

(D) Meeting key performance parameters, including speed.

(E) Review of the quality of seals and welds.

(F) Review of water jet corrosion.

(G) Completeness of records to support acceptance of the LCS.

(H) How the LCS risk and problems compare to lead ships in comparable programs.

(I) Security of the ship and systems, including any known lapses.

(J) Manning analysis, including how it would affect key performance parameters.

(K) Strategies for balancing cost, schedule, and performance trade-offs as required by section 201 of the Weapon Systems Acquisition

(b) OPERATIONAL SUPPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the operational support and sustainment strategy for the Littoral Combat Ship program, including modernization and logistics support.

(e) COOPERATION.—For purposes of conducting the review under subsection (a)(1) and (b), the Secretary of Defense shall ensure that the Comptroller General has access to—

(1) all relevant records of the Department; and

(2) all relevant communications between Department officials, whether such communications occurred inside or outside the Federal Government.

SEC. 130. SENSE OF CONGRESS ON IMPORTANCE OF ENGINEERING IN EARLY STAGES OF SHIPBUILDING.

It is the sense of Congress that—

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

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

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

(a) IN GENERAL.—It is the sense of Congress that—

(1) the United States Marine Corps is a combat
force which leverages maneuver from the sea as a
force multiplier allowing for a variety of operational
tasks ranging from major combat operations to hu-
manitarian assistance;

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

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

(4) for budgetary reasons only that requirement
of 38 vessels was reduced to 33 vessels, which adds
military risk to future operations;

(5) the Department of the Navy has been un-
able to meet even the minimal requirement of 33
operationally available vessels and has submitted a
shipbuilding and ship retirement plan to the Congress which will reduce the force to 28 vessels; and

(6) experience has shown that early engineering and design of naval vessels has significantly reduced the acquisition costs and life-cycle costs of those vessels.

(b) NEXT GENERATION OF AMPHIBIOUS SHIPS.—In light of subsection (a), it is the sense of Congress that—

(1) the Navy should consider prioritization of investment in and procurement of the next generation of amphibious assault ships;

(2) the next generation amphibious assault ships should maintain survivability protection level II in accordance with current Navy ship requirements;

(3) commonality in hull form design could be a desirable element to reduce acquisition and life cycle cost; and

(4) maintaining a robust amphibious shipbuilding industrial base is vital for future national security.
Subtitle D—Air Force Programs

SEC. 141. RETIREMENT OF B–1 BOMBER AIRCRAFT.

(a) In General.—Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

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

“(2) The Secretary shall maintain in a common capability configuration not less than 36 B–1 aircraft as combat-coded aircraft.

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

(b) Conforming Amendment.—Section 132 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1320) is amended by striking ‘316’ and inserting ‘301’.

SEC. 142. MAINTENANCE OF STRATEGIC AIRLIFT AIRCRAFT.

(a) Modification to Limitation on Retirement of C–5 AirCraft.—Section 137(d)(3)(B) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2222) is amended by striking “316” and inserting “301”.

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(b) Report.—

(1) In general.—Not later than February 1, 2013, the Commander of the United States Transportation Command shall submit to the congressional defense committees a report assessing the operational risk of meeting the steady-state and warfighting requirements of the commanders of the geographical combatant commands with respect to the Secretary of the Air Force maintaining an inventory of strategic airlift aircraft of less than 301 aircraft.

(2) Matters included.—The report under paragraph (1) shall include a description and analysis of the assumptions made by the Commander with respect to—

(A) aircraft usage rates;
(B) aircraft mission availability rates;
(C) aircraft mission capability rates;
(D) aircrew ratios;
(E) aircrew production;
(F) aircrew readiness rates; and
(G) any other assumption the Commander uses to develop such report.
(3) FORM.—The report required by paragraph

(1) shall be submitted in unclassified form, but may

include a classified annex.

SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR DI-

VESTMENT OR RETIREMENT OF C–27J AIR-

CRAFT.

(a) IN GENERAL.—After fiscal year 2013, none of the

funds authorized to be appropriated by this Act or other-

wise made available for fiscal year 2013 for the Air Force

may be used to divest, retire, or transfer, or prepare to

divest, retire, or transfer, a C–27J aircraft until a period

of 180 days has elapsed following the date on which—

(1) the Director of the Congressional Budget

Office submits to the congressional defense commit-

tees the analysis conducted under subsection (b)(1); and

(2) the reports under subsections (d)(2) and

(e)(2) of section 112 of the National Defense Au-

thorization Act for Fiscal Year 2012 (Public Law

112–81; 125 Stat. 1318) are submitted to the con-

gressional defense committees.

(b) LIFE-CYCLE COST ANALYSIS.—

(1) CBO.—The Director of the Congressional

Budget Office shall submit to the congressional de-

fense committees a 40-year life-cycle cost analysis of

(2) Matters Included.—The life-cycle cost analysis conducted under paragraph (1) shall—

(A) take into account all upgrades and modifications required to sustain the aircraft specified in paragraph (1) during a 40-year service-life;

(B) assess the most cost-effective and mission-effective manner for which C–27J aircraft could be affordably fielded by the Air National Guard, including by determining—

(i) the number of basing locations required;

(ii) the number of authorized personnel associated with a unit’s manning document; and

(iii) the maintenance and sustainment strategy required; and

(C) outline any limiting factors regarding the analysis of C–27J aircraft with respect to cost assumptions used by the Director in such analysis and the actual costs incurred for aircraft fielded by the Air Force as of the date of the analysis.
(3) COOPERATION.—The Secretary of Defense shall provide the Director with any information, including original source documentation, the Director determines is required to promptly conduct the analysis under paragraph (1).

SEC. 144. LIMITATION ON AVAILABILITY OF FUNDS FOR TERMINATION OF C–130 AVIONICS MODERNIZATION PROGRAM.

(a) In General.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force may be used to terminate the C–130 avionics modernization program until a period of 180 days has elapsed after the date on which the Secretary of the Air Force submits to the congressional defense committees the cost-benefit analysis conducted under subsection (b)(1).

(b) Cost-Benefit Analysis.—

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

(A) Upgrading and modernizing the legacy C–130 airlift fleet using the C–130 avionics modernization program.
(B) Upgrading and modernizing the legacy
C–130 airlift fleet using a reduced scope pro-
gram for avionics and mission planning sys-
tems.

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

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

(i) each of the alternatives described
in subparagraphs (A) and (B); and

(ii) C–130 aircraft that are not up-
graded or modernized; and

(B) the future costs associated with the
potential upgrades to avionics and mission sys-
tems that may be required in the future for leg-
acy C–130 aircraft to remain relevant and mis-

SEC. 145. REVIEW OF C–130 FORCE STRUCTURE.

(a) REVIEW.—The Secretary of the Air Force shall
conduct a review of the C–130 force structure.

(b) REPORT.—Not later than the date on which the
budget of the President is submitted to Congress under
section 1105(a) of title 31, United States Code, for fiscal
year 2014, the Secretary of the Air Force shall submit
to the congressional defense committees a report of the review under subsection (a), including—

(1) how the Secretary will determine which C–130 aircraft will be retired or relocated during fiscal years 2014 through 2018;

(2) a description of the methodologies underlying such determinations, including the factors and assumptions that shaped the specific determinations;

(3) the rationale for selecting C–130 aircraft to be retired or relocated with respect to such aircraft of the regular components and such aircraft of the reserve components; and

(4) details of the costs incurred, avoided, or saved with respect to retiring or relocating C–130 aircraft.

(e) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the report is submitted under subsection (b), the Comptroller General of the United States shall submit to the congressional defense committees a review of such report, including the costs and benefits of the planned retirements and relocations described in such report.
SEC. 146. LIMITATION ON AVAILABILITY OF FUNDS FOR EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

(a) Sense of Congress.—It is the sense of Congress that—

(1) assured access to space remains critical to national security; and

(2) the plan by the Air Force to commit, beginning in fiscal year 2013, to an annual production rate of launch vehicle booster cores should maintain mission assurance, stabilize the industrial base, reduce costs, and provide opportunities for competition.

(b) Limitation.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force for the evolved expendable launch vehicle program, 10 percent may not be obligated or expended until the date on which the Secretary of the Air Force submits to the appropriate congressional committees—

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

(2) written certification that such strategy—

(A) maintains assured access to space;

(B) achieves substantial cost savings; and

(C) provides opportunities for competition.
(c) MATTERS INCLUDED.—The report under subsection (b)(1) shall include the following information:

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

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

(3) The number of years covered by such contract.

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

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

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

(d) COMPTROLLER GENERAL.—

(1) REVIEW.—The Comptroller General of the United States shall review the report under subsection (b)(1).

(2) SUBMITTAL.—Not later than 30 days after the date on which the report under subsection (b)(1)
is submitted to the appropriate congressional com-
mittees, the Comptroller General shall—

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

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

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congres-
sional committees” means the following:

(1) The congressional defense committees.

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

SEC. 147. PROCUREMENT OF SPACE-BASED INFRARED SYS-
TEMS.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air
Force may procure two space-based infrared systems
by entering into a fixed-price contract. Such proc-
curement may also include—

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

(B) cost reduction initiatives.
(2) Use of incremental funding.—With respect to a contract entered into under paragraph (1) for the procurement of space-based infrared systems, the Secretary may use incremental funding for a period not to exceed six fiscal years.

(3) Liability.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that the total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at the time of termination.

(b) Limitation of costs.—

(1) Limitation.—Except as provided by subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two space-based infrared systems authorized by subsection (a) may not exceed $3,900,000,000.

(2) Exclusion.—The amounts described in this paragraph are amounts associated with the following:

(A) Plans.

(B) Technical data packages.
(C) Post-delivery and program support costs.

(D) Technical support for obsolescence studies.

(c) WAIVER AND ADJUSTMENT TO LIMITATION AMOUNT.—

(1) WAIVER.—In accordance with paragraph (2), the Secretary may waive the limitation in subsection (b)(1) if the Secretary submits to the congressional defense committees written notification of the adjustment made to the amount set forth in such subsection.

(2) ADJUSTMENT.—Upon waiving the limitation under paragraph (1), the Secretary may adjust the amount set forth in subsection (b)(1) by the following:

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

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

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

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

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

(d) REPORT.—Not later than 30 days after the date on which the Secretary awards a contract under subsection (a), the Secretary shall submit to the congressional defense committees a report on such contract, including the following:

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

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

(3) The total contract value.

(4) The funding profile by year.

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

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

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

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

(C) the objectives for each such activity or subprogram and the criteria used by the Secretary to determine which such activity or subprogram to fund;

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

(E) the process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.
Subtitle E—Joint and Multiservice Matters

SEC. 151. REQUIREMENT TO SET F–35 AIRCRAFT INITIAL OPERATIONAL CAPABILITY DATES.

(a) F–35A.—Not later than December 31, 2012, the Secretary of the Air Force shall—

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

(2) submit to the congressional defense committees a report on the details of such initial operational capability.

(b) F–35B AND F–35C.—Not later than December 31, 2012, the Secretary of the Navy shall—

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

(2) submit to the congressional defense committees a report on the details of such initial operational capabilities for both variants.

SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF RQ–4 GLOBAL HAWK UNMANNED AIRCRAFT SYSTEMS.

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

(b) MAINTAINED LEVELS.—During the period preceding December 31, 2014, in supporting the operational requirements of the combatant commands, the Secretary of the Air Force shall maintain the operational capability of each RQ–4 Block 30 Global Hawk unmanned aircraft system belonging to the Air Force or delivered to the Air Force during such period.

SEC. 153. COMMON DATA LINK FOR MANNED AND UNMANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE SYSTEMS.

Section 141 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3164), as amended by section 143 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2223), is amended by adding at the end the following new subsection:

“(e) STANDARDS IN SOLICITATIONS.—The Secretary of Defense shall ensure that a solicitation for a common data link described in subsection (a)—

“(1) complies with the most recently issued common data link specification standard of the Department of Defense as of the date of the solicitation; and
“(2) does not include any proprietary or un-
documented interface or waveform as a requirement
or criterion for evaluation.”.

TITLE II—RESEARCH, DEVELOP-
MENT, TEST, AND EVALUA-
TION

Subtitle A—Authorization of
Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Program Require-
ments, Restrictions, and Limita-
tions

SEC. 211. NEXT-GENERATION LONG-RANGE STRIKE BOMB-
ER AIRCRAFT NUCLEAR CERTIFICATION RE-
QUIREMENT.

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

(1) capable of carrying strategic nuclear weap-
ons as of the date on which such aircraft achieves
initial operating capability; and
(2) certified to use such weapons by not later than two years after such date.

SEC. 212. UNMANNED COMBAT AIR SYSTEM.

The Secretary of the Navy shall—

(1) conduct additional technology development risk reduction activities using the unmanned combat air system; and

(2) preserve a competitive acquisition environment for the Unmanned Carrier-launched Surveillance and Strike system program.

SEC. 213. EXTENSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR UNMANNED CARRIER-LAUNCHED SURVEILLANCE AND STRIKE SYSTEM PROGRAM.

(a) Extension of Limitation.—Subsection (a) of section 213 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1330) is amended by inserting “or fiscal year 2013” after “fiscal year 2012”.

(b) Technology Development Phase.—Such section is further amended by adding at the end the following new subsection:

“(d) Technology Development and Critical Design Phases.—
“(1) CONTRACTORS.—The Secretary of the Navy may not reduce the number of prime contractors working on the Unmanned Carrier-launched Surveillance and Strike system program to one prime contractor for the technology development phase of such program prior to the program achieving the critical design review milestone.

“(2) CRITICAL DESIGN REVIEW.—The Unmanned Carrier-launched Surveillance and Strike system program may not achieve the critical design review milestone until on or after October 1, 2016.”.

(c) TECHNICAL AMENDMENT.—Such section is further amended by striking “Future Unmanned Carrier-based Strike System” each place it appears and inserting “Unmanned Carrier-launched Surveillance and Strike system”.

SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR FUTURE MANNED GROUND MOVING TARGET INDICATOR CAPABILITY OF THE AIR FORCE.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for research, development, test, and evaluation, Air Force, may be obligated or expended for any activity, including pre-Milestone A activities, to initiate a new start acquisition program to provide the Air
Force with a manned ground moving target indicator capability or manned dismount moving target indicator capability until a period of 90 days has elapsed following the date on which the Secretary of the Air Force submits the report under subsection (b)(1).

(b) REPORT.—

(1) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report on the plan of the future manned ground moving target and manned dismount moving target indicator capabilities of the Air Force.

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

(A) The plan to maintain onboard command and control capability that is equal to or better than such capability provided by the E–8C joint surveillance target attack radar program.

(B) Each analysis of alternatives completed during fiscal year 2012 regarding future manned ground moving target indicator capability or manned dismount moving target indicator capability.
(C) With respect to each new program analyzed in an analysis of alternatives described in subparagraph (B)—

(i) the development, procurement, and sustainment cost estimates for such program; and

(ii) a description of how such program will affect the potential growth of future manned ground moving target indicator capability or manned dismount moving target indicator capability.

(D) A description of potential operational and sustainment cost savings realized by the Air Force using a platform that is—

(i) derived from commercial aircraft; and

(ii) in operation by the Department of Defense as of the date of the report.

(E) The plan by the Secretary of Defense to retire or replace E–8C joint surveillance target attack radar aircraft.

(F) Any other matter the Secretary considers appropriate.

(c) WAIVER.—The Secretary may waive the limitation in subsection (a) if the Secretary—
(1) determines that such waiver is required to meet an urgent operational need or other emergency contingency requirement directly related to ongoing combat operations; and

(2) notifies the congressional defense committees of such determination.

SEC. 215. LIMITATION ON AVAILABILITY OF FUNDS FOR MILESTONE A ACTIVITIES FOR THE MQ–18 UNMANNED AIRCRAFT SYSTEM.

(a) Limitation.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for research, development, test, and evaluation, Army, may be obligated or expended for Milestone A activities with respect to the MQ–18 medium-range multi-purpose vertical take-off and landing unmanned aircraft system until—

(1) the Chairman of the Joint Requirements Oversight Council certifies in writing to the appropriate congressional committees that—

(A) such system is required to meet a capability in the manned and unmanned medium-altitude intelligence, surveillance, and reconnaissance force structure of the Department of Defense; and
(B) an existing unmanned aircraft system
cannot meet such capability or be modified to
meet such capability; and
(2) a period of 30 days has elapsed following
the date on which the Chairman submits the certifi-
cation under paragraph (1).

(b) DEFINITIONS.—In this section:

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

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

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

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

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

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

(C) technology development.
SEC. 216. VERTICAL LIFT PLATFORM TECHNOLOGY DEMONSTRATIONS.

(a) In General.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for joint capability technology demonstrations, the Under Secretary of Defense for Acquisition, Technology, and Logistics may obligate or expend not more than $5,000,000 to carry out a program to develop and flight-demonstrate vertical lift platform technologies that address the capability gaps described in the Future Vertical Lift Strategic Plan of the Department of Defense submitted to Congress in August 2010.

(b) Goals and Objectives.—The Under Secretary shall ensure that the program under subsection (a) has the following goals and objectives:

(1) To develop innovative vertical lift platform technologies that address capability gaps in speed, range, ceiling, survivability, reliability, and affordability applicable to both current and future rotorcraft of the Department of Defense.

(2) To flight-demonstrate such vertical lift technologies no later than 2016.

(3) To accelerate the development and transition of innovative vertical lift technologies by promoting the formation of competitive teams of small
business working in collaboration with large contractors and academia.

**Subtitle C—Missile Defense Programs**

**SEC. 221. PROCUREMENT OF AN/TPY–2 RADARS.**

(a) PROCUREMENT.—The Secretary of Defense shall procure two AN/TPY–2 radars.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing an AN/TPY–2 radar on a rotational table to allow the radar to quickly change directions.

**SEC. 222. DEVELOPMENT OF ADVANCED KILL VEHICLE.**

Not later than 180 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report that includes—

(1) a plan to provide that the new advanced kill vehicle on the standard missile–3 block IIB interceptor shall have the capability of being used for the ground-based midcourse defense program; and

(2) a description of the technology of and concept behind applying the former multiple kill vehicle concept to the new vehicle described in paragraph (1).
SEC. 223. MISSILE DEFENSE SITE ON THE EAST COAST.

(a) Operational Site.—The Secretary of Defense shall ensure that a covered missile defense site on the East Coast of the United States is operational by not later than December 31, 2015.

(b) Consideration of Location.—

(1) Study.—Not later than December 31, 2013, the Secretary of Defense shall conduct a study evaluating three possible locations selected by the Director of the Missile Defense Agency for a covered missile defense site on the East Coast of the United States.

(2) EIS.—The Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for each location evaluated under paragraph (1).

(3) Location.—In selecting the three possible locations for a covered missile defense site under paragraph (1), the Secretary should—

(A) take into consideration—

(i) the strategic location of the proposed site; and

(ii) the proximity of the proposed site to major population centers; and

(B) give priority to a proposed site that—
(i) is operated or supported by the Department of Defense;
(ii) lacks encroachment issues; and
(iii) has a controlled airspace.

(c) Plan.—

(1) In general.—The Director of the Missile Defense Agency shall develop a plan to deploy an appropriate missile defense interceptor for a missile defense site on the East Coast.

(2) Matters included.—In developing the plan under paragraph (1), the Director shall evaluate the use of—

(A) two- or three-stage ground-based interceptors; and

(B) standard missile–3 interceptors, including block IA, block IB, and for a later deployment, block IIA or block IIB interceptors.

(3) Submission.—The Director shall submit to the President the plan under paragraph (1) for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2014.

(4) Funding.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Missile Defense Agency,
$100,000,000 may be obligated or expended to carry out the plan developed under paragraph (1) after a period of 30 days has elapsed following the date on which the congressional defense committees receive the plan pursuant to paragraph (3).

(d) Covered Missile Defense Site.—In this section, the term “covered missile defense site” means a missile defense site that uses—

(1) ground-based interceptors; or
(2) standard missile–3 interceptors.

SEC. 224. GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) GMD System.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense, not less than $1,261,000,000 shall be made available for the ground-based midcourse defense system, as specified in the funding table in section 4201.

(b) Certain Programs of the GMD System.—

(1) EKV.—The Secretary of Defense shall complete the refurbishment of the CE1 exoatmospheric kill vehicle-equipped ground-based interceptors.

(2) MF-1.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the ground-based midcourse defense system, not less than $205,000,000 shall be
obligated or expended to upgrade Missile Field 1 at Fort Greely, Alaska.

SEC. 225. GROUND-BASED MIDCOURSE DEFENSE INTERCEPTOR TEST.

Not later than December 31, 2013, the Secretary of Defense shall conduct an intercontinental ballistic missile test of the ground-based midcourse defense program using a ground-based interceptor equipped with a CE1 exoatmospheric kill vehicle.

SEC. 226. DEPLOYMENT OF SM–3 IIB INTERCEPTORS ON LAND AND SEA.

(a) Sense of Congress.—It is the sense of Congress that standard missile–3 block IIB interceptors should be deployable in both land-based and sea-based modes by the date on which such interceptors achieve initial operating capability.

(b) Land and Sea Modes.—The Secretary of Defense shall ensure that standard missile–3 block IIB interceptors are deployable using both land-based and sea-based systems by the date on which such interceptors achieve initial operating capability.

(c) Report.—

(1) Force structure.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense
committees a report on how the deployment of standard missile–3 block IIB interceptors affects the force structure of the Navy.

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

(A) The implications for the force structure of the Navy if standard missile–3 block IIB interceptors cannot fit in the standard vertical launching system configuration for the Aegis ballistic missile defense system, including the implications regarding—

(i) ship deployments;

(ii) cost; and

(iii) ability to respond to raids.

(B) An explanation for how standard missile–3 block IIB interceptors would be used, at initial operating capability, for the defense of the United States from threats originating in the Pacific region if such interceptors are not deployable in a sea-based mode, including an explanation of cost and force structure requirements.

SEC. 227. IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

(a) Availability of Funds.—
(1) IN GENERAL.—Of the funds authorized to be appropriated by section 201 for research, development, test, and evaluation, Defense-wide, as specified in the funding table in section 4201, or otherwise made available for the Department of Defense for fiscal years 2012 through 2015, the Secretary of Defense may provide up to $680,000,000 to the Government of Israel for the procurement of additional batteries and interceptors under the Iron Dome short-range rocket defense system and for related operations and sustainment expenses.

(2) AVAILABILITY.—Funds made available for fiscal year 2012 or 2013 to carry out paragraph (1) are authorized to remain available until September 30, 2014.

(b) OFFICE.—The Secretary of Defense shall establish within the Missile Defense Agency of the Department of Defense an office to carry out subsection (a) and other matters relating to assistance for Israel’s Iron Dome short-range rocket defense system.

SEC. 228. SEA-BASED X-BAND RADAR.

The Director of the Missile Defense Agency shall ensure that the sea-based X-band radar is maintained in a status such that the radar may be deployed in less than 14 days and for at least 60 days each year.
SEC. 229. PROHIBITION ON THE USE OF FUNDS FOR THE MEADS PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended for the medium extended air defense system.

SEC. 230. LIMITATION ON AVAILABILITY OF FUNDS FOR PHASED, ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for covered missile defense activities, not more than 75 percent may be obligated or expended until—

(1) the Secretary of Defense and the Secretary of State jointly submit to the appropriate congressional committees—

(A) a report on the cost-sharing arrangements for the phased, adaptive approach to missile defense in Europe; and

(B) written certification that a proportional share, as determined by the Secretaries, of the costs for such approach to missile defense will be provided by members of the North Atlantic Treaty Organization other than the United States; and
(2) the Secretary of Defense—

(A) submits a NATO prefinancing request for consideration of expenses regarding such approach to missile defense (excluding such expenses related to military construction described in section 2403(b)); and

(B) submits to the appropriate congressional committees the response by the NATO Secretary General or the North Atlantic Council to such request.

(b) WAIVER.—The President may waive the limitation in subsection (a) with respect to a specific project of a covered missile defense activity if the President submits to the appropriate congressional committees and the written certification that the waiver for such project is vital to the national security interests of the United States.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means the following:

(A) The congressional defense committees.

(B) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) The term “covered missile defense activities” means, with respect to the phased, adaptive ap-
proach to missile defense in Europe, activities re-
garding—

(A) Aegis ashore sites; or

(B) an AN/TPY–2 radar located in Tur-
key.

SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS FOR
THE PRECISION TRACKING SPACE SYSTEM.

(a) INITIAL LIMITATION.—None of the funds author-
ized to be appropriated by this Act or otherwise made
available for fiscal year 2013 for the precision tracking
space system may be obligated or expended until the date
on which—

(1) a federally funded research and development
center begins the analysis under subsection (b)(1);
and

(2) the terms of reference for the analysis are
submitted to the congressional defense committees.

(b) ANALYSIS OF ALTERNATIVES.—

(1) FFRDC.—The Director of the Missile De-
fense Agency shall enter into an agreement with a
federally funded research and development center
that has not previously been involved with the preci-
sion tracking space system to conduct an analysis of
alternatives of such program.
(2) Basis of analysis.—The analysis under paragraph (1) shall be based on a clear articulation by the Director of—

(A) the ground-based sensors that will be required to be maintained to aid the precision tracking space system constellation;

(B) the number of satellites to be procured for a first constellation, including the projected lifetime of such satellites in the first constellation, and the number projected to be procured for a first and, if applicable, second replenishment;

(C) the technological and acquisition risks of such system;

(D) an evaluation of the technological capability differences between the precision tracking space system sensor and the space tracking and surveillance system sensor; and

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

(3) Analysis.—In conducting the analysis under paragraph (1), the federally funded research and development center shall—
(A) appoint a panel of independent study leaders for such analysis;

(B) evaluate whether the precision tracking space system, as planned by the Director in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2013, is the lowest cost sensor option with respect to land-, air-, or space-based sensors, or a combination thereof, to improve the homeland missile defense of the United States, including by adding discrimination capability to the ground-based midcourse defense system;

(C) examine the overhead persistent infra-red data or other data that is available as of the date of the analysis that is not being used;

(D) determine how using the data described in subparagraph (C) could improve sensor coverage for the homeland missile defense of the United States and regional missile defense capabilities;

(E) study the plans of the Director to integrate the precision tracking space system concept into the ballistic missile defense system and evaluate the concept or operations of such use; and
(F) consider the agreement entered into under subsection (d)(1).

(4) **Cost Determination.**—In determining costs under the analysis under paragraph (1), the federally funded research and development center shall take into account acquisition costs and operation and sustainment costs during the initial ten-year and twenty-year periods.

(e) **Further Limitation.**—

(1) **Submittal and Wait.**—Except as provided by paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the precision tracking space system may obligated or expended until—

(A) the Director submits to the congressional defense committees the analysis under subsection (b)(1); and

(B) a period of 60 days has elapsed following the date of such submittal.

(2) **Exception.**—The limitation in paragraph (1) shall not apply to funds described in such paragraph that are obligated or expended for technology development activities.

(d) **Memorandum of Agreement.**—
(1) IN GENERAL.—The Director shall enter into a memorandum of agreement with the Commander of the Air Force Space Command with respect to the space situational awareness capabilities, requirements, design, and cost-sharing of the precision tracking space system.

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

SEC. 232. PLAN TO IMPROVE DISCRIMINATION AND KILL ASSESSMENT CAPABILITY OF BALLISTIC MISSILE DEFENSE SYSTEMS.

(a) PLAN.—The Director of the Missile Defense Agency shall develop a plan to improve the discrimination and kill assessment capability of ballistic missile defense systems, particularly with respect to the ground-based midcourse defense system.

(b) SUBMISSION.—Not later than December 31, 2012, the Director shall—

(1) transmit to the Secretary of Defense the plan under subsection (a) to be used in the budget materials submitted to the President by the Secretary in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2014; and
(2) submit to the congressional defense committees such plan.

SEC. 233. PLAN TO INCREASE RATE OF FLIGHT TESTS OF GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) PLAN.—

(1) IN GENERAL.—The Director of the Missile Defense Agency shall develop a plan to increase the rate of flight tests and ground tests of the ground-based midcourse defense system.

(2) RATE OF PLANNED FLIGHT TESTS.—The plan under paragraph (1) shall ensure that there are at least three flight tests conducted during every two-year period unless the Director submits to the congressional defense committees—

(A) written certification that such rate of tests is not feasible or cost-effective; and

(B) an analysis explaining the reasoning of such certification.

(b) SUBMISSION.—Not later than December 31, 2012, the Director shall—

(1) transmit to the Secretary of Defense the plan under subsection (a)(1) to be used in the budget materials submitted to the President by the Secretary in connection with the submission to Cong-
gress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2014; and
(2) submit to the congressional defense committees such plan.

SEC. 234. REPORT ON REGIONAL MISSILE DEFENSE ARCHITECTURES.
Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees a report on—
(1) the regional missile defense architectures, including the force structure and inventory requirements derived from such architectures; and
(2) the comprehensive force management process to evaluate such requirements, including the capability, deployment, and resource outcomes that such process has determined.

SEC. 235. USE OF FUNDS FOR CONVENTIONAL PROMPT GLOBAL STRIKE PROGRAM.
The Secretary of Defense shall ensure that any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for ground-testing activities of the conventional prompt global strike program are obligated or expended using competitive solicitation
procedures to involve industry as well as government partners.

SEC. 236. TRANSFER OF AEGIS WEAPON SYSTEM EQUIPMENT TO MISSILE DEFENSE AGENCY.

(a) Transfer by Navy.—In accordance with section 230, the Secretary of the Navy may—

(1) transfer to the Director of the Missile Defense Agency Aegis weapon system equipment with ballistic missile defense capability for use by the Director in the Aegis ashore site in the country the Director has designated as “Host Nation 1”;

(2) in ensuring the shipbuilding schedules of ships affected by this section—

(A) obligate or expend unobligated funds made available for fiscal year 2012 for shipbuilding and conversion, Navy, for the DDG–51 Destroyer to deliver complete, mission-ready Aegis weapon system equipment with ballistic missile defense capability to a DDG–51 Destroyer for which funds were made available for fiscal year 2012 under shipbuilding and conversion, Navy; or

(B) use any Aegis weapon system equipment acquired using such funds to deliver complete, mission-ready Aegis weapon system
equipment with ballistic missile defense capability to a DDG–51 Destroyer for which funds were made available for fiscal year 2012 under shipbuilding and conversion, Navy; and

(3) treat equipment transferred to the Secretary under subsection (b) as equipment acquired using funds made available under shipbuilding and conversion, Navy, for purposes of completing the construction and outfitting of such equipment.

(b) TRANSFER BY MDA.—In accordance with section 230, upon the receipt of any equipment under subsection (a), the Director of the Missile Defense Agency shall transfer to the Secretary of the Navy Aegis weapon system equipment with ballistic missile defense capability procured by the Director for installation in a shore-based Aegis weapon system for use by the Secretary in the DDG–51 Destroyer program.

Subtitle D—Reports

SEC. 241. STUDY ON ELECTRONIC WARFARE CAPABILITIES OF THE MARINE CORPS.

(a) Study.—The Commandant of the Marine Corps shall conduct a study on the future capabilities of the Marine Corps with respect to electronic warfare.

(b) Report.—
(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall submit to the congressional defense committees a report on the study conducted under subsection (a).

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

   (A) A detailed plan for EA–6B Prowler aircraft squadrons.

   (B) A solution for the replacement of such aircraft.

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

   (D) Any other issues that the Commandant determines appropriate.

SEC. 242. NATIONAL RESEARCH COUNCIL REVIEW OF DEFENSE SCIENCE AND TECHNICAL GRADUATE EDUCATION NEEDS.

(a) REVIEW.—The Secretary of Defense shall enter into an agreement with the National Research Council to conduct a review of specialized degree-granting graduate programs of the Department of Defense in engineering, applied sciences, and management.
(b) MATTERS INCLUDED.—At a minimum, the review under subsection (a) shall address—

(1) the need by the Department of Defense and the military departments for military and civilian personnel with advanced degrees in engineering, applied sciences, and management, including a list of the numbers of such personnel needed by discipline;

(2) an analysis of the sources by which the Department of Defense and the military departments obtain military and civilian personnel with such advanced degrees;

(3) the need for educational institutions under the Department of Defense to meet the needs identified in paragraph (1);

(4) the costs and benefits of maintaining such educational institutions, including costs relating to directed research;

(5) the ability of private institutions or distance-learning programs to meet the needs identified in paragraph (1);

(6) existing organizational structures, including reporting chains, within the military departments to manage the graduate education needs of the Department of Defense and the military departments; and
(7) recommendations for improving the ability of the Department of Defense to identify, manage, and source the graduate education needs of the Department.

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

SEC. 243. REPORT ON THREE-DIMENSIONAL INTEGRATED CIRCUIT MANUFACTURING CAPABILITIES.

(a) ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive assessment regarding the manufacturing capability of the United States to produce three-dimensional integrated circuits to serve the national defense interests of the United States.

(b) ELEMENTS.—The assessment under subsection (a) shall include—

(1) an assessment of the military requirements for using three-dimensional integrated circuits in future microelectronic systems;

(2) an assessment of the current domestic commercial capability to develop and manufacture three-dimensional integrated circuits for use in military systems, including a plan for alternative sources to
supply such circuits in case of shortages in the do-
mestic supply;

(3) an assessment of the feasibility, as well as
planning and design requirements, for the develop-
ment of a domestic manufacturing capability for
three-dimensional integrated circuits; and

(4) an assessment of any challenges that may
exist in the manufacturing capability of the United
States to produce three-dimensional integrated cir-
cuits (including a review of the challenges that may
exist in the manufacturing capability of the United
States to produce small-lot quantities of advanced
chips (200mm and 300mm)) and a general analysis
on potential ways to overcome these challenges and
encourage domestic commercial capability to develop
and manufacture three-dimensional integrated cir-
cuits for use in military systems.

(c) REPORT.—Not later than 90 days after the date
of the enactment of this Act, the Secretary shall submit
to the congressional defense committees a report on the
assessment under subsection (a).

(d) FORM.—The report under subsection (c) shall be
submitted in unclassified form, but may include a classi-
fied annex.
SEC. 244. REPORT ON EFFORTS TO FIELD NEW DIRECTED ENERGY WEAPONS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report summarizing efforts within the Department of Defense to transition mature and maturing directed energy technologies to new operational weapon systems during the five- to- ten-year period beginning on the date of the report.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) Thorough assessments of—

(A) the maturity of high-energy laser, high-power microwave, and millimeter wave non-lethal technologies, both domestically and foreign;

(B) missions for which directed energy weapons could be used to substantially enhance the current and planned military capabilities of the United States;

(C) the potential for new directed energy systems to reduce requirements for expendable air and missile defense weapons;

(D) the status of and prognosis for foreign directed energy programs;
(E) the potential vulnerabilities of military systems of the United States to foreign directed energy weapons and efforts by the Secretary to mitigate such vulnerabilities; and

(F) a summary of actions the Secretary is taking to ensure that the military will be the global leader in directed energy capabilities.

(2) In light of the suitability of surface ships to support a solid-state laser weapon based on mature and maturing technologies, whether—

(A) the Department of the Navy should be designated as lead service for fielding a 100 to 200 kilowatt-class laser to defend surface ships against unmanned aircraft, cruise missile, and fast attack craft threats; and

(B) the Secretary of the Navy should initiate a program of record to begin fielding a ship-based solid-state laser weapon system.

(3) In light of the potential effectiveness of high-power microwave weapons against sensors, battle management, and integrated air defense networks, whether—

(A) the Department of the Navy and the Department of the Air Force should be designated as lead services for integrating high-
power microwave weapons on small air vehicles, including cruise missiles and unmanned aircraft; and

(B) the Secretary of the Air Force should initiate a program of record to field a cruise missile- or unmanned air vehicle-based high-power microwave weapon.

(4) In light of the potential of mature chemical laser technologies to counter air and ballistic missile threats from relocatable fixed sites, whether the Secretary of the Army should initiate a program of record to develop and field a multi-megawatt class chemical laser weapon system to defend forward airfields, ports, and other theater bases critical to future operations.

(5) Whether the investments by the Secretary of Defense in high-energy laser weapons research, development, test, and evaluation are appropriately prioritized across each military department and defense-wide accounts to support the weaponization of mature and maturing directed energy technologies during the five- to- ten-year period beginning on the date of the report, including whether sufficient funds are allocated within budget area 4 and higher ac-
counts to prepare for near term weaponization oppor-
tunities.

(c) FORM.—The report under subsection (a) shall be unclassified, but may include a classified annex.

SEC. 245. REPORT ON AIR FORCE CYBER OPERATIONS.

Not later than 180 days after the date of the enact-
ment of this Act, the Secretary of Defense shall submit to the congressional defense committees a study of Air Force cyber operations research, science, and technology.

The report shall include following:

(1) The near-, mid- and far-term research and development priorities of the Secretary with respect to cyber operations, including the resources needed to execute such priorities.

(2) The percentage of research and development funding of the Air Force that is used to support cyber operations during each year covered by the future-years defense program submitted to Congress during 2012 under section 221 of title 10, United States Code.

(3) The anticipated role of each of the installa-
tions of the Air Force Research Laboratory with re-
spect to cybersecurity research and development and operational support during each year covered by such future-years defense program.
(4) The resources, including both personnel and funding, that are projected to support the Air Force Research Laboratory in fulfilling such roles.

(5) Anticipated budget actions, if any, that the Secretary of Defense and the Secretary of the Air Force plan to take during fiscal year 2013 to ensure that the Department of Defense and the Air Force maintain the leadership role in cyber research.

(6) The plan of the Secretary of the Air Force to integrate cyber operations into military operations.

(7) The ways in which the Secretary is recruiting and retaining scientists and engineers at the Air Force Research Laboratory involved with cyber operations research, including the use of the authorities granted under the laboratory demonstration program established by Section 342 of the National Defense Authorization Act for Fiscal Year 1995 and section 1114 of the National Defense Authorization Act for Fiscal Year 2001.

(8) Efforts to coordinate science and technology cyber activities of the Air Force Research Laboratory with other Air Force organizations, including the Air Force Institute of Technology and the Air
Force Institute of Technology Center for Cyberspace Research.

(9) The potential benefit to the Air Force for collaboration with private industry and the development of cyber security technology clusters.

Subtitle E—Other Matters

SEC. 251. ELIGIBILITY FOR DEPARTMENT OF DEFENSE LABORATORIES TO ENTER INTO EDUCATIONAL PARTNERSHIPS WITH EDUCATIONAL INSTITUTIONS IN TERRITORIES AND POSSESSIONS OF THE UNITED STATES.

(a) Eligibility of Institutions in Territories and Possessions.—Section 2194(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The term ‘United States’ includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.”.

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

SEC. 252. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) Development of Innovative Advanced Technologies.—The Secretary of Defense may use the
research and engineering network of the Department of Defense, including the organic industrial base, to support regional advanced technology clusters established by the Secretary of Commerce to encourage the development of innovative advanced technologies, including advanced robotics, advanced defense systems, power and energy innovations, systems to mitigate manmade and naturally occurring electromagnetic pulse or high-powered microwaves, cybersecurity and applied lightweight materials, to address national security and homeland defense challenges.

(b) DESIGNATION OF LEAD OFFICE.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) designate an office within the Department of Defense with the lead responsibility for enhancing the use of regional advanced technology clusters by the Department; and

(2) notify the appropriate congressional committees of such designation.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report describing—
(1) the participation of the Department of Defense in regional advanced technology clusters;

(2) implementation by the Department of processes and tools to facilitate collaboration with the clusters; and

(3) agreements established by the Department with the Department of Commerce to jointly support the continued growth of the clusters.

(d) COLLABORATION.—The Secretary of Defense may meet, collaborate, and share resources with other Federal agencies for purposes of assisting in the expansion of regional advanced technology clusters under this section.

(e) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

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

(C) the Committee on Energy and Commerce of the House of Representatives.

(2) The term “regional advanced technology clusters” means geographic centers focused on building science and technology-based innovation capacity
in areas of local and regional strength to foster eco-

nomic growth and improve quality of life.

**SEC. 253. BRIEFING ON POWER AND ENERGY RESEARCH

CONDUCTED AT UNIVERSITY AFFILIATED RE-
SEARCH CENTER.**

Not later than February 28, 2013, the Secretary of
Defense shall brief the Committees on Armed Services of
the Senate and House of Representatives on power and
energy research conducted at the University Affiliated Re-
search Centers. The briefing shall include—

(1) a description of research conducted with
other university based energy centers; and

(2) a description of collaboration efforts with
university-based research centers on energy research
and development activities, particularly with centers
that have an expertise in energy efficiency and re-
newable energy, including—

(A) lighting;

(B) heating;

(C) ventilation and air-conditioning sys-
tems; and

(D) renewable energy integration.
TITLE III—OPERATION AND MAINTENANCE
Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

SEC. 302. AUTHORIZATION OF APPROPRIATIONS OF FUNDS FOR INACTIVATION EXECUTION OF U.S.S. ENTERPRISE.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Secretary of the Navy for fiscal year 2013 for inactivation execution of the U.S.S. Enterprise (CVN 65) as specified in the funding table in section 4301.

(b) Limitation.—The total amount obligated and expended by the Secretary of the Navy for the inactivation execution of the U.S.S. Enterprise may not exceed $708,000,000.

(c) Contract Authority.—
(1) IN GENERAL.—Subject to the availability of funds under subsection (a) and the condition in paragraph (2), the Secretary of the Navy may enter into a contract during fiscal year 2013 for the inactivation execution of the U.S.S. Enterprise.

(2) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for that fiscal year.

Subtitle B—Energy and Environmental Provisions

SEC. 311. TRAINING RANGE SUSTAINMENT PLAN AND TRAINING RANGE INVENTORY.


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SEC. 312. MODIFICATION OF DEFINITION OF CHEMICAL SUBSTANCE.

Section 3(2)(B)(v) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)(v)) is amended by inserting “, or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers” before “, and”.

SEC. 313. EXEMPTION OF DEPARTMENT OF DEFENSE FROM ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended by adding at the end the following: “This section shall not apply to the Department of Defense.”.

SEC. 314. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF ALTERNATIVE FUEL.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available during fiscal year 2013 for the Department of Defense may be obligated or expended for the production or purchase of any alternative fuel if the cost of producing or purchasing the alternative fuel exceeds the cost of producing or purchasing a traditional fossil fuel that would be used for the same purpose as the alternative fuel.
(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary of Defense may purchase such limited quantities of alternative fuels as are necessary to complete fleet certification for 50/50 blends. In such instances, the Secretary shall purchase such alternative fuel using competitive procedures and ensure the best purchase price for the fuel.

SEC. 315. PLAN ON ENVIRONMENTAL EXPOSURES TO MEMBERS OF THE ARMED FORCES.

(a) PLAN.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan on the time line of the Secretary to develop a material solution to measure environmental exposures to members of the Armed Forces in the continental United States and outside the continental United States.

(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

(1) A time line for identifying relevant materiel solutions that would facilitate the Secretary identifying members of the Armed Forces who have individual exposures to environmental hazards.

(2) A time line, and estimated cost, of developing and deploying the material solution described in paragraph (1).
(3) A system for collecting and maintaining exposure data and a description of the content required.

(4) An identification of the categories of environmental exposures that will be tracked, including burn pits, dust or sand, water contamination, hazardous materials, and waste.

(5) A summary of ongoing research into health consequences of military environmental exposures and areas where additional research is needed.

(6) A status report on the sharing of environmental exposure data with the Secretary of Veterans Affairs on an ongoing and regular basis for use in medical and treatment records of veterans, including using such data in determining the service-connectedness of health conditions and in identifying the possible origins and causes of disease.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees a briefing on the plan developed under subsection (a).

SEC. 316. SOUTHERN SEA OTTER MILITARY READINESS AREAS.

(a) Establishment of the Southern Sea Otter Military Readiness Areas.—Chapter 136 of title 10,
United States Code, is amended by adding at the end the following new section:

“§ 2283. Establishment of the Southern Sea Otter Military Readiness Areas

“(a) Establishment.—The Secretary of Defense shall establish areas, to be known as ‘Southern Sea Otter Military Readiness Areas’, for national defense purposes. Such areas shall include each of the following:

“(1) The area that includes Naval Base Ventura County, San Nicolas Island, and Begg Rock and the adjacent and surrounding waters within the following coordinates:

“N. Latitude/W. Longitude

“33°27.8′/119°34.3′

“33°20.5′/119°15.5′

“33°13.5′/119°11.8′

“33°06.5′/119°15.3′

“33°02.8′/119°26.8′

“33°08.8′/119°46.3′

“33°17.2′/119°56.9′

“33°30.9′/119°54.2′.

“(2) The area that includes Naval Base Coronado, San Clemente Island and the adjacent and surrounding waters running parallel to shore to 3 nautical miles from the high tide line, as designated...
by part 165 of title 33, Code of Federal Regulations, on May 20, 2010, as the San Clemente Island 3NM Safety Zone.

“(3) The area that includes Marine Corps Base Camp Pendleton and the adjacent waters within the following coordinates:

“Latitude/W. Longitude

“33°26.6′/117°38.9′

“33°21.3′/117°45.8′

“32°56.2′/117°39.7′

“33°6.5′/117°28.5′

“33°10.2′/117°23.7′

“33°11.8′/117°23.2′

“33°26.6′/117°38.9′.

“(b) Activities Within the Southern Sea Otter Military Readiness Areas.—


“(2) Incidental takings under marine mammal protection act of 1972.—Sections 101
and 102 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371, 1372) shall not apply with respect to the incidental taking of any southern sea otter in the Southern Sea Otter Military Readiness Areas in the course of conducting military readiness activities.

“(3) TREATMENT AS SPECIES PROPOSED TO BE LISTED.—For purposes of any military readiness activity, any southern sea otter while within the Southern Sea Otter Military Readiness Areas shall be treated for the purposes of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) as a member of a species that is proposed to be listed as an endangered species or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

“(c) REMOVAL.—Nothing in this section or any other Federal law shall be construed to require the removal of any southern sea otter located within the Southern Sea Otter Military Readiness Areas as of the date of the enactment of this section or thereafter.

“(d) REVISION OR TERMINATION OF EXCEPTIONS.—The Secretary of the Interior may revise or terminate the application of subsection (b) if the Secretary of the Interior, in consultation with, and with the concurrence of, the
Secretary of the Navy, determines that military activities occurring in the Southern Sea Otter Military Readiness Areas are substantially impeding southern sea otter conservation or the return of southern sea otters to optimum sustainable population levels.

“(e) MONITORING.—

“(1) IN GENERAL.—The Secretary of the Navy, in consultation and in cooperation with the Secretary of the Interior, shall monitor the Southern Sea Otter Military Readiness Areas not less often than every year to evaluate the status of the southern sea otter population.

“(2) REPORTS.—Within 18 months after the effective date of this section and every three years thereafter, the Secretaries of the Navy and the Interior shall jointly report to Congress and the public on monitoring undertaken pursuant to paragraph (1).

“(f) DEFINITIONS.—In this section:

“(1) The term ‘incidental taking’ means any take of a southern sea otter that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

“(2) The term ‘optimum sustainable population’ means, with respect to any population stock, the
number of animals that will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

“(3) The term ‘southern sea otter’ means any member of the subspecies Enhydra lutris nereis.

“(4) The term ‘take’—

“(A) when used in reference to activities subject to regulation by the Endangered Species Act of 1973 (16 U.S.C. 1531–1544) shall have the meaning given such term in that Act; and

“(B) when used in reference to activities subject to regulation by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1423h), shall have the meaning given such term in that Act.

“(5) The term ‘military readiness activity’ has the meaning given that term in section 315(f) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 16 U.S.C. 703 note), and includes all training and operations of the Armed Forces that relate to combat, and the adequate and realistic testing of military equipment,
vehicles, weapons, and sensors for proper operation and suitability for combat use.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“2283. Establishment of the Southern Sea Otter Military Readiness Areas.”.

(e) Conservation and Management Actions.—Section 1 of Public Law 99–625 (16 U.S.C. 1536 note) is amended by adding at the end the following:

“(g) Conservation and Management Actions.—If the Secretary issues a final rule ending the management plan authorized under subsection (b) through the termination of the regulations implementing such plan—

“(1) the Secretary, in planning and implementing recovery and conservation measures under the Act to allow for the expansion of the range of the population of the sea otter, shall coordinate and cooperate with—

“(A) the Secretary of the Navy;

“(B) the Secretary of Commerce regarding recovery efforts for species listed under the Act; and

“(C) the State of California to assist the State in continuing viable commercial harvest of State fisheries; and
“(2) interaction with sea otters in the course of engaging in fishing in any State fishery south of Point Conception, California, under an authorization issued by the State of California shall not be treated as a violation of section 9 of the Act for incidental take or of the Marine Mammal Protection Act of 1972.”.

SEC. 317. AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO COOPERATIVE AGREEMENTS WITH INDIAN TRIBES FOR LAND MANAGEMENT ASSOCIATED WITH MILITARY INSTALLATIONS AND STATE-OWNED NATIONAL GUARD INSTALLATIONS.

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

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

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

SEC. 318. SENSE OF CONGRESS REGARDING DECON-
TAMINATION OF FORMER BOMBARDMENT
AREA ON ISLAND OF CULEBRA, PUERTO
RICO.

(a) FINDINGS.—The Congress finds the following—

(1) Section 2815 of the Ike Skelton National
Defense Authorization Act for Fiscal Year 2011
(Public Law 111–383; 124 Stat. 4464) requires the
Secretary of Defense within 270 days of receiving a
request from the government of Puerto Rico, to con-
duct a study assessing the presence of unexploded
ordnance, and any threat to public health, public
safety and the environment posed by such
unexploded ordnance, in the portion of the former
bombardment area on the island of Culebra, Puerto
Rico, that was transferred to the government of
Puerto Rico by quitclaim deed on August 11, 1982.

(2) On April 25, 2011, the Governor of Puerto
Rico formally requested by letter that the Secretary
of Defense commence this study.
(3) On May 25, 2011, the Deputy Under Secretary of Defense for Installations and Environment acknowledged receipt of the Governor’s letter on behalf of the Secretary of Defense, and affirmed that the Department of Defense would conduct the study in accordance with such section 2815 and provide the final report to Congress no later than 270 days from the date of the Governor’s letter.

(4) January 20, 2012, marked the date 270 days after the Governor’s letter of April 25, 2011.

(5) Section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) stated that “the present bombardment area on the island of Culebra shall not be utilized for any purpose that would require decontamination at the expense of the United States.” The Department of Defense has interpreted this provision to constitute a permanent prohibition on the use of Federal funds in the area of Culebra referenced in such section to pay for decontamination and removal of unexploded ordnance, although it may be warranted to protect public health, public safety, and the environment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the Secretary of Defense should expeditiously submit to the Committees on Armed Services of the Senate and House of Representatives the final report prepared in accordance with section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4464);

(2) if that report indicates that decontamination and removal of unexploded ordnance in the portion of the former bombardment area on Culebra that was transferred to the government of Puerto Rico by quitclaim deed on August 11, 1982, could be conducted at reasonable cost to the Federal Government, it is appropriate for Congress to amend section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) to authorize such decontamination and removal of unexploded ordnance; and

(3) any removal of unexploded ordnance should be accomplished pursuant to the normal prioritization process established by the Department of Defense under the Military Munitions Response Program within the Defense Environmental Restoration Program.
Subtitle C—Logistics and Sustainment

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


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

“(a) Demonstration Project Authorized.—In accordance with subsection 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level.”; and

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

(b) Reauthorization.—Such section is further amended—
(1) in subsection (d), by striking “2013” and inserting “2018”; and

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

SEC. 322. DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) Amendments to Definition of Depot-Level Maintenance and Repair.—Section 2460 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting after “software” the following: “during the course of a customary depot-level maintenance action”; and

(B) by striking “or the modification or rebuild of end-items,” and inserting “retrofit, modification, upgrade, or rebuild of end items, components,”;

(2) in paragraph (1)(B), by striking “and” at the end;

(3) in paragraph (2)(B), by striking “change events made to operational software, integration and testing” and inserting “and change events (including integration and testing) made to operational software”; and

(4) in paragraph (2)(C), by striking the period and inserting “; and”; and
(5) by adding at the end the following new paragraph:

“(3) excludes—

“(A) the nuclear refueling or defueling of an aircraft carrier and any concurrent complex overhaul; and

“(B) the procurement of major modifications or upgrades designed to significantly improve the performance or safety of a weapon system or major end item.”.

(b) Amendments Relating to Core Depot-Level Maintenance and Repair Capabilities.—

(1) Associated Capacity.—Section 2464(a)(3)(A) of title 10, United States Code, is amended by striking “and capacity required in paragraph (1)” and inserting “required in paragraph (1) and the associated capacity to maintain those capabilities in accordance with paragraph (2)”.

(2) Direct Support of Associated Logistics Capabilities.—Section 2464(a)(3)(B) of such title is amended by inserting “in direct support of depot-level maintenance and repair” after “associated logistics capabilities”.

(3) Time of Fielding.—Section 2464(a)(3) of such title is further amended by adding at the end
the following new sentence: “If a weapon system or item of military equipment does not have an officially scheduled initial operational capability, the weapon system or item is considered fielded at the time when, as part of combined or individual operation, it provides a warfighting capability, unless the Secretary waives this paragraph under subsection (b)(1)(A) based on a determination that the system or item is not an enduring element of the national defense strategy.”.

(3) Requirement to notify Congress before issuance of waiver.—Section 2464(b)(3) of such title is amended by striking “within 30 days of issuance” and inserting “at least 30 days before issuance of the waiver”.

(4) Prohibition on delegation of certain waiver authority.—Section 2464(b) of such title is amended by adding at the end the following new paragraph:

“(4) The authority of the Secretary of Defense to waive the requirement in subsection (a)(3) on the basis of a determination under paragraph (1)(A) or (1)(B) may not be delegated.”.
(5) Exclusion of Nuclear Aircraft Carriers and Special Access Programs.—Section 2464 of such title is further amended—

(A) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(B) by inserting after subsection (e) the following new subsection (d):

“(d) Exclusion of Nuclear Aircraft Carriers and Special Access Programs.—(1) The requirement in subsection (a)(3) shall not apply to nuclear aircraft carriers.

“(2) The requirement in subsection (a)(3) shall not apply to special access programs.”.

(6) Annual Special Access Program Core Capability Review.—Section 2464 of such title is further amended by adding at the end the following new subsection:

“(i) Biennial Special Access Program Core Capability Review.—Notwithstanding the inapplicability of subsection (a)(3) to special access programs (as provided in subsection (d)), the Secretary of Defense shall, not later than April 1 on each even-numbered year, conduct a review of each special access program in existence during the two fiscal years preceding the fiscal year during
which the review is conducted to determine the core depot
maintenance and repair capabilities required to provide a
ready and controlled source of technical competence, and
the resources that would be required to establish a core
capability if it becomes necessary. The Secretary of De-
fense shall include the results of such review in the form
of a classified annex to the biennial core report required
under subsection (f).”.

(7) Amendments for consistency in use of
terms.—Section 2464 of such title is further
amended—

(A) in subsection (a)(1), by striking “a
core depot-level maintenance and repair capa-
bility” and inserting “core depot-level mainte-
nance and repair capabilities”;

(B) in subsection (a)(2), by striking “This
core depot-level maintenance and repair capa-
bility” and inserting “The core depot-level
maintenance and repair capabilities required in
paragraph (1)”; and

(C) in subsection (e)(1), as redesignated by
paragraph (5), by striking “a core depot-level
maintenance and repair capability” and insert-
ing “core depot-level maintenance and repair
capabilities”.
(8) CONFORMING AMENDMENTS.—Section 2464(b) of such title is further amended—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

(ii) by inserting “or” at the end of subparagraph (A); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2) and in that paragraph by striking “or (2)”.

SEC. 323. SENSE OF CONGRESS REGARDING THE PERFORMANCE OF COMMERCIALLY-AVAILABLE ACTIVITIES BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) our Nation’s economic strength is characterized by individual freedom and the competitive enterprise system, and as such, the Federal Government should not compete with its citizens and private enterprise;

(2) in recognition of this policy, the Government should rely on commercially available sources
to provide commercial products and services and should not start or carry on any activity to provide a commercial product or service if the product or service can be procured more economically from a commercial source;

(3) this policy conforms with Department of Defense Total Force Management procedures aimed at improving total manpower requirements, determinations, and planning to facilitate decisions regarding which sector (military, civilian, or contractor personnel) should perform each requirement; and

(4) the Department of Defense should not convert the performance of any function from performance by a contractor to performance by Department of Defense civilian employees unless the function is inherently governmental in nature or the conversion is necessary to comply with section 129a of title 10, United States Code, as amended by this Act.

(b) Definition of Inherently Governmental.—In this section, the term ‘‘inherently governmental’’ has the meaning given that term in section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).
Subtitle D—Readiness

SEC. 331. INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.

(a) AGREEMENTS AUTHORIZED.—Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

“(c) INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.—(1) The Secretary of the military department concerned may enter into an intergovernmental support agreement with a State or local government to provide, receive, or share installation-support services when such an agreement—

“(A) serves the best interests of the military department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs;

“(B) serves the best interest of State or local government party to the agreement, as determined by the community’s particular circumstances; and

“(C) otherwise provides a mutual benefit to the military department and the State or local government.
“(2) The authority provided by this subsection and limitations on its use are not intended to revoke, preclude, or otherwise interfere with existing or proposed mutual-aid agreements relating to police or fire protection services or other similar first responder agreements or arrangements.

“(3) Funds available to the Secretary of the military department concerned for installation support may be used to reimburse a State or local government for providing installation-support services pursuant to an agreement under this subsection. Funds received by the Secretary as reimbursement for providing installation-support services pursuant to the agreement shall be credited to the appropriation or account charged with providing installation support.”.

(b) INSTALLATION-SUPPORT SERVICES DEFINED.—
Subsection (e) of section 2391 of title 10, United States Code, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following new paragraph:

“(4) The term ‘installation-support services’ means those services, supplies, resources, and support provided typically by a local government, except that the term does not include or authorize police or fire protection services.”.
SEC. 332. EXTENSION AND EXPANSION OF AUTHORITY TO PROVIDE ASSURED BUSINESS GUARANTEES TO CARRIERS PARTICIPATING IN CIVIL RESERVE AIR FLEET.

(a) Extension.—Subsection (k) of section 9515 of title 10, United States Code, is amended by striking “December 31, 2015” and inserting “December 31, 2020”.

(b) Application to All Segments of CRAF.—Such section is further amended—

(1) in subsection (a)(3), by striking “passenger”; and

(2) in subsection (j), by striking “, except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel”.

SEC. 333. EXPANSION AND REAUTHORIZATION OF PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS FOR PRODUCT IMPROVEMENTS.

(a) Expansion.—Section 330 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 68) is amended—

(1) in subsection (a), by inserting “, the Secretary of the Navy, and the Secretary of the Air Force (in this section referred to as the ‘Secretary concerned’)” after “the Secretary of the Army”;
(2) in subsection (d)—

(A) by inserting “by the Secretary concerned” after “submitted”; and

(B) by inserting “by the Secretary concerned” after “used”; and

(3) in subsection (e)—

(A) in paragraph (1), by striking “the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, in consultation with the Assistant Secretary of the Army for Financial Management and Comptroller,” and inserting “the Secretary concerned”; and

(B) in paragraph (2), by striking “the Assistant Secretary of the Army for Acquisition, Logistics, and Technology” and inserting “the Secretary concerned”.

(b) COVERED PRODUCT IMPROVEMENTS.—Subsection (b) of such section is amended—

(1) by inserting “retrofit, modernization, upgrade, or rebuild of a” before “component”; and

(2) by striking “reliability and maintainability” and inserting “reliability, availability, and maintainability”.
(c) LIMITATION ON CERTAIN PROJECTS.—Subsection (c)(1) of such section is amended by striking “performance envelope” and inserting “capability”.

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

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

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

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

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

SEC. 334. CENTER OF EXCELLENCE FOR THE NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 32, United States Code, is amended by adding at the end the following new section:

“§510. Center of Excellence for the National Guard State Partnership Program

“(a) CENTER AUTHORIZED.—The National Guard Bureau may maintain a Center of Excellence for the Na-
tional Guard State Partnership Program (in this section referred to as the ‘Center’).

“(b) CENTER AUTHORITY AND PURPOSE.—If the Center is established, the Chief of the National Guard Bureau shall administer the Center to provide training opportunities for units and members of the regular and reserve components for the purpose of improving the skills for such units and members when deployed to complete the mission of the State Partnership Program. The Center will provide accredited instruction in partnership with a university program and other internationally recognized institutions.

“(c) CONDUCT OF CENTER.—The Chief of the National Guard Bureau may provide for the conduct of the Center in such State as the Chief considers appropriate.

“(d) PERSONS ELIGIBLE TO PARTICIPATE IN CENTER TRAINING.—(1) The Chief of the National Guard Bureau may recommend units and members of the National Guard to attend training at the Center under section 502(f) of this title for not longer than the duration of the training.

“(2) The Secretaries of the Army, Navy, Air Force, and Marine Corps may detail units or members of their respective regular or reserve components to attend training at the Center. The Secretary of Homeland Security
may detail members of the Coast Guard to attend training
and provide subject matter expertise as requested.

“(e) AUTHORIZED TRAINING.—The training author-
ized to be provided by the Center involves such matters
within the core competencies of the National Guard and
suitable for contacts under the State Partnership Program
as the Chief of the National Guard Bureau specifies con-
sistent with regulations issued by the Secretary of De-
fense.

“(f) CENTER PERSONNEL.—(1) The Chief of the Na-
tional Guard Bureau shall appoint an active member of
the National Guard to be the Commandant of the Center
to administer and lead the center.

“(2) The Center shall contain personnel authoriza-
tions under a table of distribution and allowance that en-
sures sufficient cadre and support to the Center and will
be assigned to the host State.

“(3) Personnel of the National Guard of any State
may serve on full-time National Guard duty for the pur-
pose of providing command, administrative, training, or
supporting services for the Center. For the performance
of those services, any personnel may be ordered to duty
under section 502(f) of this title.
“(4) Employees of the Departments of Defense may be detailed to the Center for the purpose of providing additional training.

“(5) The National Guard Bureau may procure, by contract, the temporary full time services of such civilian personnel as may be necessary in carrying out the training provided by the Center.”.

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

“510. Center for Excellence for the National Guard State Partnership Program.”.

SEC. 335. CODIFICATION OF NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) State Partnership Program.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

“§ 116. State Partnership Program

“(a) Availability of Appropriated Funds.—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:
“(A) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

“(B) To support the objectives of the United States chief of mission of the partner nation with which contacts and activities are conducted.

“(C) To build international partnerships and defense and security capacity.

“(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

“(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

“(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(2) Costs under paragraph (1) may include costs as follows:

“(A) Costs of pay and allowances of members of the National Guard.
“(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

“(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

“(A) contributes to responsible management of defense resources;

“(B) fosters greater respect for and understanding of the principle of civilian control of the military;
“(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

“(D) improves international partnerships and capacity on matters relating to defense and security.

“(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘State Partnership Program’ means a program that establishes a defense and security relationship between the National Guard of a
State or territory and the military and security
forces, and related disaster management, emergency
response, and security ministries, of a foreign coun-
try.

“(2) The term ‘activities’, for purposes of the
State Partnership Program, means any military-to-
military activities or interagency activities for a pur-
pose set forth in subsection (a)(1).

“(3) The term ‘interagency activities’ means the
following:

“(A) Contacts between members of the Na-
tional Guard and foreign civilian personnel out-
side the ministry of defense of the foreign coun-
try concerned on matters within the core com-
petencies of the National Guard.

“(B) Contacts between United States civil-
ian personnel and members of the Armed
Forces of a foreign country on matters within
such core competencies.

“(4) The term ‘matter within the core com-
petencies of the National Guard’ means matters with
respect to the following:

“(A) Disaster response and mitigation.

“(B) Defense support to civil authorities.
“(C) Consequence management and installation protection.

“(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

“(E) Border and port security and cooperation with civilian law enforcement.

“(F) Search and rescue.

“(G) Medicine.

“(H) Counterdrug and counternarcotics activities.

“(I) Public affairs.

“(J) Employer support and family support for reserve forces.

“(5) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch of the United States Government.

“(C) Non-governmental individuals.
“(6) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

“(B) Non-governmental individuals of a foreign country.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

“116. State Partnership Program.”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

Subtitle E—Reports

SEC. 341. REPORT ON JOINT STRATEGY FOR READINESS AND TRAINING IN A C4ISR-DENIED ENVIRONMENT.

(a) REPORT REQUIRED.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to Congress a report on the readiness of the joint force to conduct operations in environments where there is no access to Command, Control, Communications, Computers, Intelligence, Surveillance, and Re-
connaissance (in this section referred to as “C4ISR”) sys-
tems, including satellite communications, classified Inter-
net protocol-based networks, and the Global Positioning
System (in this section referred to as “GPS”).

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

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

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

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

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

(5) to conduct training and exercises for sus-
taining combat and logistics operations in C4ISR-de-
nied environments; and
(6) to propose changes to current tactics, techniques, and procedures to prepare to operate in an environment in which C4ISR systems are degraded or denied for 48-hour, 7 day, 30-day, or 60-day periods.

(c) JOINT EXERCISE PLAN REQUIRED.—Based on the findings of the report required by subsection (a), the Chairman of the Joint Chiefs of Staff shall develop a roadmap and joint exercise plan for the joint force to operate in an environment where access to C4ISR systems, including satellite communications, classified Internet protocol-based networks, and the GPS network, is denied. The plan and joint exercise program shall include—

(1) the development of alternatives to satellite communications, classified Internet protocol-based networks, and GPS for logistics, intelligence, surveillance, and reconnaissance, and combat operations; and

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

(3) methods to protect vulnerable satellite communications, classified Internet protocol-based networks, and GPS; and
(4) a joint exercise and training plan to include fleet battle experiments, to enable the force to operate in a satellite communications, Internet protocol-based network, and GPS-denied environment.

(d) FORM OF REPORT.—The report required to be submitted by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 342. COMPTROLLER GENERAL REVIEW OF ANNUAL DEPARTMENT OF DEFENSE REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

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

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

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

SEC. 343. MODIFICATION OF REPORT ON MAINTENANCE AND REPAIR OF VESSELS IN FOREIGN SHIPYARDS.

Section 7310(c) of title 10, United States Code, is amended—
(1) in paragraph (3)(A), by inserting after “justification under law” the following: “and operational justification”; and

(2) in paragraph (4), by adding at the end the following new subparagraph:

“(C) A vessel not described in subparagraph (A) or (B) that is operated pursuant to a contract entered into by the Military Sealift Command, the Maritime Administration, or the United States Transportation Command.”.

SEC. 344. EXTENSION OF DEADLINE FOR COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE SERVICE CONTRACT INVENTORY.

Section 803(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2402) is amended by striking “180 days” and inserting “270 days”.

SEC. 345. GAO REPORT REVIEWING METHODOLOGY OF DEPARTMENT OF DEFENSE RELATING TO COSTS OF PERFORMANCE BY CIVILIAN EMPLOYEES, MILITARY PERSONNEL, AND CONTRACTORS.

(a) Review Requirement.—The Comptroller General of the United States shall conduct a review of Department of Defense Directive-Type Memorandum 09–007 entitled “Estimating and Comparing the Full Costs of Civil-
ian and Military Manpower and Contractor Support” to
determine whether the methodology used in the memo-
randum reflects the actual, relevant, and quantifiable
costs to taxpayers of performance by Federal civilian em-
ployees, military personnel, and contractors.

(b) CONSULTATION.—In conducting the review re-
quired by subsection (a), the Comptroller General shall
consult with the Under Secretary of Defense for Personnel
and Readiness, the Director of Cost Assessment and Pro-
gram Evaluation, the Director of the Office of Manage-
ment and Budget, and private sector stakeholders.

(c) REPORT.—Not later than 180 days after the date
of the enactment of this Act, the Comptroller General shall
submit a report on the review required by subsection (a)
to the Committees on Armed Services of the Senate and
the House of Representatives. The report shall contain the
results of the review and make recommendations for any
statutory changes that the Comptroller General deter-
mines are necessary to ensure that the memorandum re-
viewed includes the actual, relevant, and quantifiable costs
to taxpayers for Federal civilian employees, military per-
sonnel, and contractors.

SEC. 346. REPORT ON MEDICAL EVACUATION POLICIES.

(a) IN GENERAL.—Not later than 120 days after the
date of the enactment of this Act, the Secretary of Defense
shall submit to the congressional defense committees and
the Comptroller General of the United States a report on
the policies, procedures, and guidelines of the Department
of Defense for helicopter evacuation of injured members
of the Armed Forces performed by—

(1) unarmed Army helicopters (in this section
referred to as “MEDEVAC”); and

(2) armed Air Force helicopters (in this section
referred to as “CASEVAC”).

(b) CONTENTS.—The report submitted under sub-
section (a) shall contain the following:

(1) The differences between armed escort heli-
copters that accompany MEDEVAC helicopters and
CASEVAC helicopters.

(2) The differences between Army and Air
Force training of MEDEVAC and CASEVAC air
crews.

(3) The differences between the capacity of the
Army and the Air Force to care for wounded mem-
bers of the Armed Forces.

(4) The potential costs associated with—

(A) arming MEDEVAC helicopters;

(B) increasing the training of MEDEVAC
air crews to be comparable to the training of
CASEVAC air crews; and
(C) increasing the quality of the avionics used in MEDEVAC helicopters to be comparable to the quality of the avionics used in CASEVAC helicopters.

(5) An analysis of the Army rescue goal, commonly known as the “golden hour”, which specifies a goal of transporting an injured member of the Armed Forces to a military medical treatment facility not later than 60 minutes after the MEDEVAC unit receives notification of the injury, including an analysis on—

(A) whether the 60-minute time period should begin at the time of injury instead of at the time of notification;

(B) the usefulness of gathering information about survival rates using additional different time periods; and

(C) the validity of the survival rate associated with the “golden hour”.

(6) A comparison of the helicopter evacuation capabilities in combat zones of—

(A) the Army;

(B) the Air Force;

(C) Special Operations Command; and
(D) armed forces of other countries that perform helicopter evacuations in combat zones.

(7) An analysis of—

(A) the requirements under the Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field, done at Geneva, August 12, 1949 (6 UST 3114) and the related protocols with regard to the weapons an aircraft may carry and still be considered a medical aircraft (which, for purposes of such Convention and protocols, means an aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment) protected under such Convention, and of the interpretations of and policies under such requirements by the Department of Defense;

(B) the threats to MEDEVAC and CASEVAC air crews and assets posed by unconventional forces that do not abide by international law, military tradition, or custom, such as insurgent or criminal organizations; and

(C) any strategies to respond to the threats identified in subparagraph (B), as well as any legal or policy restrictions to such re-
sponses based on the requirements, policies, and interpretations identified in subparagraph (A).

(8) An explanation of how the survival rate of injured members of the Armed Forces rescued by helicopter evacuation is calculated.

(9) Information on the average number of injured members of the Armed Forces that are evacuated during each MEDEVAC and CASEVAC mission.

(c) REVIEW BY COMPTROLLER GENERAL.—Not later than 120 days after the date on which the Comptroller General receives the report submitted by the Secretary of Defense under subsection (a), the Comptroller General shall submit to the congressional defense committees an analysis of such report.

SEC. 347. REPORT ON PROVIDING TELECOMMUNICATIONS SERVICES TO UNIFORMED PERSONNEL TRANSITING THROUGH FOREIGN AIRPORTS.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of providing market-rate or below-market rate (or both) telecommunications service (either phone, VoIP, video chat, or a combination thereof), either directly or through a contract, to uniformed military personnel transiting through a foreign airport while in
transit to or returning from deployment overseas. The Secretary also shall investigate allegations of certain telecom companies specifically targeting uniformed military personnel in transit overseas (who have no other option to contact their families) with above-market-rate fees, and shall include the results of that investigation in the report.

(b) SUBMISSION.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 348. SURVEY AND REPORT ON PERSONAL PROTECTION EQUIPMENT NEEDED BY MEMBERS OF THE ARMED FORCES DEPLOYED ON THE GROUND IN COMBAT ZONES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, when sending members of the United States Armed Forces into combat, the United States has an obligation to ensure that—

(1) the members are properly equipped with the best available protective equipment and supplies; and

(2) the members, or their family and friends, never feel compelled to purchase additional equipment and supplies to be safer in combat.

(b) SURVEY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary
of Defense shall conduct an anonymous survey among members and former members of the Armed Forces who were deployed on the ground in a combat zone since September 11, 2001, requesting information on what kinds of personal protection equipment (such as body armor and ballistic eyewear) the member believes should have been provided to members during deployment but were not provided. The Secretary shall include in the survey questions about whether members, their families, or other persons purchased any personal protection equipment because the Armed Forces did not provide the equipment and the types and quantity of equipment purchased.

(e) Report on Results of Survey.—Not later than 180 days after the completion of the survey required by subsection (b), the Secretary of Defense shall submit to Congress a report—

(1) describing the results of the survey;

(2) describing the types and quantity of personal protection equipment not provided by the Armed Forces and purchased instead by or on behalf of members of the Armed Forces to protect themselves;

(3) explaining why such personal protection equipment was not provided; and
(4) recommending future funding solutions to prevent the omission in the future.

SEC. 349. REPORT ON STATUS OF TARGETS IN OPERATIONAL ENERGY STRATEGY IMPLEMENTATION PLAN.

(a) IN GENERAL.—The Secretary of Defense shall submit annually to the relevant congressional committees a report on the status of the targets listed in the document entitled “Operational Energy Strategy: Implementation Plan, Department of Defense, March 2012”, including—

(1) the status of each of the targets listed in the implementation plan;

(2) the steps being taken to meet the targets;

(3) the expected date of completion for each target if such date is different from the date indicated in the report; and

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

(b) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “relevant congressional committees” means—

(1) the Committee on Armed Services of the Senate and the House of Representatives;

(2) the Committee on Oversight and Government Reform of the House of Representatives;
(3) the Committee on Homeland Security and Governmental Affairs of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives; and
(5) the Committee on Foreign Relations of the Senate.

Subtitle F—Limitations and Extensions of Authority

SEC. 351. REPEAL OF AUTHORITY TO PROVIDE CERTAIN MILITARY EQUIPMENT AND FACILITIES TO SUPPORT CIVILIAN LAW ENFORCEMENT AND EMERGENCY RESPONSE.

Section 372 of title 10, United States Code, is amended—
(1) in subsection (a), by striking “(a) IN GENERAL.—The Secretary” and inserting “The Secretary”; and
(2) by striking subsection (b).

SEC. 352. LIMITATION ON AVAILABILITY OF FUNDS FOR THE DISESTABLISHMENT OF AEROSPACE CONTROL ALERT LOCATIONS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to disestablish or downgrade any
of the 18 level 5 aerospace control alert defense locations in existence as of the date of the enactment of this Act.

(b) MAINTAINED LEVELS.—The Secretary of the Air Force shall maintain the operational capabilities provided by the 18 level 5 aerospace control alert defense capabilities until the later of the following dates:


(2) September 30, 2013.

(c) CONSOLIDATED BUDGET EXHIBIT.—The Secretary of Defense shall establish a consolidated budget justification display that fully identifies the baseline aerospace control alert budget for each of the military services and encompasses all programs and activities of the aerospace control alert mission for each of the following functions:

(1) Procurement.

(2) Operation and maintenance.

(3) Research, development, testing, and evaluation.

(4) Military construction.

(d) REPORT.—

(1) REPORT TO CONGRESS.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report
that provides a cost-benefit analysis and risk-based assessment of the aerospace control alert mission as it relates to expected future changes to the budget and force structure of such mission.

(2) Comptroller General Review.—Not later than 120 days after the date on which the Secretary submits the report required by paragraph (1), the Comptroller General of the United States shall—

(A) conduct a review of the force structure plan of the Department of Defense and the cost-benefit analysis and risk-based assessment contained in the report; and

(B) submit to the congressional defense committees a report on the findings of such review.

(e) Sense of Congress on the Essential Service Provided by Fighter Wings Performing Aerospace Control Alert Missions.—It is the sense of Congress that fighter wings performing the 24-hour Aerospace Control Alert missions provide an essential service in defending the sovereign airspace of the United States in the aftermath of the terrorist attacks upon the United States on September 11, 2001.
SEC. 353. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL MUSEUM OF THE UNITED STATES ARMY.

Of the amounts authorized to be appropriated for Operation and Maintenance for fiscal year 2013, not more than $5,000,000 shall be made available for the National Museum of the United States Army until the Secretary of the Army submits to the congressional defense committees certification in writing that sufficient private funding has been raised to fund the construction of the portion of the museum known as the “Baseline Museum” and that at least 50 percent of the Baseline Museum has been completed.

SEC. 354. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA CLASS CRUISERS OR DOCK LANDING SHIPS.

(a) LIMITATION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to retire, prepare to retire, inactivate, or place in storage a cruiser or dock landing ship.

(b) EXCEPTION.—Notwithstanding subsection (a), the U.S.S. Port Royal, CG 73, is authorized for retirement.
(c) MAINTAINED LEVELS.—The Secretary of the Navy, in supporting the operational requirements of the combatant commands, shall maintain the operational capability and perform the necessary maintenance of each cruiser and dock landing ship belonging to the Navy until the later of the following dates:


SEC. 355. RENEWAL OF EXPired PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) CODIFICATION OF PROHIBITION.—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

“(2) In this subsection:
“(A) The term ‘entity controlled by a foreign government’ has the meaning given that term in section 2536(c)(1) of this title.

“(B) The term ‘veterans memorial object’ means any object, including a physical structure or portion thereof, that—

“(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

“(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

“(iii) was brought to the United States from abroad as a memorial of combat abroad.

“(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

“(A) the transfer of that veterans memorial object is specifically authorized by law; or

“(B) the transfer is made after September 30, 2017.”.

(b) REPEAL OF OBSOLETE SOURCE LAW.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is repealed.
Subtitle G—Other Matters

SEC. 361. RETIREMENT, ADOPTION, CARE, AND RECOGNITION OF MILITARY WORKING DOGS.

(a) RETIREMENT AND ADOPTION OF MILITARY WORKING DOGS.—

(1) RETIREMENT AND RECLASSIFICATION OF MILITARY WORKING DOGS.—Section 2583 of title 10, United States Code, is amended—

(A) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (e) the following new subsections:

“(f) CLASSIFICATION OF MILITARY WORKING DOGS.—The Secretary of Defense shall classify military working dogs as canine members of the armed forces. Such dogs shall not be classified as equipment.

“(g) TRANSFER OF RETIRED MILITARY WORKING DOGS.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military facility where the dog is located, the Secretary may transfer the dog—

“(1) to the 341st Training Squadron; or

“(2) to another location for adoption under this section.”.
(2) Acceptance of frequent traveler miles to facilitate adoption.—Section 2613(d) of such title is amended—

(A) in paragraph (1)(B), by striking “; or” and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting “; or”; and

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

“(3) facilitating the adoption of a military working dog under section 2583 of this title.”.

(b) Veterinary care for retired military working dogs.—

(1) Veterinary care.—

(A) In general.—Chapter 50 of such title is amended by adding at the end the following new section:

“§ 993. Military working dogs: veterinary care for retired military working dogs

“(a) In general.—The Secretary of Defense shall establish and maintain a system to provide for the veterinary care of retired military working dogs.

“(b) Eligible dogs.—(1) A retired military working dog eligible for veterinary care under this section is
any military working dog adopted under section 2583 of this title.

“(2) The veterinary care provided a military working dog under this section shall be provided during the life of the dog beginning on the date on which the dog is adopted under such section 2583.

“(c) Administration.—(1) The Secretary shall administer the system required by this section under a contract awarded by the Secretary for that purpose.

“(2)(A) The contract under this subsection shall be awarded to a private non-profit entity selected by the Secretary from among such entities submitting an application therefor that have such experience and expertise as the Secretary considers appropriate for purposes of this subsection.

“(B) An entity seeking the award of a contract under this subsection shall submit to the Secretary an application therefor in such form, and containing such information, as the Secretary shall require.

“(3) The term of any contract under this subsection shall be such duration as the Secretary shall specify.

“(d) Standards of Care.—(1) The veterinary care provided under the system required by this section shall meet such standards as the Secretary shall establish and from time to time update.
“(2) The standards required by this subsection shall include the following:

“(A) Provisions regarding the types of care to be provided to retired military working dogs.

“(B) Provisions regarding the entities (including private veterinarians and entities) qualified to provide the care.

“(C) Provisions regarding the facilities, including military installations, government facilities, and private facilities, in which the care may be provided.

“(D) A requirement that complete histories be maintained on the health and use in research of retired military working dogs.

“(E) Such other matters as the Secretary considers appropriate.

“(3) The Secretary shall consult with the board of directors of the non-profit private entity awarded the contract under subsection (e) in establishing and updating standards of care under this subsection.

“(e) Coverage of costs.—(1) Except as provided in paragraph (2), any costs of operation and administration of the system required by this section, and of any veterinary care provided under the system, shall be covered by such combination of the following as the Secretary
and the non-profit entity awarded the contract under subsection (c) jointly consider appropriate:

“(A) Contributions from the non-profit entity.

“(B) Payments for such care by owners or guardians of the retired military working dogs receiving such care.

“(C) Other appropriate non-Federal sources of funds.

“(2) Funds provided by the Federal Government—

“(A) may not be used—

“(i) to provide veterinary care under the system required by this section; or

“(ii) to pay for the normal operation of the non-profit entity awarded the contract under subsection (c); and

“(B) may be used to carry out the duties of the Secretary under subsections (a), (c), (d), and (f).

“(f) REGULATIONS.—The Secretary shall prescribe regulations for the discharge of the requirements and authorities in this section, including regulations on the standards of care required by subsection (d).”.

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

“993. Military working dogs: veterinary care for retired military working dogs.”.
(2) REGULATIONS.—The Secretary of Defense shall prescribe the regulations required by subsection (f) of section 993 of title 10, United States Code (as added by paragraph (1)), not later than 180 days after the date of the enactment of this Act.

(e) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—Section 1125 of such title is amended—

(1) by inserting “(a) GENERAL AUTHORITY.—” before “The Secretary of Defense”; and

(2) by adding at the end the following new subsection:

“(b) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—The Secretary of Defense shall create a decoration or other appropriate recognition to recognize military working dogs under the jurisdiction of the Secretary that are killed in action or perform an exceptionally meritorious or courageous act in service to the United States.”.

SEC. 362. ASSISTANCE FOR HOMELAND DEFENSE MISSION TRAINING.

(a) ASSISTANCE AUTHORIZED.—Chapter 9 of title 32, United States Code, is amended by adding at the end the following new section:

“§909. Training assistance

“(a) ASSISTANCE AUTHORIZED.—To improve the training of National Guard units and Federal agencies
performing homeland defense activities, the Secretary of Defense may provide funding assistance through a special military cooperative agreement for the operation and maintenance of any State training center certified by the Federal Emergency Management Agency as capable of providing emergency response training.

“(b) Merit-based or Competitive Decisions.—A decision to commit, obligate, or expend funds under subsection (a) with or to a specific entity shall—

“(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10 or on competitive procedures; and

“(2) comply with other applicable provisions of law.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“909. Training assistance.”.

SEC. 363. COMPTROLLER GENERAL REVIEW OF HANDLING, LABELING, AND PACKAGING PROCEDURES FOR HAZARDOUS MATERIAL SHIPMENTS.

(a) Comptroller General Review.—The Comptroller General of the United States shall conduct a review of the policies and procedures of the Department of De-
defense for the handling, labeling, and packaging of hazardous material shipments.

(b) MATTERS INCLUDED.—The review conducted under subsection (a) shall address the following:

(1) The relevant statutes, regulations, and guidance and policies of the Department of Defense pertaining to the handling, labeling, and packaging procedures of hazardous material shipments to support military operations.

(2) The extent to which the such guidance, policies, and procedures contribute to the safe, timely, and cost-effective handling of such material.

(3) The extent to which discrepancies in Department of Transportation guidance, policies, and procedures pertaining to handling, labeling, and packaging of hazardous materials shipments in commerce and similar Department of Defense guidance, policies, and procedures pertaining to the handling, labeling, and packaging of hazardous materials shipments impact the safe, timely, and cost-effective handling of such material.

(4) Any additional matters that the Comptroller General determines will further inform the appropriate congressional committees on issues related to the handling, labeling, and packaging procedures for
hazardous material shipments to members of the Armed Forces worldwide.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report of the review conducted under subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

(1) The Army, 552,100.

(2) The Navy, 322,700.

(3) The Marine Corps, 197,300.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END
STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

“(1) For the Army, 552,100.
“(2) For the Navy, 322,700.
“(3) For the Marine Corps, 197,300.
“(4) For the Air Force, 330,383.”.

SEC. 403. LIMITATIONS ON END STRENGTH REDUCTIONS
FOR REGULAR COMPONENT OF THE ARMY
AND MARINE CORPS.

(a) ANNUAL CERTIFICATION.—Subject to subsections (b) and (c), if the President determines that a reduction in end strength of the regular component of the Army or Marine Corps (or both) is necessary for any of fiscal years 2014 through 2017, the President shall submit to Congress, with the budget request for that fiscal year, a certification that the reduction in end strength, should the assumptions of the National Security Strategy prescribed by the President in the most recent annual national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) prove to be incorrect, will not—
(1) undermine the ability of the Armed Forces to meet the requirements of the National Security Strategy;

(2) increase security risks for the United States; or

(3) compel members of the Armed Forces to endure diminished dwell time and repeated deployments.

(b) Annual Limitation on Reductions.—

(1) Army.—The end strength of the regular component of the Army shall not be reduced by more than 15,000 members during each of fiscal years 2014 through 2017 from the end strength of the regular component of the Army at the end of the preceding fiscal year.

(2) Marine Corps.—The end strength of the regular component of the Marine Corps shall not be reduced by more than 5,000 members during each of fiscal years 2014 through 2017 from the end strength of the regular component of the Marine Corps at the end of the preceding fiscal year.

(c) Budgeting Requirement.—The budget for the Department of Defense for each of fiscal years 2014 through 2017 as submitted to Congress—
(1) shall include amounts for maintaining an end strength of the regular component of the Army and the Marine Corps sufficient to comply with the active duty end strengths prescribed in section 691(b) of title 10, United States Code; and

(2) shall not rely on any emergency, supplemental, or overseas contingency operations funding.

SEC. 404. EXCLUSION OF MEMBERS WITHIN THE INTEGRATED DISABILITY EVALUATION SYSTEM FROM END STRENGTH LEVELS FOR ACTIVE FORCES.

(a) EXCLUSION.—A member of the Armed Forces who is within the Integrated Disability Evaluation System as of the last day of any of fiscal years 2013 through 2018 shall not be counted toward the end strength levels for active duty members of the Armed Forces prescribed for that fiscal year.

(b) FUNDING SOURCE.—The Secretary of Defense shall use funds authorized to be appropriated for overseas contingency operations being carried out by the Armed Forces to cover any military personnel expenses incurred as a result of the exclusion under subsection (a) of members of the Armed Forces from the end strengths levels for active forces.
Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

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

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 62,500.

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

(5) The Air National Guard of the United States, 106,005.

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

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

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty
(other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) End Strength Increases.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2013, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.
(2) The Army Reserve, 16,277.
(3) The Navy Reserve, 10,114.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 14,952.

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

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2013 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 27,210.

(2) For the Army Reserve, 8,395.

(3) For the Air National Guard of the United States, 22,272.

(4) For the Air Force Reserve, 10,946.

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

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2013, may not exceed the following:
(A) For the Army National Guard of the United States, 1,600.

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

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

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

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

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

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

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

(3) The Navy Reserve, 6,200.

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

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

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

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) Construction of Authorization.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2013.
TITLE V—MILITARY PERSONNEL
POLICY
Subtitle A—Officer Personnel
Policy Generally

SEC. 501. LIMITATION ON NUMBER OF NAVY FLAG OFFICERS ON ACTIVE DUTY.

(a) ADDITIONAL FLAG OFFICER AUTHORIZED.—Section 526(a)(2) of title 10, United States Code, is amended by striking “160” and inserting “161”.

(b) CORRESPONDING CHANGE IN COMPUTING NUMBER OF FLAG OFFICERS IN STAFF CORPS OF THE NAVY.—Section 5150(c) of such title is amended by striking the last sentence.

SEC. 502. EXCEPTION TO REQUIRED RETIREMENT AFTER 30 YEARS OF SERVICE FOR REGULAR NAVY WARRANT OFFICERS IN THE GRADE OF CHIEF WARRANT OFFICER, W–5.

Section 1305(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “A regular warrant officer (other than a regular Army warrant officer)” and inserting “Subject to paragraphs (2) and (3), a regular warrant officer”; and
(B) by striking “he” and inserting “the officer”; and
(2) by adding at the end the following new paragraph:
“(3) In the case of a regular Navy warrant officer in the grade of chief warrant officer, W–5, the officer shall be retired 60 days after the date on which the officer completes 33 years of total active service.”.

SEC. 503. AIR FORCE CHIEF AND DEPUTY CHIEF OF CHAPLAINS.

(a) Establishment of Positions; Appointment.—Chapter 805 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8039. Chief and Deputy Chief of Chaplains: appointment; duties
“(a) Chief of Chaplains.—(1) There is a Chief of Chaplains in the Air Force, appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force designated under section 8067(h) of this title as chaplains who—
“(A) are serving in the grade of colonel or above;
“(B) are serving on active duty; and
“(C) have served on active duty as a chaplain for at least eight years.
“(2) An officer appointed as the Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

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

“(b) Deputy Chief of Chaplains.—(1) There is a Deputy Chief of Chaplains in the Air Force, appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force designated under section 8067(h) of this title as chaplains who—

“(A) are serving in the grade of colonel;

“(B) are serving on active duty; and

“(C) have served on active duty as a chaplain for at least eight years.

“(2) An officer appointed as the Deputy Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

“(3) The Deputy Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and the Chief of Chaplains and by law.

“(c) Selection Board.—Under regulations approved by the Secretary of Defense, the Secretary of the
Air Force, in selecting an officer for recommendation to the President for appointment as the Chief of Chaplains or the Deputy Chief of Chaplains, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to the selection boards convened under chapter 36 of this title.”.

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

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

SEC. 504. EXTENSION OF TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE AS A COMMISSIONED OFFICER REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

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

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

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by striking “September 30, 2013” and inserting “September 30, 2018”.
SEC. 505. TEMPORARY INCREASE IN THE TIME-IN GRADE RETIREMENT WAIVER LIMITATION FOR LIEU-
TENANT COLONELS AND COLONELS IN THE ARMY, AIR FORCE, AND MARINE CORPS AND COMMANDERS AND CAPTAINS IN THE NAVY.

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

(1) by striking “the period ending on December 31, 2007” and inserting “fiscal years 2013 through 2018”; 

(2) by striking “Air Force” and inserting “Army, Air Force, and Marine Corps”; and 

(3) by striking “in the period”.

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

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

(1) in subparagraph (E)—

(A) by inserting “(i)” after “exceed”; and

(B) by inserting before the period at the end the following: “or (ii) in the case of officers of that armed forces in a grade specified in sub-
paragraph (G), two officers, whichever number is greater”; and

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

“(G) Notwithstanding subparagraph (E), during fis-
cal years 2013 through 2017, the total number of briga-
dier generals and major generals of the Army, Air Force,
and Marine Corps, and the total number of rear admirals
(lower half) and rear admirals of the Navy, for whom a
reduction is made under this section during any fiscal year
of service-in-grade otherwise required under this para-
graph—

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

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

SEC. 507. DIVERSITY IN MILITARY LEADERSHIP AND RE-
LATED REPORTING REQUIREMENTS.

(a) Plan to Achieve Military Leadership Re-
flecting Diversity of United States Popu-
lation.—
§ 656. Diversity in military leadership: plan

“(a) Plan.—The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall develop and implement a plan to accurately measure the efforts of the Department of Defense to achieve a dynamic, sustainable level of members of the armed forces (including reserve components) that, among both commissioned officers and senior enlisted personnel of each armed force, will reflect the diverse population of the United States eligible to serve in the armed forces, including gender specific, racial, and ethnic populations. Any metric established pursuant to this subsection may not be used in a manner that undermines the merit-based processes of the Department of Defense, including such processes for accession, retention, and promotion. Such metrics may not be combined with the identification of specific quotas based upon diversity characteristics. The Secretary shall continue to account for diversified language and cultural skills among the total force of the military.

“(b) Metrics to Measure Progress in Developing and Implementing Plan.—In developing and im-
plementing the plan under subsection (a), the Secretary
of Defense (and the Secretary of Homeland Security in
the case of the Coast Guard) shall develop a standard set
of metrics and collection procedures that are uniform
across the armed forces. The metrics required by this sub-
section shall be designed—

“(1) to accurately capture the inclusion and ca-
pability aspects of the armed forces broader diversity
plans, including race, ethnic, and gender specific
groups, functional expertise, and diversified cultural
and language skills as to leverage and improve readi-
ness; and

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

“(c) DEFINITION OF DIVERSITY.—In developing and
implementing the plan under subsection (a), the Secretary
of Defense (and the Secretary of Homeland Security in
the case of the Coast Guard) shall develop a uniform defi-
nition of diversity.

“(d) CONSULTATION.—Not less than annually, the
Secretary of Defense and the Secretary of Homeland Se-
curity shall meet with the Secretaries of the military de-
partments, the Joint Chiefs of Staff, the Commandant of
the Coast Guard, and senior enlisted members of the
armed forces to discuss the progress being made toward
developing and implementing the plan established under subsection (a).

“(e) COOPERATION WITH STATES.—The Secretary of Defense shall coordinate with the National Guard Bureau and States in tracking the progress of the National Guard toward developing and implementing the plan established under subsection (a).”.

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

“656. Diversity in military leadership: plan.”.

(b) INCLUSION IN DOD MANPOWER REQUIREMENTS REPORT.—Section 115a(c) of such title is amended by adding at the end the following new paragraphs:

“(4) The progress made in implementing the plan required by section 656 of this title to accurately measure the efforts of the Department to reflect the diverse population of the United States eligible to serve in the armed forces.

“(5) The number of members of the armed forces, including reserve components, listed by sex and race or ethnicity for each rank under each military department.

“(6) The number of members of the armed forces, including reserve components, who were promoted during the year covered by the report, listed
by sex and race or ethnicity for each rank under each military department.

“(7) The number of members of the armed forces, including reserve components, who reenlisted or otherwise extended the commitment to military service during the year covered by the report, listed by sex and race or ethnicity for each rank under each military department.

“(8) The available pool of qualified candidates for the general officer grades of general and lieutenant general and the flag officer grades of admiral and vice admiral.”.

(c) COAST GUARD REPORT.—

(1) ANNUAL REPORT REQUIRED.—The Secretary of Homeland Security shall prepare an annual report addressing diversity among commissioned officers of the Coast Guard and Coast Guard Reserve and among enlisted personnel of the Coast Guard and Coast Guard Reserve. The report shall include—

(A) an assessment of the available pool of qualified candidates for the flag officer grades of admiral and vice admiral;
(B) the number of such officers and personnel, listed by sex and race or ethnicity for each rank;

(C) the number of such officers and personnel who were promoted during the year covered by the report, listed by sex and race or ethnicity for each rank; and

(D) the number of such officers and personnel who reenlisted or otherwise extended the commitment to the Coast Guard during the year covered by the report, listed by sex and race or ethnicity for each rank.

(2) Submission.—The report under paragraph (1) shall be submitted each year not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code. Each report shall be submitted to the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Homeland Security of the House of Representatives, and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.
Subtitle B—Reserve Component Management

SEC. 511. CODIFICATION OF STAFF ASSISTANT POSITIONS FOR JOINT STAFF RELATED TO NATIONAL GUARD AND RESERVE MATTERS.

(a) Codification of Existing Positions.—Chapter 5 of title 10, United States Code, is amended by inserting after section 155 the following new section:

“§ 155a. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and for Reserve matters

“(a) Establishment of Positions.—The Secretary of Defense shall establish the following positions within the Joint Staff:

“(1) Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters.

“(2) Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters.

“(b) Selection.—(1) The Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters shall be selected by the Chairman from officers of the Army National Guard of the United States or the Air Guard of the United States who—

“(A) are recommended for such selection by their respective Governors or, in the case of the Dis-
trict of Columbia, the commanding general of the
District of Columbia National Guard;

“(B) have had at least 10 years of federally rec-
ognized commissioned service in the National Guard
and significant joint duty experience, as determined
by the Chairman of the Joint Chiefs of Staff; and

“(C) are in a grade above the grade of colonel.

“(2) The Assistant to the Chairman of the Joint
Chiefs of Staff for Reserve Matters shall be selected by
the Chairman from officers of the Army Reserve, the Navy
Reserve, the Marine Corps Reserve, or the Air Force Re-
serve who—

“(A) are recommended for such selection by the
Secretary of the military department concerned;

“(B) have had at least 10 years of commis-
sioned service in their reserve component and signifi-
cant joint duty experience, as determined by the
Chairman of the Joint Chiefs of Staff; and

“(C) are in a grade above the grade of colonel
or, in the case of the Navy Reserve, captain.

“(c) TERM OF OFFICE.—Each Assistant to the
Chairman of the Joint Chiefs of Staff under subsection
(a) serves at the pleasure of the Chairman for a term of
two years and may be continued in that assignment in
the same manner for one additional term. However, in
time of war there is no limit on the number of terms.

“(d) GRADE.—Each Assistant to the Chairman of the
Joint Chiefs of Staff under subsection (a), while so serv-
ing, holds the grade of major general or, in the case of
the Navy Reserve, rear admiral. Each such officer shall
be considered to be serving in a position covered by the
limited exclusion from the authorized strength of general
officers and flag officers on active duty provided by section
526(b) of this title.

“(e) DUTIES.—(1) The Assistant to the Chairman of
the Joint Chiefs of Staff for National Guard Matters is
an adviser to the Chairman on matters relating to the Na-
tional Guard and performs the duties prescribed for that
position by the Chairman.

“(2) The Assistant to the Chairman of the Joint
Chiefs of Staff for Reserve Matters is an adviser to the
Chairman on matters relating to the reserves and per-
forms the duties prescribed for that position by the Chair-
man.

“(f) OTHER RESERVE COMPONENT REPRESENTA-
TION ON JOINT STAFF.—The Secretary of Defense, in
consultation with the Chairman of the Joint Chiefs, shall
develop appropriate policy guidance to ensure that, to the
maximum extent practicable, the level of representation of
reserve component officers on the Joint Staff is commensurate with the significant role of the reserve components within the armed forces.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 155 the following new item:

“155a. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and for Reserve matters.”.

(c) Repeal of Superceded Law.—Section 901 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 155 note) is repealed.

SEC. 512. AUTOMATIC FEDERAL RECOGNITION OF PROMOTION OF CERTAIN NATIONAL GUARD WARRANT OFFICERS.

Section 310(a) of title 32, United States Code, is amended—

(1) by inserting “(1)” before “Notwithstanding”; and

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

“(2) Notwithstanding sections 307 and 309 of this title, if a warrant officer, W–1, of the National Guard is promoted to the grade of chief warrant officer, W–2, to fill a vacancy in a federally recognized unit in the National
Guard, Federal recognition is automatically extended to that officer in the grade of chief warrant officer, W–2, effective as of the date on which that officer has completed the service in the grade prescribe by the Secretary concerned under section 12242 of title 10, if the warrant officer has remained in an active status since the warrant officer was so recommended.”.

SEC. 513. ON-LINE TRACKING OF CERTAIN RESERVE DUTY.

The Secretary of Defense shall establish an online means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008, under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, United States Code. The tour calculator shall specify early retirement credit authorized for each qualifying tour of active duty, as well as cumulative early reserve retirement credit authorized to date under the amendments to section 12731 of such title made by section 647 of the National Defense Authorization Act for fiscal year 2008 (Public Law 110–181; 122 Stat. 160).
Subtitle C—General Service Authorities

SEC. 521. MODIFICATIONS TO CAREER INTERMISSION PILOT PROGRAM.

(a) Extension of Programs to Include Active Guard and Reserve Personnel.—Subsection (a)(1) of section 533 of Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4449; 10 U.S.C. 701 prec.) is amended by inserting after “officers and enlisted members of the regular components” the following: “, and members of the Active Guard and Reserve (as defined in section 101(b)(16) of title 10, United States Code),”.

(b) Authority to Carry Forward Unused Accrued Leave.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

“(5) Leave.—A member who participates in a pilot program is entitled to carry forward the leave balance, existing as of the day on which the member begins participation and accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days.”.

(c) Authority for Disability Processing.—Subsection (j) of such section is amended—
(1) by striking “for purposes of the entitlement” and inserting “for purposes of—
“(1) the entitlement”; 
(2) by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following new paragraph:
“(2) retirement or separation for physical disability under the provisions of chapters 55 and 61 of title 10, United States Code.”.

SEC. 522. AUTHORITY FOR ADDITIONAL BEHAVIORAL HEALTH PROFESSIONALS TO CONDUCT PRE-SEPARATION MEDICAL EXAMS FOR POST-TRAUMATIC STRESS DISORDER.

Section 1177(a) of title 10, United States Code, is amended—
(1) in paragraph (1), by striking “or psychiatrist” and inserting “psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner”; and
(2) in paragraph (3), by striking “or psychiatrist” and inserting “, psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner”.

SEC. 523. AUTHORITY TO ACCEPT VOLUNTARY SERVICES TO ASSIST DEPARTMENT OF DEFENSE EFFORTS TO ACCOUNT FOR MISSING PERSONS.

Section 1501(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) Notwithstanding section 1342 of title 31, the Secretary of Defense may accept voluntary services provided by individuals or non–Federal entities to further the purposes of this chapter.”.

SEC. 524. AUTHORIZED LEAVE AVAILABLE FOR MEMBERS OF THE ARMED FORCES UPON BIRTH OR ADOPTION OF A CHILD.

Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j) and inserting the following new subsection:

“(i)(1) A member of the armed forces who gives birth to a child or who adopts a child in a qualifying child adoption and will be primary caregiver for the adopted child shall receive 42 days of leave after the birth or adoption to be used in connection with the birth or adoption of the child.

“(2) A married member of the armed forces on active duty whose wife gives birth to a child or who adopts a child in a qualifying child adoption, but will not be pri-
mary caregiver for the adopted child, shall receive 10 days of leave to be used in connection with the birth or adoption of the child.

“(3) If two members of the armed forces who are married to each other adopt a child in a qualifying child adoption, only one of the members may be designated as primary caregiver for purposes of paragraph (1). In the case of a dual-military couple, the member authorized leave under paragraph (1) and the member authorized leave under paragraph (2) may utilize the leave at the same time.

“(4) For the purpose of this subsection, an adoption of a child by a member is a qualifying child adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

“(5) Leave authorized under this subsection is in addition to other leave provided under other provisions of this section.

“(6) The Secretary of Defense may prescribe such regulations as may be necessary to carry out this subsection.”; and

(2) by redesignating subsection (k) as subsection (j).
SEC. 525. COMMAND RESPONSIBILITY AND ACCOUNTABILITY FOR REMAINS OF MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS WHO DIE OUTSIDE THE UNITED STATES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall take such steps as may be necessary to ensure that there is continuous, designated military command responsibility and accountability for the care, handling, and transportation of the remains of each deceased member of the Army, Navy, Air Force, or Marine Corps who died outside the United States, beginning with the initial recovery of the remains, through the defense mortuary system, until the interment of the remains or the remains are otherwise accepted by the person designated as provided by section 1482(c) of title 10, United States Code, to direct disposition of the remains.

SEC. 526. REPORT ON FEASIBILITY OF DEVELOPING GENDER-NEUTRAL OCCUPATIONAL STANDARDS FOR MILITARY OCCUPATIONAL SPECIALTIES CURRENTLY CLOSED TO WOMEN.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the feasibility of incorporating gender-neutral occupational standards for military occupational specialties...
closed, as of the date of the enactment of this Act, to fe-
male members of the Armed Forces.

SEC. 527. COMPLIANCE WITH MEDICAL PROFILES ISSUED FOR MEMBERS OF THE ARMED FORCES.

(a) Compliance Requirement.—The Secretary of a military department shall ensure that commanding offi-
cers—

(1) do not prohibit or otherwise restrict the ability of physicians and other licensed health-care providers to issue a medical profile for a member of the Armed Forces; and

(2) comply with the terms of a medical profile issued to a member of the Armed Forces is assign-
ing duties to the member.

(b) Limited Waiver Authority.—The first general officer or flag officer in the chain of command of a mem-
ber of the Armed Forces covered by a medical profile may authorize, on a case-by-case basis, a temporary waiver of the compliance requirement imposed by subsection (a)(2) if the officer determines that the assignment of duties to the member in violation of the terms of the medical profile is vital to ensuring the readiness of the member and the unit.

(c) Medical Profile Defined.—In this section, the term “medical profile”, with respect to a member of
the Armed Forces, means a limitation imposed by a physi-
cian or other licensed health-care provider on the physical
activity of the member on account of an illness or injury
to facilitate the member’s recovery or reduce the serious-
ness of the illness or injury.

Subtitle D—Military Justice and
Legal Matters

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

(a) Appointment by the President and Perma-
nent Appointment to Grade of Major General.—
Subsection (a) of section 5046 of title 10, United States
Code, is amended—

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

(2) by striking the second sentence and insert-
ing the following: “If the officer to be appointed as
the Staff Judge Advocate to the Commandant of the
Marine Corps holds a grade lower than the grade of
major general immediately before the appointment,
the officer shall be appointed in the grade of major
general.”.
(b) Duties, Authority, and Accountability.—

Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) The Staff Judge Advocate to the Commandant of the Marine Corps, under the direction of the Commandant of the Marine Corps and the Secretary of the Navy, shall—

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

“(2) perform the functions and duties, and exercise the powers, prescribed for the Staff Judge Advocate to the Commandant of the Marine Corps in chapters 47 (the Uniform Code of Military Justice) and 53 of this title; and

“(3) perform such other duties as may be assigned to the Staff Judge Advocate.”.

(e) Composition of Headquarters, Marine Corps.—Section 5041(b) of such title is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and
(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) The Staff Judge Advocate to the Commandant of the Marine Corps.”.

(d) Supervision of Certain Legal Services.—

(1) Administration of Military Justice.—

Section 806(a) of such title (article 6(a) of the Uniform Code of Military Justice) is amended in the third sentence by striking “or senior members of his staff” and inserting “, the Staff Judge Advocate to the Commandant of the Marine Corps, or senior members of their staffs”.

(2) Delivery of Legal Assistance.—Section 1044(b) of such title is amended by inserting “and, within the Marine Corps, the Staff Judge Advocate to the Commandant of the Marine Corps” after “jurisdiction of the Secretary”.

SEC. 532. PERSONS WHO MAY EXERCISE DISPOSITION AUTHORITY REGARDING CHARGES INVOLVING CERTAIN SEXUAL MISCONDUCT OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) Persons Who May Exercise Disposition Authority.—
(1) DISPOSITION AUTHORITY.—With respect to any charge under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) that alleges an offense specified in paragraph (2), the Secretary of Defense shall require the Secretaries of the military departments to restrict disposition authority under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) to officers of the Armed Forces who have the authority to convene special courts-martial under section 823 of such chapter (article 23 of the Uniform Code of Military Justice), but no lower than the first colonel, or in the case of the Navy, the first captain, with a legal advisor (or access to a legal advisor) in the chain of command of the person accused of committing the offense.

(2) COVERED OFFENSES.—Paragraph (1) applies with respect to a charge that alleges any of the following offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice):

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of such chapter (article 120).
(B) Forcible sodomy under section 925 of such chapter (article 125).

(C) An attempt to commit an offense specified in paragraph (1) or (2), as punishable under section 880 of such chapter (article 80).

(b) IMPLEMENTATION.—

(1) SERVICE SECRETARIES.—The Secretaries of the military departments shall revise policies and procedures as necessary to comply with subsection (a).

(2) SECRETARY OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with subsection (a).

(e) RECOMMENDATION OF ADDITIONAL CHANGES TO MANUAL FOR COURTS-MARTIAL OR UCMJ POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall make recommendations for additional changes to the Manual for Courts-Martial or to Department of Defense policies that would—

(1) ensure the consideration of the material facts regarding an alleged offense specified in subsection (a)(2) or other sexual offense under sections
920 through 920c of title 10, United States Code (articles 120 through 120c of the Uniform Code of Military Justice) is given precedence over the consideration of the character of the military service of the person accused of the sexual offense; and

(2) require all commanders who receive a report or complaint alleging an offense specified in subsection (a)(2) to refer the report or complaint to the Defense Criminal Investigative Service, Army Criminal Investigative Command, Naval Criminal Investigative Service, or Air Force Office of Special Investigations, as the case may be.

SEC. 533. INDEPENDENT REVIEW AND ASSESSMENT OF UNIFORM CODE OF MILITARY JUSTICE AND JUDICIAL PROCEEDINGS OF SEXUAL ASSAULT CASES.

(a) INDEPENDENT REVIEW AND ASSESSMENT.—The Secretary of Defense shall establish an independent panel to conduct an independent review and assessment of judicial proceedings under the Uniform Code of Military Justice involving sexual assault and related offenses for the purpose of developing potential improvements to such proceedings.

(b) INDEPENDENT PANEL FOR REVIEW.—
(1) COMPOSITION.—The panel shall be composed of five members, appointed by the Secretary of Defense from among private United States citizens who have expertise in military law, civilian law, prosecution of sexual assaults in Federal criminal court, military justice policies, the missions of the Armed Forces, or offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice.

(2) CHAIR.—The chair of the panel shall be appointed by the Secretary from among the members of the panel appointed under paragraph (1).

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(4) DEADLINE FOR APPOINTMENTS.—All original appointments to the panel shall be made not later than 120 days after the date of the enactment of this Act.

(5) MEETINGS.—The panel shall meet at the call of the chair.

(6) FIRST MEETING.—The chair shall call the first meeting of the panel not later than 60 days
after the date of the appointment of all the members
of the panel.

(7) DURATION.—The panel shall expire on Sep-
tember 30, 2017.

(c) DUTIES.—

(1) ANNUAL REPORT ON IMPLEMENTATION OF
UCMJ AMENDMENTS.—The panel shall prepare an-
nual reports regarding the implementation of the re-
forms to the offenses relating to rape, sexual as-
sault, and other sexual misconduct under the Uni-
form Code of Military Justice enacted by section
541 of the National Defense Authorization Act for
Fiscal Year 2012 (Public Law 112–81; 125 Stat.
1404).

(2) REVIEW AND CONSULTATION.—In pre-
paring the reports, the panel shall review, evaluate,
and assess the following:

(A) The advisory sentencing guidelines
given by judges in Federal courts and how
those guidelines compare to advisory sentencing
guidance provided to panels rendering punish-
ments in court-martial proceedings, including
whether it would be more beneficial for advisory
sentencing guidelines to be provided to panels
or for discretion to be given to judges regarding
whether to issue advisory sentencing guidelines.

(B) The punishments or administrative ac-
tions taken in response to sexual assault court-
martial proceedings, including the number of
punishments or administrative actions taken as
rendered by a panel and the number of punish-
ments or administrative actions rendered by a
judge and the consistency and proportionality of
the decisions, punishments, and administrative
actions to the facts of each case compared with
Federal and State criminal courts.

(C) The court-martial convictions of sexual
assaults in the year covered by the report and
the number and description of instances when
punishments were reduced upon appeal and the
instances in which the defendant appealed fol-
lowing a plea agreement, if such information is
available.

(D) The number of instances in which the
previous sexual conduct of the alleged victim
was considered in Article 32 proceedings and
any instances where previous sexual conduct
was deemed to be inadmissible.
(E) The number of instances in which evi-
dence of the previous sexual conduct of the al-
leged victim was introduced by the defense in a
court-martial what impact that evidence had on
the case.

(F) The training level of defense and pros-
ceution trial counsel, including an inventory of
the experience of JAG lead trial counsel in each
instance and any existing standards or require-
ments for lead counsel, including their experi-
ence in defending or prosecuting sexual assault
and related offenses.

(G) Such other matters and materials as
the panel considers appropriate for purposes of
the reports.

(3) Utilization of Other Studies.—In pre-
paring the reports, the panel may review, and incor-
porate as appropriate, the findings of applicable on-
going and completed studies.

(4) First Report.—Not later than 180 days
after its first meeting, the panel shall submit to the
Secretary of Defense and the Committees on Armed
Services of the Senate and the House of Representa-
tives its first report under this subsection. The panel
shall include proposals for such legislative or admin-
istrative action as the panel considers appropriate in light of its review.

(d) Powers of Panel.—

(1) Hearings.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers appropriate to carry out its duties under this section.

(2) Information from Federal Agencies.—

Upon request by the chair of the panel, any department or agency of the Federal Government may provide information that the panel considers necessary to carry out its duties under this section.

(e) Personnel Matters.—

(1) Pay of Members.—Members of the panel shall serve without pay by reason of their work on the panel.

(2) Travel Expenses.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance or services for the panel.
SEC. 534. COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL ASSAULT.

(a) COLLECTION.—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual assault, whether such disposition is court martial, non-judicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(1) Documentary information collected about the incident reported, other than investigator case notes.

(2) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal and local court and other sentencing, or any other punishment imposed.

(3) Administrative actions taken, if any.

(4) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(b) RETENTION.—The Secretary of Defense shall require that—
(1) the records established pursuant to subsection (a) be retained by the Department of Defense for a period of not less than 20 years; and

(2) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under paragraph (1).

SEC. 535. BRIEFING, PLAN, AND RECOMMENDATIONS REGARDING EFFORTS TO PREVENT AND RESPOND TO HAZING INCIDENTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) BRIEFING AND PLAN REQUIRED.—Not later than May 1, 2013, the Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing and plan that outlines efforts by the Department of Defense and the Coast Guard—

(1) to prevent the hazing of members of the Armed Forces by other members of the Armed Forces; and

(2) to respond to and resolve alleged hazing incidents involving members of the Armed Forces, including the prosecution of offenders through the use of punitive articles under subchapter X of chapter
47 of title 10, United States Code (the Uniform
Code of Military Justice).

(b) DATABASE.—The plan required by subsection (a)
shall include the establishment of a database for the pur-
pose of improving the ability of the Department of De-
fense and the Coast Guard—

(1) to determine the extent to which hazing in-
cidents involving members of the Armed Forces are
occurring and the nature of such hazing incidents;
and

(2) to track, respond to, and resolve hazing in-
cidents involving members of the Armed Forces.

(e) RECOMMENDATIONS.—As part of the briefing re-
quired by subsection (a), the Secretary of Defense (and
the Secretary of Homeland Security in the case of the
Coast Guard) shall submit such recommendations for
changes to the Uniform Code of Military Justice and the
Manual for Courts-Martial as the Secretaries consider nec-
essary to improve the prosecution of hazing incidents.

(d) CONSULTATION.—The Secretary of Defense shall
prepare the plan, database, and recommendations required
by this section in consultation with the Secretaries of the
military departments.

(e) TRANSFER OF VICTIMS OF HAZING IN THE
ARMED FORCES.—The Secretary concerned (as defined in
section 101(a)(9) of title 10, United States Code) shall develop and implement a procedure to transfer a member of that branch of the Armed Forces who has been the victim of a substantiated incident of hazing to another unit in such branch of the Armed Forces.

(f) \textsc{Hazing Described.}—For purposes of carrying out this section, the Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall use the definition of hazing contained in the August 28, 1997, Secretary of Defense Policy Memorandum, which defined hazing as any conduct whereby a member of the Armed Forces, regardless of branch or rank, without proper authority causes another member to suffer, or be exposed to, any activity which is cruel, abusive, humiliating, oppressive, demeaning, or harmful. Soliciting or coercing another person to perpetrate any such activity is also considered hazing. Hazing need not involve physical contact among or between members of the Armed Forces. Hazing can be verbal or psychological in nature. Actual or implied consent to acts of hazing does not eliminate the culpability of the perpetrator.

(g) \textsc{Annual Reporting Requirement.}—

(1) \textsc{In General.}—The database required by subsection (b) shall be used to develop and implement an annual congressional report.
(2) Reports Required.—Not later than January 15 of each year, the Secretary of Defense and the Secretary of Homeland Security (with respect to the Coast Guard) shall submit to the designated congressional committees a report on the hazing incidents involving members of the Armed Forces during the preceding year.

(3) elements.—Each report shall include the following:

   (A) an assessment by the Secretaries of the implementation during the preceding year of the policies and procedures of each Armed Force on the prevention of and response to hazing involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures.

   (B) Data on the number of alleged and substantiated hazing incidents within each Armed Force that occurred that year, including the race, gender and Armed Force of the victim and offender, the nature of the hazing, and actions taken to resolve and address the hazing.

(h) Comptroller General Report.—

(1) Report Required.—Not later than one year after the date of enactment of this Act, the
Comptroller General of the United States shall submit to the designated congressional committees a report on the policies to prevent hazing and systems initiated to track incidents of hazing in each of the Armed Forces, including officer cadet schools, military academies, military academy preparatory schools, and basic training and professional schools for enlisted members.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) An evaluation of the definition of hazing used pursuant to subsection (e).

(B) A description of the criteria used, and the methods implemented, in the systems to track incidents of hazing in the Armed Forces.

(C) An assessment of the following:

(i) The scope of hazing in each Armed Force.

(ii) The policies in place and the training on hazing provided to members throughout the course of their careers for each Armed Force.

(iii) The actions taken to mitigate hazing incidents in each Armed Force.
(iv) The effectiveness of the training and policies in place regarding hazing.

(v) The number of alleged and substantiated incidents of hazing over the last five years for each Armed Force, the nature of these cases and actions taken to address such matters through non-judicial and judicial action.

(D) An evaluation of the additional actions, if any, the Secretary of Defense and the Secretary of Homeland Security propose to take to further address the incidence of hazing in the Armed Forces.

(E) Such recommendations as the Comptroller General considers appropriate for improving hazing prevention programs, policies, and other actions taken to address hazing within the Armed Forces.

(i) Designated Congressional Committees Defined.—In subsections (f) and (g), the term “designated congressional committees” means—

(1) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Commerce, Science and Transportation of the Senate; and
(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 536. PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.

(a) PROTECTION.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1034 the following new section:

"§ 1034a. Protection of rights of conscience of members of the Armed Forces and chaplains of such members

“(a) PROTECTION OF RIGHTS OF CONSCIENCE.—The Armed Forces shall accommodate the conscience and sincerely held moral principles and religious beliefs of the members of the Armed Forces concerning the appropriate and inappropriate expression of human sexuality and may not use such conscience, principles, or beliefs as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment. Nothing in this subsection precludes disciplinary action for conduct that is proscribed by chapter 47 of this title (the Uniform Code of Military Justice)."
“(b) PROTECTION OF CHAPLAINS.—(1) For purposes of this title, a military chaplain is—

“(A) a certified religious leader or clergy of a faith community who, after satisfying the professional and educational requirements of the commissioning service, is commissioned as an officer in the Chaplains Corps of one of the branches of the Armed Forces; and

“(B) a representative of the faith group of the chaplain, who remains accountable to the endorsing faith group for the religious ministry involved to members of the Armed Forces, to—

“(i) provide for the religious and spiritual needs of members of the Armed Forces of that faith group; and

“(ii) facilitate the religious needs of members of the Armed Forces of other faith groups.

“(2) No member of the Armed Forces may—

“(A) direct, order, or require a chaplain to perform any duty, rite, ritual, ceremony, service, or function that is contrary to the conscience, moral principles, or religious beliefs of the chaplain, or contrary to the moral principles and religious beliefs of the endorsing faith group of the chaplain; or
“(B) discriminate or take any adverse personnel action against a chaplain, including denial of promotion, schooling, training, or assignment, on the basis of the refusal by the chaplain to comply with a direction, order, or requirement prohibited by subparagraph (A).

“(c) REGULATIONS.—The Secretary of Defense shall issue regulations implementing the protections afforded by this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by inserting after the item relating to section 1034 the following new item:

“1034a. Protection of rights of conscience of members of the Armed Forces and chaplains of such members.”.

SEC. 537. USE OF MILITARY INSTALLATIONS AS SITES FOR MARRIAGE CEREMONIES OR MARRIAGE-LIKE CEREMONIES.

A military installation or other property owned or rented by, or otherwise under the jurisdiction or control of, the Department of Defense may not be used to officiate, solemnize, or perform a marriage or marriage-like ceremony involving anything other than the union of one man with one woman.
SEC. 538. COORDINATION BETWEEN YELLOW RIBBON RE-INTEGRATION PROGRAM AND SMALL BUSINESS DEVELOPMENT CENTERS.

The Office for Reintegration Programs shall assist each State to coordinate services under the Yellow Ribbon Reintegration Program under section 582 of the National Defense Authorization Act of 2008 (10 U.S.C. 10101 note) with Small Business Development Centers (as defined in section 3(t) of the Small Business Act) in each State.

Subtitle E—Member Education and Training Opportunities and Administration

SEC. 541. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE AND ENHANCEMENTS TO THE PROGRAM.

(a) Transfer of Functions.—

(1) Transfer.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is transferred from the Secretary of Education to the Secretary of Defense.
(2) EFFECTIVE DATE.—The transfer under paragraph (1) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act, or on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

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

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§ 1154. Assistance to eligible members and former members to obtain employment as teachers: troops-to-teachers program

(a) DEFINITIONS.—In this section:

(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i(1)).

(2) ELIGIBLE SCHOOL.—The term ‘eligible school’ means—

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

(i) at least 30 percent of the students enrolled in the school are from fami-
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lies with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

“(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

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

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

“(A) an elementary or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible to for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the
Social Security Act (42 U.S.C. 601 et seq.), the
number of children eligible to receive medical
assistance under the Medicaid program, or a
composite of these indicators;

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

“(C) a school that is in a local educational
agency that is eligible under section 6211(b) of
the Elementary and Secondary Education Act
of 1965 (20 U.S.C. 7345(b)).

“(4) MEMBER OF THE ARMED FORCES.—The
term ‘member of the armed forces’ includes a retired
or former member of the armed forces.

“(5) PARTICIPANT.—The term ‘participant’
means an eligible member of the armed forces se-
lected to participate in the Program.

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

“(7) SECRETARY.—The term ‘Secretary’ means
the Secretary of Defense.

“(8) ADDITIONAL TERMS.—The terms ‘elemen-
tary school’, ‘local educational agency’, ‘secondary
school’, and ‘State’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(b) PROGRAM AUTHORIZATION.—The Secretary of Defense may carry out a Troops-to-Teachers Program—

“(1) to assist eligible members of the armed forces described in subsection (d) to obtain certification or licensing as elementary school teachers, secondary school teachers, or career or technical teachers; and

“(2) to facilitate the employment of such members—

“(A) by local educational agencies or charter schools that the Secretary of Education identifies as—

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

“(ii) experiencing a shortage of teachers, in particular a shortage of science, mathematics, special education, foreign
language, or career or technical teachers;

and

“(B) in elementary schools or secondary

schools, or as career or technical teachers.

“(c) COUNSELING AND REFERRAL SERVICES.—The

Secretary may provide counseling and referral services to

members of the armed forces who do not meet the eligi-

bility criteria described in subsection (d), including the

education qualification requirements under paragraph

(3)(B) of such subsection.

“(d) ELIGIBILITY AND APPLICATION PROCESS.—

“(1) ELIGIBLE MEMBERS.—The following mem-

bers of the armed forces are eligible for selection to

participate in the Program:

“(A) Any member who—

“(i) on or after October 1, 1999, be-

comes entitled to retired or retainer pay

under this title or title 14;

“(ii) has an approved date of retire-

ment that is within one year after the date

on which the member submits an applica-

tion to participate in the Program; or

“(iii) has been transferred to the Re-

tired Reserve.
“(B) Any member who, on or after January 8, 2002—

“(i)(I) is separated or released from active duty after four or more years of continuous active duty immediately before the separation or release; or

“(II) has completed a total of at least six years of active duty service, six years of service computed under section 12732 of this title, or six years of any combination of such service; and

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

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

“(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.
“(B) In the case of an eligible member of the armed forces described in subparagraph (A)(i), (B), or (C) of paragraph (1), an application shall be considered to be submitted on a timely basis under if the application is submitted not later than three years after the date on which the member is retired, separated, or released from active duty, whichever applies to the member.

“(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS; HONORABLE SERVICE REQUIREMENT.—(A) The Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

“(B) If a member of the armed forces is applying for the Program to receive assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

“(C) If a member of the armed forces is applying for the Program to receive assistance for placement as a career or technical teacher, the Secretary shall require the member—

“(i) to have received the equivalent of one year of college from an accredited institution of
higher education or the equivalent in military education and training as certified by the Department of Defense; or

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

“(D) A member of the armed forces is eligible to participate in the Program only if the member’s last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member’s last period of service is characterized as honorable by the Secretary concerned.

“(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary—

“(A) shall give priority to members who—

“(i) have educational or military experience in science, mathematics, special edu-
cation, foreign language, or career or technical subjects; and

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

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

“(5) OTHER CONDITIONS ON SELECTION.—(A) Subject to subsection (i), the Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve compo-
ment of the armed forces for a period of not less than three years.

“(e) Participation Agreement and Financial Assistance.—

“(1) Participation agreement.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and to receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

“(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or career or technical teacher; and

“(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in an eligible school to begin the school year after obtaining that certification or licensing.

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

“(2) Violation of participation agreement; exceptions.—A participant shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

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

“(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

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

“(E) is unable to find full-time employment as a teacher in an elementary school or secondary school or as a career or technical teacher for a single period not to exceed 27 months; or
“(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

“(3) STIPEND AND BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (C), the Secretary may pay to a participant a stipend to cover expenses incurred by the participant to obtain the required educational level, certification or licensing. Such stipend may not exceed $5,000 and may vary by participant.

“(B)(i) Subject to subparagraph (C), the Secretary may pay a bonus to a participant who agrees in the participation agreement under paragraph (1) to accept full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in an eligible school.

“(ii) The amount of the bonus may not exceed $5,000, unless the eligible school is a high-need school, in which case the amount of the bonus may not exceed $10,000. Within such limits, the bonus may vary by participant and may take into account the priority placements as determined by the Secretary.
“(C)(i) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

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

“(iii) A participant may not receive a stipend under subparagraph (A) if the participant is eligible for benefits under chapter 33 of title 38.

“(iv) The combination of a stipend under subparagraph (A) and a bonus under subparagraph (B) for any one participant may not exceed $10,000.

“(4) Treatment of stipend and bonus.—A stipend or bonus paid under this subsection to a participant shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(f) Reimbursement Under Certain Circumstances.—

“(1) Reimbursement required.—A participant who is paid a stipend or bonus under this subsection shall be subject to the repayment provisions
of section 373 of title 37 under the following circumstances:

“(A) The participant fails to obtain teacher certification or licensing or to obtain employment as an elementary school teacher, secondary school teacher, or career or technical teacher as required by the participation agreement under subsection (c)(1).

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

“(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of three years and fails to complete the required term of service.

“(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the
unserved portion of required service bears to the three years of required service.

“(3) Interest.—Any amount owed by a participant under this subsection shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

“(4) Exceptions to reimbursement requirement.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

“(g) Relationship to Educational Assistance Under Montgomery GI Bill.—Except as provided in subsection (e)(3)(C)(iii), the receipt by a participant of a stipend or bonus under subsection (e) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.
“(h) Participation by States.—

“(1) Discharge of state activities through consortia of states.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

“(2) Assistance to states.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants as elementary school teachers, secondary school teachers, and career or technical teachers.

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

“(i) Limitation on total fiscal-year obligations.—The total amount obligated by the Secretary under the Program for any fiscal year may not exceed $15,000,000.”.
(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program."

(e) **CONFORMING AMENDMENT.**—Subparagraph (C) of section 1142(b)(4) of such title is amended by striking "section 2302" and all that follows through the end of the subparagraph and inserting "under section 1154 of this title."

(d) **TERMINATION OF DEPARTMENT OF EDUCATION TROOPS-TO-TEACHERS PROGRAM.**—

(1) **TERMINATION.**—Chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(2) **CLERICAL AMENDMENT.**—The table of contents in section 2 of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to chapter A of subpart 1 of part C of title II of such Act.

(3) **EXISTING AGREEMENTS.**—The repeal of chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) by paragraph (1) shall not affect—
(A) the validity or terms of any agreement entered into under such chapter, as in effect immediately before such repeal, before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a); or

(B) the authority to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a).

SEC. 542. SUPPORT OF NAVAL ACADEMY ATHLETIC AND PHYSICAL FITNESS PROGRAMS.

(a) Authority to Support Programs.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

“§6981. Support of athletic and physical fitness programs

“(a) Authority.—The Secretary of the Navy may enter into agreements, including cooperative agreements (as described in section 6305 of title 31), with the Naval Academy Athletic Association and its successors and assigns (in this section referred to as the ‘association’) to manage any aspect of the athletic and physical fitness programs of the Naval Academy.
“(b) **Authority to Provide Support to Association.**—(1) The Secretary of the Navy may to transfer funds to the association to pay expenses incurred by the association in managing the athletic and physical fitness programs of the Naval Academy.

“(2) The Secretary may provide personal property and the services of members of the naval service and civilian personnel of the Department of the Navy to assist the association in managing the athletic and physical fitness programs of the Naval Academy.

“(c) **Acceptance of Gifts from the Association.**—The Secretary of the Navy may accept from the association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy.

“(d) **Receipt and Retention of Funds from Association and Other Sources.**—(1) The Secretary of the Navy may receive from the association funds generated by the athletic and physical fitness programs of the Naval Academy and any other activity of the association and to retain and use such funds to further the mission of the Naval Academy. Receipt and retention of such funds shall be subject to oversight by the Secretary.

“(2) The Secretary may accept, use, and retain funds from the National Collegiate Athletic Association and to
transfer all or part of those funds to the association for
the support of the athletic and physical fitness programs
of the Naval Academy.

“(e) User Fees.—The Secretary of the Navy may
charge user fees to the association for the association’s
use of Naval Academy facilities for the conduct of summer
athletic camps. Fees collected under this subsection may
be retained for use in support of the Naval Academy ath-
letic program and shall remain available until expended.

“(f) Licensing, Marketing, and Sponsorship
Agreements.—(1) The Secretary of the Navy may enter
into an agreement with the association authorizing the as-
sociation to represent the Department of the Navy in con-
nection with licensing, marketing, and sponsorship agree-
ments relating to trademarks and service marks identi-
fying the Naval Academy, to the extent authorized by the
Chief of Naval Research and in accordance with sections
2260 and 5022 of this title.

“(2) Notwithstanding section 2260(d)(2) of this title,
any funds generated by the licensing, marketing, and
sponsorship under a agreement entered into under para-
graph (1) may be accepted, used, and retained by the Sec-
retary, or transferred by the Secretary to the association,
for—
“(A) payment of the costs of securing trademark registrations and operating of licensing programs; or

“(B) supporting the athletic and physical fitness programs of the Naval Academy.

“(g) AUTHORIZED SERVICE ON BOARD OF DIRECTORS.—The Secretary may authorize members of the naval service and civilian personnel of the Department of the Navy to serve in accordance with sections 1033 and 1589 of this title as members of the governing board of the association.

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

“(1) to qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986;

“(2) to operate in accordance with this section, the laws of the State of Maryland, and the constitution and bylaws of the association; and

“(3) to operate exclusively to support the athletic and physical fitness programs of the Naval Academy.

“(i) CONGRESSIONAL NOTIFICATION.—Not later than 60 days after the date on which the Secretary of the
Navy enters into an agreement under the authority of this section, the Secretary shall provide a copy of the agreement to the congressional defense committees.”

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

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

SEC. 543. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REVIEW OF ACCESS TO MILITARY INSTALLATIONS BY REPRESENTATIVES OF FOR-PROFIT EDUCATIONAL INSTITUTIONS.

(a) REVIEW REQUIRED.—The Inspector General of the Department of Defense shall conduct a review to determine the extent of the access that representatives of for-profit educational institutions have to military installations and whether there are adequate safeguards in place to regulate such access.

(b) ELEMENTS OF REVIEW.—The review shall determine at a minimum the following:

(1) The extent to which representatives of for-profit educational institutions are accessing military installations for marketing and recruitment purposes.

(2) Whether there uniform and robust enforcement of DOD Directive 1344.07.
(3) Whether additional Department rules, policies, or oversight mechanisms should be put in place to regulate such practices.

(c) INSPECTOR GENERAL ACCESS.—The Secretary of Defense shall ensure that the Inspector General has access to all Department of Defense records and military installations for the purpose of conducting the review.

SEC. 544. EXPANSION OF DEPARTMENT OF DEFENSE PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR MILITARY OCCUPATIONAL SPECIALTY SKILLS.

(a) EXPANSION OF PROGRAM.—Subsection (b)(1) of section 558 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2015 note) is amended by striking “or more than five”.

(b) USE OF INDUSTRY-RECOGNIZED CERTIFICATIONS.—Subsection (b) of such section is further amended—

(1) by striking “and” at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:
“(2) consider utilizing industry-recognized cer-
tifications or licensing opportunities for civilian oc-
cupational skills comparable to the specialties or
codes so designated; and’’.

Subtitle F—Decorations and
Awards

SEC. 551. ISSUANCE OF PRISONER-OF-WAR MEDAL.
Section 1128(a)(4) of title 10, United States Code,
is amended by striking ‘‘that are hostile to the United
States,’’.

SEC. 552. AWARD OF PURPLE HEART TO MEMBERS OF THE
ARMED FORCES WHO WERE VICTIMS OF THE
ATTACKS AT RECRUITING STATION IN LITTLE
ROCK, ARKANSAS, AND AT FORT HOOD,
TEXAS.

(a) Award Required.—The Secretary of the mili-
tary department concerned shall award the Purple Heart
to the members of the Armed Forces who were killed or
wounded in the attacks that occurred at the recruiting sta-
tion in Little Rock, Arkansas, on June 1, 2009, and at
Fort Hood, Texas, on November 5, 2009.

(b) Exception.—Subsection (a) shall not apply to
a member of the Armed Forces whose wound was the re-
sult of the willful misconduct of the member.
SEC. 553. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT.—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 554. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO FIRST LIEUTENANT ALONZO H. CUSHING FOR ACTS OF VALOR DURING THE CIVIL WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to then First Lieutenant Alonzo H. Cushing for conspicuous acts
of gallantry and intrepidity at the risk of life and beyond
the call of duty in the Civil War, as described in subsection
(b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor
referred to in subsection (a) are the actions of then First
Lieutenant Alonzo H. Cushing while in command of Bat-
tery A, 4th United States Artillery, Army of the Potomae,
at Gettysburg, Pennsylvania, on July 3, 1863, during the
American Civil War.

SEC. 555. RETROACTIVE AWARD OF ARMY COMBAT ACTION
BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the
Army may award the Army Combat Action Badge (estab-
lished by order of the Secretary of the Army through
Headquarters, Department of the Army Letter 600–05–
1, dated June 3, 2005) to a person who, while a member
of the Army, participated in combat during which the per-
son personally engaged, or was personally engaged by, the
defense at any time during the period beginning on Decem-
ber 7, 1941, and ending on September 18, 2001 (the date
of the otherwise applicable limitation on retroactivity for
the award of such decoration), if the Secretary determines
that the person has not been previously recognized in an
appropriate manner for such participation.
(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

SEC. 556. REPORT ON NAVY REVIEW, FINDINGS, AND ACTIONS PERTAINING TO MEDAL OF HONOR NOMINATION OF MARINE CORPS SERGEANT RAFAEL PERALTA.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the Navy review, findings, and actions pertaining to the Medal of Honor nomination of Marine Corps Sergeant Rafael Peralta. The report shall account for all evidence submitted with regard to the case.
Subtitle G—Defense Dependents’ Education and Military Family Readiness Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) Assistance to Schools with Significant Numbers of Military Dependent Students.—Of the amount authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) Assistance to Schools with Enrollment Changes Due to Base Closures, Force Structure Changes, or Force Relocations.—Of the amount authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available only for the
purpose of providing assistance to local educational agencies under subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(c) Local Educational Agency Defined.—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO WERE CARRIED DURING PREGNANCY AT THE TIME OF DEPENDENT-ABUSE OFFENSE COMMITTED BY AN INDIVIDUAL WHILE A MEMBER OF THE ARMED FORCES.

(a) Definition of Dependent Child.—Section (l) of section 1059 of title 10, United States Code, is amended in the matter preceding paragraph (1) by striking “at the time of the dependent-abuse offense resulting in the separation of the former member” and inserting “or eligible spouse or former spouse at the time of the dependent-abuse offense resulting in the separation of the former member or who was carried during pregnancy at the time of the dependent-abuse offense resulting
in the separation of the former member and was subsequently born alive to the eligible spouse or former spouse”.

(b) Determination of Payment Amount.—Subtitle (f) of such section is amended by adding at the end the following new paragraph:

“(4) A payment to a child under this section shall not cover any period during which the child was in utero.”.

(c) Prospective Applicability.—No benefits shall accrue by reason of the amendments made by this section for any month that begins before the date of the enactment of this Act.

SEC. 563. MODIFICATION OF AUTHORITY TO ALLOW DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS TO ENROLL CERTAIN STUDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(k) Enrollment of Relocated Defense Dependents’ Education System Students.—(1) The Secretary of Defense may authorize the enrollment in a Department of Defense education program provided by the Secretary pursuant to subsection (a) of a dependent of a member of the armed forces or a dependent of a Federal employee who is enrolled in the defense dependents’

“(A) the dependents departed the overseas location as a result of an evacuation order;

“(B) the designated safe haven of the dependent is located within reasonable commuting distance of a school operated by the Department of Defense education program; and

“(C) the school possesses the capacity and resources necessary to enable the student to attend the school.

“(2) A dependent described in paragraph (1) who is enrolled in a school operated by the Department of Defense education program pursuant to such paragraph may attend the school only through the end of the school year.

“(l) ENROLLMENT IN VIRTUAL ELEMENTARY AND SECONDARY EDUCATION PROGRAM.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may authorize the enrollment in the virtual elementary and secondary education program established as a component of the Department of Defense education program of a dependent of a member of the armed forces on active duty who—
“(A) is enrolled in an elementary or secondary school operated by a local educational agency or another accredited educational program in the United States (other than a school operated by the Department of Defense education program); and

“(B) immediately before such enrollment, was enrolled in the defense dependents’ education system established under section 1402 of the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921).

“(2) Enrollment of a dependent described in paragraph (1) pursuant to such paragraph shall be on a tuition basis.”.

SEC. 564. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES.

(a) Child Custody Protection.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

“SEC. 208. CHILD CUSTODY PROTECTION.

“(a) Restriction on Temporary Custody Order.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is a service-member, then the court shall require that, upon the return
of the servicemember from deployment, the custody order
that was in effect immediately preceding the temporary
order shall be reinstated, unless the court finds that such
a reinstatement is not in the best interest of the child,
except that any such finding shall be subject to subsection
(b).

“(b) Exclusion of Military Service from Determination of Child’s Best Interest.—If a motion
or a petition is filed seeking a permanent order to modify
the custody of the child of a servicemember, no court may
consider the absence of the servicemember by reason of
deployment, or the possibility of deployment, in deter-
mining the best interest of the child.

“(c) No Federal Jurisdiction or Right of Action or Removal.—Nothing in this section shall create
a Federal right of action or otherwise give rise to Federal
jurisdiction or create a right of removal.

“(d) Preemption.—In any case where State law ap-
plicable to a child custody proceeding involving a tem-
porary order as contemplated in this section provides a
higher standard of protection to the rights of the parent
who is a deploying servicemember than the rights provided
under this section with respect to such temporary order,
the appropriate court shall apply the higher State stand-
ard.
“(e) DEPLOYMENT DEFINED.—In this section, the term ‘deployment’ means the movement or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 18 months pursuant to temporary or permanent official orders—

“(1) that are designated as unaccompanied;

“(2) for which dependent travel is not authorized; or

“(3) that otherwise do not permit the movement of family members to that location.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

SEC. 565. TREATMENT OF RELOCATION OF MEMBERS OF THE ARMED FORCES FOR ACTIVE DUTY FOR PURPOSES OF MORTGAGE REFINANCING.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act is amended by inserting after section 303 (50 U.S.C. App. 533) the following new section:

“SEC. 303A. TREATMENT OF RELOCATION OF SERVICEMEMBERS FOR ACTIVE DUTY FOR PURPOSES OF MORTGAGE REFINANCING.

“(a) TREATMENT OF ABSENCE FROM RESIDENCE DUE TO ACTIVE DUTY.—While a servicemember who is the mortgagor under an existing mortgage does not reside
in the residence that secures the existing mortgage be-
cause of a relocation described in subsection (c)(1)(B), if
the servicemember inquires about or applies for a covered
refinancing mortgage, the servicemember shall be consid-
ered, for all purposes relating to the covered refinancing
mortgage (including such inquiry or application and eligi-
bility for, and compliance with, any underwriting criteria
and standards regarding such covered refinancing mort-
gage) to occupy the residence that secures the existing
mortgage to be paid or prepaid by such covered refi-
nancing mortgage as the principal residence of the service-
member during the period of such relocation.

“(b) LIMITATION.—Subsection (a) shall not apply
with respect to a servicemember who inquires about or ap-
plies for a covered refinancing mortgage if, during the 5-
year period preceding the date of such inquiry or applica-
tion, the servicemember entered into a covered refinancing
mortgage pursuant to this section.

“(c) DEFINITIONS.—In this section:

“(1) EXISTING MORTGAGE.—The term ‘existing
mortgage’ means a mortgage that is secured by a 1-
to 4-family residence, including a condominium or a
share in a cooperative ownership housing associa-
tion, that was the principal residence of a service-
member for a period that—
“(A) had a duration of 13 consecutive months or longer; and

“(B) ended upon the relocation of the servicemember caused by the servicemember receiving military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 18 months that did not allow the servicemember to continue to occupy such residence as a principal residence.

“(2) COVERED REFINANCING MORTGAGE.—The term ‘covered refinancing mortgage’ means any mortgage that—

“(A) is made for the purpose of paying or prepaying, and extinguishing, the outstanding obligations under an existing mortgage or mortgages; and

“(B) is secured by the same residence that secured such existing mortgage or mortgages.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 303 the following new item:

“303A. Treatment of relocation of servicemembers for active duty for purposes of mortgage refinancing.”.
SEC. 566. SENSE OF CONGRESS REGARDING SUPPORT FOR YELLOW RIBBON DAY.

(a) FINDINGS.—Congress makes the following findings:

(1) The hopes and prayers of the American people for the safe return of members of the Armed Forces serving overseas are demonstrated through the proud display of yellow ribbons.

(2) The designation of a “Yellow Ribbon Day” would serve as an additional reminder for all Americans of the continued sacrifice of members of the Armed Forces.

(3) Yellow Ribbon Day would also recognize the history and meaning of the Yellow Ribbon as the symbol of support for members of the Armed Forces and American civilians serving in combat or crisis situations overseas.

(b) SENSE OF CONGRESS.—Congress supports the goals and ideals of Yellow Ribbon Day, observed on April 9th each year, in honor of members of the Armed Forces and American civilians who are serving overseas in defense of the United States apart from their families and loved ones.
Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

SEC. 571. ESTABLISHMENT OF SPECIAL VICTIM TEAMS TO RESPOND TO ALLEGATIONS OF CHILD ABUSE, SERIOUS DOMESTIC VIOLENCE, OR SEXUAL OFFENSES.

(a) Establishment Required.—The Secretary of each military department shall establish special victim teams for the purpose of—

(1) investigating and prosecuting allegations of child abuse, serious domestic violence, or sexual offenses; and

(2) providing support for the victims of such offenses.

(b) Personnel.—A special victim team shall be comprised of specially trained and selected—

(1) investigators from the Defense Criminal Investigative Service, Army Criminal Investigative Command, Naval Criminal Investigative Service, or Air Force Office of Special Investigations;

(2) judge advocates;

(3) victim witness assistance personnel; and

(4) administrative paralegal support personnel.
(c) Training, Selection, and Certification

Standards.—The Secretary of each military department shall prescribe standards for the training, selection, and certification of personnel for special victim teams established by that Secretary.

(d) Time for Establishment.—

(1) Discretion regarding number of teams needed.—The Secretary of a military department shall determine the total number of special victim teams to be established, and prescribe regulations for their management and use, in order to provide effective, timely, and responsive world-wide support for the purposes described in subsection (a). Not later than 270 days after the date of the enactment of this Act, each Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan and time line for the establishment of the special victim teams that the Secretary has determined are needed.

(2) Initial team.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall have available for use at least one special victim team.

(e) Evaluation of Effectiveness.—Not later than 180 days after the date of the enactment of this Act,
the Secretary of Defense shall prescribe the common criteria to be used by the Secretaries of the military departments to measure the effectiveness and impact of the special victim teams from the investigative, prosecutorial, and victim’s perspectives, and require the Secretaries of the military departments to collect and report the data required by the Secretary of Defense.

(f) Special Victim Team Defined.—In this section, the term “special victim team” means a distinct, recognizable group of appropriately skilled professionals who work collaboratively to achieve the purposes described in subsection (a). This section does not require that a special victim team be created as separate military unit or have a separate chain of command.

SEC. 572. ENHANCEMENT TO TRAINING AND EDUCATION FOR SEXUAL ASSAULT PREVENTION AND RESPONSE.

Section 585 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1434) is amended by adding at the end the following new subsections:

“(d) Commanders’ Training.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module in the training for new or prospective commanders at all levels of command.
mand. The training shall be tailored to the responsibilities and leadership requirements of members of the Armed Forces as they are assigned to command positions. Such training shall include the following:

“(1) Fostering a command climate that does not tolerate sexual assault.

“(2) Fostering a command climate in which persons assigned to the command are encouraged to intervene to prevent potential incidents of sexual assault.

“(3) Fostering a command climate that encourages victims of sexual assault to report any incident of sexual assault.

“(4) Understanding the needs of, and the resources available to, the victim after an incident of sexual assault.

“(5) Use of military criminal investigative organizations for the investigation of alleged incidents of sexual assault.

“(6) Available disciplinary options, including court-martial, non-judicial punishment, administrative action, and deferral of discipline for collateral misconduct, as appropriate.

“(e) EXPLANATION TO BE INCLUDED IN INITIAL ENTRY AND ACCESSION TRAINING.—
“(1) REQUIREMENT.—The Secretary of Defense shall require that the matters specified in paragraph (2) be carefully explained to each member of the Army, Navy, Air Force, and Marine Corps at the time of (or within fourteen duty days after)—

“(A) the member’s initial entrance on active duty; or

“(B) the member’s initial entrance into a duty status with a reserve component.

“(2) MATTERS TO BE EXPLAINED.—This subsection applies with respect to the following:

“(A) Department of Defense policy with respect to sexual assault.

“(B) The resources available with respect to sexual assault reporting and prevention and the procedures to be followed by a member seeking to access those resources.”.

SEC. 573. ENHANCEMENT TO REQUIREMENTS FOR AVAILABILITY OF INFORMATION ON SEXUAL ASSAULT PREVENTION AND RESPONSE RESOURCES.

(a) REQUIRED POSTING OF INFORMATION ON SEXUAL ASSAULT PREVENTION AND RESPONSE RESOURCES.—
(1) POSTING.—The Secretary of Defense shall require that there be prominently posted, in accordance with paragraph (2), notice of the following information relating to sexual assault prevention and response, in a form designed to ensure visibility and understanding:

(A) Resource information for members of the Armed Forces, military dependents, and civilian personnel of the Department of Defense with respect to prevention of sexual assault and reporting of incidents of sexual assault.

(B) Contact information for personnel who are designated as Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.

(C) The Department of Defense “hotline” telephone number, referred to as the Safe Helpline, for reporting incidents of sexual assault, or any successor operation.

(2) POSTING PLACEMENT.—Posting under subsection (a) shall be at the following locations, to the extent practicable:

(A) Any Department of Defense duty facility.
(B) Any Department of Defense dining facility.

(C) Any Department of Defense multi-unit residential facility.

(D) Any Department of Defense health care facility.

(E) Any Department of Defense commissary or exchange.

(F) Any Department of Defense Community Service Agency.

(G) Any Department of Defense website.

(b) NOTICE TO VICTIMS OF AVAILABLE ASSISTANCE.—The Secretary of Defense shall require that procedures in the Department of Defense for responding to a complaint or allegation of sexual assault submitted by or against a member of the Armed Forces include prompt notice to the person making the complaint or allegation of the forms of assistance available to that person from the Department of Defense and, to the extent known to the Secretary, through other departments and agencies, including State and local agencies, and other sources.
SEC. 574. MODIFICATION OF ANNUAL DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS REGARDING SEXUAL ASSAULTS.

(a) Greater Detail in Case Synopses Portion of Report.—Section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note) is amended by adding at the end the following new subsection:

“(f) Additional Details for Case Synopses Portion of Report.—The Secretary of each military department shall include in the case synopses portion of each report described in subsection (b)(3) the following additional information:

“(1) If an Article 32 Investigating Officer recommends dismissal of the charges against a member of the Armed Forces accused of committing a sexual assault, the case synopsis shall explicitly state the reasons for that recommendation.

“(2) If the case synopsis states that a member of the Armed Forces accused of committing a sexual assault was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court martial, the case synopsis shall include the characterization (honorable, general, or other than
honorable) given the service of the member upon
separation.

“(3) The case synopsis shall indicate whether a
member of the Armed Forces accused of committing
a sexual assault was ever previously accused of a
substantiated sexual assault.

“(4) The case synopsis shall indicate the branch
of the Armed Forces of each member accused of
committing a sexual assault and the branch of the
Armed Forces of each member who is a victim of a
sexual assault.

“(5) If the case disposition includes non-judicial
punishment, the case synopsis shall explicitly state
the nature of the punishment.

“(6) If alcohol was involved in any way in a
substantiated sexual assault incident, the case syn-
opsis shall specify whether the member of the Armed
Forces accused of committing the sexual assault had
previously been ordered to attend substance abuse
counseling.”.

(b) APPLICATIONS FOR CERTAIN TRANSFERS BY
SEXUAL ASSAULT VICTIMS.—Subsection (b) of such sec-
tion is amended by adding at the end the following new
paragraph:
“(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why the application was denied.”.

(c) Application of Amendments.—The amendments made by this section shall apply beginning with the report regarding sexual assaults involving members of the Armed Forces required to be submitted by March 1, 2013, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

SEC. 575. INCLUSION OF SEXUAL HARASSMENT INCIDENTS IN ANNUAL DEPARTMENT OF DEFENSE REPORTS ON SEXUAL ASSAULTS.

Effective with the report required to be submitted by March 1, 2013, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note), the Secretary of each military department shall include in each annual report required by that section information on sexual harassment involving members of the
Armed Forces under the jurisdiction of that Secretary during the preceding year. For purposes of complying with this section, the Secretary of the military department concerned shall apply subsection (b) of such section 1631 by substituting the term “sexual harassment” for “sexual assault” each place it appears in paragraphs (1) through (4) of such subsection.

SEC. 576. CONTINUED SUBMISSION OF PROGRESS REPORTS REGARDING CERTAIN INCIDENT INFORMATION MANAGEMENT TOOLS.

(a) Reports Required.—Not later than August 28, 2012, and every six months thereafter until the date determined under subsection (b), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the progress made during the previous six months to ensure that both of the following are fully functional and operational:

(1) The Defense Incident-Based Reporting System.

(2) The Defense Sexual Assault Incident Database.

(b) Duration of Reporting Requirement.—The reporting requirement imposed by subsection (a) shall continue until the date on which the Secretary of Defense
certifies, in a report submitted under such subsection, that—

(1) the Defense Incident-Based Reporting System and the Defense Sexual Assault Incident Database are fully functional and operational throughout the Department of Defense; and

(2) each of the military departments is using the Defense Incident-Based Reporting System or providing data for inclusion in the Defense Sexual Assault Incident Database.

(c) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 598 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2345; 10 U.S.C. 113 note) is repealed.

SEC. 577. BRIEFINGS ON DEPARTMENT OF DEFENSE ACTIONS REGARDING SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES.

Not later than October 31, 2012, and April 30, 2013, the Secretary of Defense (or the designee of the Secretary of Defense) shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing that outlines efforts by the Department of Defense to implement—
(1) subtitle H of title V of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1430) and the amendments made by that subtitle;

(2) the additional initiatives announced by the Secretary of Defense on April 17, 2012, to address sexual assault involving members of the Armed Forces; and

(3) any other initiatives, policies, or programs being undertaken by the Secretary of Defense and the Secretaries of the military departments to address sexual assault involving members of the Armed Forces.

SEC. 578. ARMED FORCES WORKPLACE AND GENDER RELATIONS SURVEYS.

(a) ADDITIONAL CONTENT OF SURVEYS.—Subsection (c) of section 481 of title 10, United States Code, is amended—

(1) by striking “harassment and discrimination” and inserting “harassment, assault, and discrimination”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):
“(2) The specific types of assault that have occurred, and the number of times each respondent has been assaulted during the preceding year.”;
(4) in paragraph (4), as so redesignated, by striking “discrimination” and inserting “discrimination, harassment, and assault”; and
(5) by adding at the end the following new paragraph
“(5) Any other issues relating to discrimination, harassment, or assault as the Secretary of Defense considers appropriate.”.
(b) TIME FOR CONDUCTING OF SURVEYS.—Such section is further amended—
(1) in subsection (a)(1), by striking “four quadrennial surveys (each in a separate year)” and inserting “four surveys”; and
(2) by striking subsection (d) and inserting the following new subsection:
“(d) WHEN SURVEYS REQUIRED.—(1) One of the two Armed Forces Workplace and Gender Relations Surveys shall be conducted in 2014 and then every second year thereafter and the other Armed Forces Workplace and Gender Relations Survey shall be conducted in 2015 and then every second year thereafter, so that one of the two surveys is being conducted each year.
“(2) The two Armed Forces Workplace and Equal Opportunity Surveys shall be conducted at least once every four years. The two surveys may not be conducted in the same year.”.

SEC. 579. REQUIREMENT FOR COMMANDERS TO CONDUCT ANNUAL ORGANIZATIONAL CLIMATE ASSESSMENTS.

(a) REQUIREMENT.—The Secretary of Defense shall require the commander of each covered unit to conduct an organizational climate assessment within 120 days after the commander assumes command and annually thereafter.

(b) DEFINITIONS.—In this section:

(1) COVERED UNIT.—The term “covered unit” means any organizational element of the Armed Forces (other than the Coast Guard) with more than 50 members assigned, including any such element of a reserve component.

(2) ORGANIZATIONAL CLIMATE ASSESSMENT.—The term “organizational climate assessment” means an assessment intended to obtain information about the positive and negative factors that may have an impact on unit effectiveness and readiness by measuring matters relating to human relations.
climate such as prevention and response to sexual assault and equal opportunity.

SEC. 580. ADDITIONAL REQUIREMENTS FOR ORGANIZATIONAL CLIMATE ASSESSMENTS.

(a) ELEMENTS OF ASSESSMENTS.—An organizational climate assessment shall include avenues for members of the Armed Forces to express their views on how their leaders, including commanders, are responding to allegations of sexual assault and complaints of sexual harassment. The Secretary of Defense shall require the Office of Diversity Management and Equal Opportunity and the Sexual Assault Prevention and Response Office to ensure equal opportunity advisors and officers of the Sexual Assault Prevention and Response Office are available to conduct these assessments.

(b) ENSURING COMPLIANCE.—

(1) IN GENERAL.—The Secretary of Defense shall direct the Secretaries of the military departments to verify and track the compliance of commanding officers in conducting organizational climate assessments.

(2) IMPLEMENTATION.—No later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on
Armed Services of the Senate and House of Representatives a report containing—

(A) a description of the progress of the development of the system that will verify and track the compliance of commanding officers in conducting organizational climate assessments; and

(B) an estimate of when the system will be completed and implemented.

(c) Consultation.—In developing the sexual harassment and sexual assault portion of an organizational climate assessment, the Secretary of Defense shall consult with representatives of the following:

(1) The Sexual Assault Prevention and Response Office.

(2) The Office of Diversity Management.

(3) Appropriate non-Governmental organizations that have expertise in areas related to sexual harassment and sexual assault in the Armed Forces.

(d) Relation to Other Reporting Requirements.—The reporting requirements of this section are in addition to, and an expansion of, the Armed Forces Workplace and Gender Relations Surveys required by section 481 of title 10, United States Code.
SEC. 581. REVIEW OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT AND SUBSEQUENT SEPARATION OF MEMBERS MAKING SUCH REPORTS.

(a) Review Required.—The Secretary of Defense shall conduct a review of all unrestricted reports of sexual assault made by members of the Armed Forces since October 1, 2000, to determine the number of members who were subsequently separated from the Armed Forces and the circumstances of and grounds for such separation.

(b) Elements of Review.—The review shall determine at a minimum the following:

(1) For each member who made an unrestricted report of sexual assault and was subsequently separated, the reason provided for the separation and whether the member requested an appeal.

(2) For each member separated on the grounds of having a personality disorder, whether the separation was carried out in compliance with Department of Defense Instruction 1332.14.

(3) For each member who requested an appeal, the basis and results of the appeal.

(c) Submission of Results.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the review.
SEC. 582. LIMITATION ON RELEASE FROM ACTIVE DUTY OR
RECALL TO ACTIVE DUTY OF RESERVE COMPONENT MEMBERS WHO ARE VICTIMS OF
SEXUAL ASSAULT WHILE ON ACTIVE DUTY.

(a) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

§ 12323. Active duty for response to sexual assault

“(a) CONTINUATION ON ACTIVE DUTY.—In the case of a member of a reserve component who is the alleged victim of sexual assault committed while on active duty and who is expected to be released from active duty before the determination of whether the member was assaulted while in the line of duty, the Secretary concerned may, upon the request of the member, order the member to be retained on active duty until the line of duty determination, but not to exceed 180 days beyond the original expiration of active duty date. A member eligible for continuation on active duty under this subsection shall be informed as soon as practicable after the alleged assault of the option to request continuation on active duty under this subsection.

“(b) RETURN TO ACTIVE DUTY.—In the case of a member of a reserve component not on active duty who is the alleged victim of a sexual assault that occurred while the member was on active duty and when the determina-
tion whether the member was in the line of duty is not completed, the Secretary concerned may, upon the request of the member, order the member to active duty for such time as necessary to complete the line of duty determination, but not to exceed 180 days.

“(c) REGULATIONS.—The Secretaries of the military departments shall prescribe regulations to carry out this section, subject to guidelines prescribed by the Secretary of Defense. The guidelines of the Secretary of Defense shall provide that—

“(1) a request submitted by a member described in subsection (a) or (b) to continue on active duty, or to be ordered to active duty, respectively, must be decided within 30 days from the date of the request; and

“(2) if the request is denied, the member may appeal to the first general officer or flag officer in the chain of command of the member, and in the case of such an appeal a decision on the appeal must be made within 15 days from the date of the appeal.”.

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

“12323. Active duty for response to sexual assault.”.
SEC. 583. INCLUSION OF INFORMATION ON SUBSTANTIATED REPORTS OF SEXUAL HARASSMENT IN MEMBER’S OFFICIAL SERVICE RECORD.

(a) INCLUSION.—If a complaint of sexual harassment is made against a member of the Army, Navy, Air Force, or Marine Corps and the complaint is substantiated, a notation to that effect shall be placed in the service record of the member, regardless of the member’s rank, for the purpose of—

(1) reducing the likelihood that a member who has committed sexual harassment can commit the same offense multiple times without suffering the appropriate consequences; and

(2) alerting commanders of the background of the members of their command, so the commanders have better awareness of its members, especially as members are transferred.

(b) DEFINITION OF SUBSTANTIATED.—For purposes of implementing this section, the Secretary of Defense shall use the definition of substantiated developed for the annual report on sexual assaults involving members of the Armed Forces prepared under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note).
SEC. 584. SENSE OF CONGRESS ON MILITARY SEXUAL

TRAUMA.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Defense conducted a survey of members of the Armed Forces serving on active duty that revealed that only 13.5 percent of such members reported incidents of sexual assault, which means that more than 19,000 incidents of sexual assault of members of the Armed Forces actually occurred in 2010 alone.

(2) Despite attempts, the Department of Defense has failed to address the chronic under reporting of incidents of sexual assault and harassment, as by the Department’s own estimates, 86 percent of sexual assaults went unreported in 2010.

(3) Sexual assault in the military is an ongoing problem leading many victims to seek help after separation from the Armed Forces from the Department of Veterans Affairs.

(4) About 1 in 5 women and 1 in 100 men seen in Veterans Health Administration respond “Yes” when screened for military sexual trauma.

(5) Among users of healthcare provided by the Department of Veterans Affairs, medical record data indicates that diagnoses of post-traumatic stress disorder and other anxiety disorders, depression and
other mood disorders, and substance use disorders are most frequently associated with military sexual trauma.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the Secretary of Veterans Affairs should expand efforts to raise awareness about military sexual trauma and the treatment and services that the Department provides to victims; and

(2) in light of the fact that the available data shows an overwhelming number of military sexual trauma claims go unreported within the Department of Defense, making it very difficult for veterans to show proof of the assault when filing claims with the Department of Veterans Affairs for post-traumatic stress disorder and other mental health conditions caused by military sexual trauma, the Secretary of Veterans Affairs should review the disability process to ensure that victims of military sexual trauma who file claims for service connection do not face unnecessary or overly burdensome requirements in order to claim disability benefits with the Department.
SEC. 585. CORRECTION OF MILITARY RECORDS OF MEMBERS OF THE ARMED FORCES WHO EXPERIENCE RETALIATORY PERSONNEL ACTIONS FOR MAKING A REPORT OF SEXUAL ASSAULT OR SEXUAL HARASSMENT.

The Secretary of Defense shall conduct a general education campaign to notify members of the Armed Forces regarding the authorities available under chapter 79 of title 10, United States Code, for the correction of military records when a member experiences any retaliatory personnel action for making a report of sexual assault or sexual harassment.

SEC. 586. DEPARTMENT OF DEFENSE SEXUAL ASSAULT AND HARASSMENT OVERSIGHT AND ADVISORY COUNCIL.

(a) In general.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 188. Sexual Assault and Harassment Oversight and Advisory Council

“(a) Establishment.—There is a Sexual Assault and Harassment Oversight and Advisory Council (in this section referred to as the ‘Council’).

“(b) Membership.—(1) The Council shall be comprised of individuals appointed by the Secretary of Defense who are experts and professionals in the fields of
sexual assault and harassment, judicial proceedings involving sexual assault or harassment, or treatment for sexual assault or harassment. At a minimum, the Council shall include as members the following:

“(A) The Director of the Sexual Assault Prevention and Response Office of the Department of Defense.

“(B) The Judge Advocates General of the Army, Navy, and Air Force.

“(C) A judge advocate from the Army, Navy, Air Force, and Marine Corps with experience in prosecuting sexual assault cases.

“(D) A Department of Justice representative with experience in prosecuting sexual assault cases.

“(E) An individual who has extensive experience in providing assistance to sexual assault victims.

“(F) An individual who has expertise the civilian judicial system with respect to sexual assault.

“(2) Subject to paragraph (3), members shall be appointed for a term of two years. A member may serve after the end of the member’s term until the member’s successor takes office.

“(3) If a vacancy occurs in the Council, the vacancy shall be filled in the same manner as the original appoint-
ment. A member of the Council appointed to fill a vacancy occurring before the end of the term for which the member's predecessor was appointed shall only serve until the end of such term.

“(c) CHAIRMAN; MEETINGS.—(1) The Council shall elect a chair from among its members.

“(2) The Council shall meet not less often than once every year.

“(3) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

“(d) ADMINISTRATIVE PROVISIONS.—(1) Each member of the Council who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Executive Schedule Level IV under section 5315 of title 5, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. Members of the Council who are officers or employees of the United States shall serve
without compensation in addition to that received for their services as officers or employees of the United States.

“(2) The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Council.

“(e) Responsibilities.—The Council shall be responsible for providing oversight and advice to the Secretary of Defense and the Secretaries of the military departments on the activities and implementation of policies and programs developed by the Sexual Assault Prevention and Response Office, including any modifications to the Uniform Code of Military Justice, in response to sexual assault and harassment.

“(f) Annual Report.—Not later than March 31 of each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report that describes the activities of the Council during the preceding year and contains such recommendations as the Council considers appropriate to improve sexual assault prevention and treatment programs and policies of the Department of Defense.”.
(b) **Clerical Amendment.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“188. Sexual Assault and Harassment Oversight and Advisory Council.”

**Subtitle I—Other Matters**

**SEC. 590. INCLUSION OF FREELY ASSOCIATED STATES WITHIN SCOPE OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.**

Section 2031(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) If a secondary educational institution in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau otherwise meets the conditions imposed by subsection (b) on the establishment and maintenance of units of the Junior Reserve Officers’ Training Corps, the Secretary of a military department may establish and maintain a unit of the Junior Reserve Officers’ Training Corps at the secondary educational institution even though the secondary educational institution is not a United States secondary educational institution.”

**SEC. 591. PRESERVATION OF EDITORIAL INDEPENDENCE OF STARS AND STRIPES.**

To preserve the actual and perceived editorial and management independence of the Stars and Stripes news-
paper, the Secretary of Defense shall extend the lease for the commercial office space in the District of Columbia currently occupied by the editorial and management operations of the Stars and Stripes newspaper until such time as the Secretary provides space and information technology and other support for such operations in a Government-owned facility in the National Capital Region geographically remote from facilities of the Defense Media Activity at Fort Meade, Maryland.

SEC. 592. SENSE OF CONGRESS REGARDING DESIGNATION OF BUGLE CALL COMMONLY KNOWN AS “TAPS” AS NATIONAL SONG OF REMEMBRANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The bugle call commonly known as “Taps” is known throughout the United States.

(2) In July 1862, following the Seven Days Battles, Union General Daniel Butterfield and bugler Oliver Willeox Norton created “Taps” at Berkeley Plantation, Virginia, as a way to signal the end of daily military activities.

(3) “Taps” is now established by the uniformed services as the last call of the day and is sounded at the completion of a military funeral.
(4) “Taps” has become the signature, solemn musical farewell for members of the uniformed services and veterans who have faithfully served the United States during times of war and peace.

(5) Over its 150 years of use, “Taps” has been woven into the historical fabric of the United States.

(6) When sounded, “Taps” summons emotions of loss, pride, honor, and respect and encourages Americans to remember patriots who served the United States with honor and valor.

(7) The 150th anniversary of the writing of “Taps” will be observed with events culminating in June 2012 with a rededication of the Taps Monument at Berkley Plantation, Virginia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the bugle call commonly known as “Taps” should be designated as the National Song of Remembrance.

SEC. 593. RECOMMENDED CONDUCT DURING SOUNDING OF BUGLE CALL COMMONLY KNOWN AS “TAPS”.

(a) CONDUCT DURING SOUNDING OF “TAPS”.—Chapter 3 of title 36, United States Code, is amended by adding at the end the following new section:
§ 306. Conduct during sounding of ‘Taps’

(a) DEFINITION.—In this section, the term ‘Taps’ refers to the bugle call consisting of 24 notes normally sounded on a bugle or trumpet without accompaniment or embellishment as the last call of the day on a military base, at the completion of a military funeral, or on other occasions as the solemn musical farewell to members of the uniform services and veterans.

(b) CONDUCT DURING SOUNDING.—

(1) IN GENERAL.—During a performance of Taps—

(A) all present, except persons in uniform, should stand at attention with the right hand over the heart;

(B) men not in uniform should remove their headdress with their right hand and hold the headdress at the left shoulder, the hand being over the heart; and

(C) persons in uniform should stand at attention and give the military salute at the first note of Taps and maintain that position until the last note.

(2) EXCEPTION.—Paragraph (1) shall not apply when Taps is sounded as the final bugle call of the day at a military base.
“(c) Definition of Military Base.—In this section, the term ‘military base’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam.”.

(b) Conforming and Clerical Amendments.—

(1) Chapter heading.—The heading of chapter 3 of title 36, United States Code, is amended to read as follows:

“CHAPTER 3—NATIONAL ANTHEM, MOTTO, AND OTHER NATIONAL DESIGNATIONS”.

(2) Table of chapters.—The item relating to chapter 3 in the table of chapters for such title is amended to read as follows:

“3. National Anthem, Motto, and Other National Designations .............. 301”.

(3) Table of sections.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“306. Conduct during sounding of ‘Taps’.”.
SEC. 594. INSPECTION OF MILITARY CEMETERIES UNDER THE JURISDICTION OF DEPARTMENT OF DEFENSE.

(a) DOD INSPECTOR GENERAL INSPECTION OF ARLINGTON NATIONAL CEMETERY AND UNITED STATES SOLDIERS’ AND AIRMEN’S HOME NATIONAL CEMETERY.—Section 1(d) of Public Law 111–339; 124 Stat. 3592) is amended—

(1) in paragraph (1), by striking “The Secretary” in the first sentence and inserting “Subject to paragraph (2), the Secretary”; and

(2) in paragraph (2), by adding at the end the following new sentence: “However, in the case of the report required to be submitted during 2013, the assessment described in paragraph (1) shall be conducted, and the report shall be prepared and submitted, by the Inspector General of the Department of Defense instead of the Secretary of the Army.”.

(b) TIME FOR SUBMISSION OF REPORT AND PLAN OF ACTION REGARDING INSPECTION OF CEMETERIES AT MILITARY INSTALLATIONS.—Section 592(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1443) is amended—

(1) by striking “December 31, 2012” and inserting “June 29, 2013”; and
(2) by striking “April 1, 2013” and inserting “October 1, 2013”.

SEC. 595. PILOT PROGRAM TO PROVIDE TRANSITIONAL ASSISTANCE TO MEMBERS OF THE ARMED FORCES WITH A FOCUS ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) Program Authority.—The Secretary of Defense may conduct one or more pilot programs to provide transitional assistance for members of the Armed Forces leaving active duty that focuses on assisting the members to transition into the fields of science, technology, engineering, and mathematics to address the shortage of expertise within the Department of Defense in those fields.

(b) Cooperation With Educational Institutions.—The Secretary of Defense may enter into an agreement with an institution of higher education to provide for the management and execution of a pilot program under this section. The institution of higher education must agree to allow the translation of military experience and training into course credit and provide for the transfer of previously received credit through local community colleges and other accredited institutions of higher education.

(c) Duration.—Any pilot program established under the authority of this section may not operate for more than three academic years.
(d) REPORTING REQUIREMENT.—At the conclusion of a pilot program under this section, the Secretary of Defense shall submit to the congressional defense committee a report on the results of the pilot program, including the cost incurred to conduct the program, the number of participants of the program, and the outcomes for the participants of the program.

SEC. 596. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF CERTAIN MEMBERS OF THE ARMED FORCES KILLED IN THURSTON ISLAND, ANTARCTICA.

(a) FINDINGS.—Congress makes the following findings:

(1) Commencing August 26, 1946, though late February 1947 the United States Navy Antarctic Developments Program Task Force 68, codenamed “Operation Highjump” initiated and undertook the largest ever-to-this-date exploration of the Antarctic continent.

(2) The primary mission of the Task Force 68 organized by Rear Admiral Richard E. Byrd Jr. USN, (Ret) and led by Rear Admiral Richard H. Cruzen, USN, was to do the following:

(A) Establish the Antarctic research base Little America IV.
(B) In the defense of the United States of America from possible hostile aggression from abroad - to train personnel test equipment, develop techniques for establishing, maintaining and utilizing air bases on ice, with applicability comparable to interior Greenland, where conditions are similar to those of the Antarctic.

(C) Map and photograph a full two-thirds of the Antarctic Continent during the classified, hazardous duty/volunteer-only operation involving 4700 sailors, 23 aircraft and 13 ships including the first submarine the U.S.S. Sennet, and the aircraft carrier the U.S.S. Philippine Sea, brought to the edge of the ice pack to launch (6) Navy ski-equipped, rocket-assisted R4Ds.

(D) Consolidate and extend United States sovereignty over the largest practicable area of the Antarctic continent.

(E) Determine the feasibility of establishing, maintaining and utilizing bases in the Antarctic and investigating possible base sites.

(3) While on a hazardous duty/all volunteer mission vital to the interests of National Security and while over the eastern Antarctica coastline
known as the Phantom Coast, the PBM–5 Martin Mariner “Flying Boat” “George 1” entered a whiteout over Thurston Island. As the pilot attempted to climb, the aircraft grazed the glacier’s ridgeline and exploded within 5 seconds instantly killing Ensign Maxwell Lopez, Navigator and Wendell “Bud” Hendersin, Aviation Machinists Mate 1st Class while Frederick Williams, Aviation Radioman 1st Class died several hours later. Six other crewmen survived including the Captain of the “George 1’s” seaplane tender U.S.S. Pine Island.

(4) The bodies of the dead were protected from the desecration of Antarctic scavenging birds (Skuas) by the surviving crew wrapping the bodies and temporarily burying the men under the starboard wing engine nacelle.

(5) Rescue requirements of the “George-1” survivors forced the abandonment of their crewmates’ bodies.

(6) Conditions prior to the departure of Task Force 68 precluded a return to the area to recover the bodies.

(7) For nearly 60 years Navy promised the families that they would recover the men: “If the safety, logistical, and operational prerequisites allow
a mission in the future, every effort will be made to
bring our sailors home.”.

(8) The Joint POW/MIA Accounting Command
twice offered to recover the bodies of this crew for
Navy.

(9) A 2004 NASA ground penetrating radar
overflight commissioned by Navy relocated the crash
site three miles from its crash position.

(10) The Joint POW/MIA Accounting Com-
mand offered to underwrite the cost of an aerial
ground penetrating radar (GPR) survey of the crash
site area by NASA.

(11) The Joint POW/MIA Accounting Com-
mand studied the recovery with the recognized recov-
ery authorities and national scientists and deter-
mined that the recovery is only “medium risk”.

(12) National Science Foundation and sci-
entists from the University of Texas, Austin, regu-
larly visit the island.

(13) The crash site is classified as a “perishable
site”, meaning a glacier that will calve into the
Bellingshausen Sea.

(14) The National Science Foundation main-
tains a presence in area - of the Pine Island Glacier.
(15) The National Science Foundation Director of Polar Operations will assist and provide assets for the recovery upon the request of Congress.

(16) The United States Coast Guard is presently pursuing the recovery of 3 WWII air crewmen from similar circumstances in Greenland.

(17) On Memorial Day, May 25, 2009, President Barack Obama declared: "* * * the support of our veterans is a sacred trust * * * we need to serve them as they have served us * * * that means bringing home all our POWs and MIAs * * *".

(18) The policies and laws of the United States of America require that our armed service personnel be repatriated.

(19) The fullest possible accounting of United States fallen military personnel means repatriating living American POWs and MIAs, accounting for, identifying, and recovering the remains of military personnel who were killed in the line of duty, or providing convincing evidence as to why such a repatriation, accounting, identification, or recovery is not possible.

(20) It is the responsibility of the Federal Government to return to the United States for proper
burial and respect all members of the Armed Forces
killed in the line of duty who lie in lost graves.

(b) SENSE OF CONGRESS.—In light of the findings
under subsection (a), Congress—

(1) reaffirms its support for the recovery and
return to the United States, the remains and bodies
of all members of the Armed Forces killed in the
line of duty, and for the efforts by the Joint POW-
MIA Accounting Command to recover the remains of
members of the Armed Forces from all wars, con-

flicts and missions;

(2) recognizes the courage and sacrifice of all
members of the Armed Forces who participated in
Operation Highjump and all missions vital to the
national security of the United States of America;

(3) acknowledges the dedicated research and ef-
forts by the US Geological Survey, the National
Science Foundation, the Joint POW/MIA Account-
ing Command, the Fallen American Veterans Foun-
dation and all persons and organizations to identify,
locate, and advocate for, from their temporary Ant-
artic grave, the recovery of the well-preserved fro-
zen bodies of Ensign Maxwell Lopez, Naval Aviator,
Frederick Williams, Aviation Machinist’s Mate 1ST
Class, Wendell Hendersin, Aviation Radioman 1ST Class of the “George 1” explosion and crash; and

(4) encourages the Department of Defense to review the facts, research and to pursue new efforts to undertake all feasible efforts to recover, identify, and return the well-preserved frozen bodies of the “George 1” crew from Antarctica’s Thurston Island.

SEC. 597. REPORT ON EFFECTS OF MULTIPLE DEPLOYMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the effects of multiple deployments on the well-being of military personnel and any recommended changes to health evaluations prior to redeployments.

SEC. 598. ESTABLISHMENT OF CHAIN OF COMMAND FOR ARMY NATIONAL MILITARY CEMETERIES.

(a) MILITARY CHAIN OF COMMAND REQUIRED.—The Secretary of the Army shall establish a chain of command for the Army National Military Cemeteries, to include a military commander of the Army National Military Cemeteries to replace the current civilian director upon the termination of the tenure of the director.

(b) CONFORMING AMENDMENT.—Section 4724(a)(1) of title 10, United States Code, is amended by striking
“who shall meet” and inserting “who is a commissioned officer and meets”.

SEC. 599. MILITARY SALUTE DURING RECITATION OF PLEDGE OF ALLEGIANCE BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 4 of title 4, United States Code, is amended by adding at the end the following new sentence: “Members of the Armed Forces not in uniform and veterans may render the military salute in the manner provided for persons in uniform.”.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2013 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2013 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2013, the rates of monthly basic pay for members of the uniformed services are increased by 1.7 percent.
SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEMBER COUPLES WHEN ONE MEMBER IS ON SEA DUTY.

(a) In General.—Subparagraph (C) of section 403(f)(2) of title 37, United States Code, is amended to read as follows:

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

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2013.

SEC. 603. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) The rate of basic allowance for housing to be paid to a member of the Army National Guard of the United States or the Air National Guard of the United States.
States shall not be reduced upon the transition of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service.

“(B) For the purposes of this paragraph, a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.”

SEC. 604. MODIFICATION OF PROGRAM GUIDANCE RELATING TO THE AWARD OF POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE ADMINISTRATIVE ABSENCE DAYS TO MEMBERS OF THE RESERVE COMPONENTS UNDER DOD INSTRUCTION 1327.06.

Effective as of October 1, 2011, the changes made by the Secretary of Defense to the Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components under DOD Instruction 1327.06 shall not apply to a member of a reserve component whose qualified mobilization (as described in such program guidance) commenced before October 1, 2011, and continued on or after that date until the date the mobilization is terminated.
SEC. 605. PAYMENT OF BENEFIT FOR NONPARTICIPATION
OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE
PROGRAM DUE TO GOVERNMENT ERROR.

(a) Payment of Benefit.—

(1) In general.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of $200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) Covered individuals.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) Deceased Individuals.—
(1) Applications.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual’s legal representative.

(2) Payment.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) Payment in Lieu of Administrative Absence.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) Construction.—

(1) Construction with other pay.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) Construction of authority.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and
(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) Payments Subject to Availability of Appropriations.—No cash payment may be made under subsection (a) unless the funds to be used to make the payments are available pursuant to an appropriations Act enacted after the date of enactment of this Act.

(f) Funding Offset.—The Secretary of Defense shall transfer $2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(g) Definitions.—In this section, the terms “Post-Deployment/Mobilization Respite Absence program” and “Secretary concerned” have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2350).
Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

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

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

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

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

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.
(7) Section 408a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

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

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.
(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

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

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

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

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

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”: 
(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

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

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

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

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

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

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

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

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.
(6) Section 351(h), relating to hazardous duty pay.

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

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

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

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

(2) Section 307a(g), relating to assignment incentive pay.

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

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

(5) Section 324(g), relating to accession bonus for new officers in critical skills.
(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

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

SEC. 616. INCREASE IN MAXIMUM AMOUNT OF OFFICER AFFILIATION BONUS FOR OFFICERS IN THE SELECTED RESERVE.

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

SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE BONUS FOR RESERVE COMPONENT MEMBERS WHO CONVERT MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGES.

Section 326(c)(1) of title 37, United States Code, is amended by striking “$4,000, in the case of a member of a regular component of the armed forces, and $2,000, in the case of a member of a reserve component of the armed forces.” and inserting “$4,000.”.
Subtitle C—Travel and Transportation Allowances Generally

SEC. 621. TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR MEMBERS RECEIVING CARE IN A RESIDENTIAL TREATMENT PROGRAM.

(a) AUTHORIZED TRAVEL AND TRANSPORTATION.—

Subsection (a) of section 481k of title 37, United States Code, is amended—

(1) by inserting “(1)” before “Under uniform regulations”; and

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

“(2) Travel and transportation described in subsection (d) also may be provided for a qualified non-medical attendant for a member of the uniformed services who is receiving care in a residential treatment program if the attending physician or other mental health professional and the commander or head of the military medical facility exercising control over the member determine that the presence and participation of such an attendant is essential to the treatment of the member.”.

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

(1) in subsection (b)—
(A) by striking “covered member” in the matter preceding paragraph (1) and inserting “member”; and

(B) in paragraph (2), by striking “surgeon and the commander or head of the military medical facility” and inserting “surgeon (or mental health professional in the case of a member described in subsection (a)(2)) and the commander or head of the military medical facility exercising control over the member”; and

(2) in subsection (c), by striking “this section” in the matter preceding paragraph (1) and inserting “subsection (a)(1)”.

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

SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TWO YEARS OF COMMISSARY AND EXCHANGE BENEFITS AFTER SEPARATION.

(a) EXTENSION OF AUTHORITY.—Section 1146 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “2012” and inserting “2018”; and

(2) in subsection (b), by striking “2012” and inserting “2018”.

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(b) **CORRECTION OF REFERENCE TO ADMINISTERING SECRETARY.**—Such section is further amended—

(1) in subsection (a), by striking “The Secretary of Transportation” and inserting “The Secretary concerned”; and

(2) in subsection (b), by striking “The Secretary of Homeland Security” and inserting “The Secretary concerned”.

SEC. 632. **TRANSITIONAL USE OF MILITARY FAMILY HOUSING.**

(a) **RESUMPTION OF AUTHORITY TO AUTHORIZE TRANSITIONAL USE.**—Subsection (a) of section 1147 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “October 1, 1990, and ending on December 31, 2001” and inserting “October 1, 2012, and ending on December 31, 2018”; and

(2) in paragraph (2), by striking “October 1, 1994, and ending on December 31, 2001” and inserting “October 1, 2012, and ending on December 31, 2018”.

(b) **PROHIBITION ON PROVISION OF TRANSITIONAL BASIC ALLOWANCE FOR HOUSING.**—Such section is further amended by adding at the end the following new subsection:
“(c) No Transitional Basic Allowance for Housing.—Nothing in this section shall be construed to authorize the Secretary concerned to continue to provide for any period of time to an individual who is involuntary separated all or any portion of a basic allowance for housing to which the individual was entitled under section 403 of title 37 immediately before being involuntarily separated, even in cases in which the individual or members of the individual’s household continue to reside after the separation in a housing unit acquired or constructed under the alternative authority of subchapter IV of chapter 169 of this title that is not owned or leased by the United States.”.

(e) Correction of Reference to Administering Secretary.—Subsection (a)(2) of such section is further amended by striking “The Secretary of Transportation” and inserting “The Secretary concerned”.
Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations

SEC. 641. CHARITABLE ORGANIZATIONS ELIGIBLE FOR DONATIONS OF UNUSABLE COMMISSARY STORE FOOD AND OTHER FOOD PREPARED FOR THE ARMED FORCES.

Subparagraph (A) of section 2485(f) of title 10, United States Code, is amended to read as follows:

“(A) A food bank, food pantry, or soup kitchen (as those terms are defined in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501)).”.

SEC. 642. REPEAL OF CERTAIN RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO COMMISSARY AND EXCHANGE STORES OVERSEAS.

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

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

(1) by striking “GENERAL AUTHORITY.—(1)” and inserting “AUTHORITY TO ESTABLISH RESTRICTIONS.—”;

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(2) by striking “(2)” and inserting “(b) LIMITATIONS ON USE OF AUTHORITY.—”; and

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

SEC. 643. TREATMENT OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION AT DOVER AIR FORCE BASE, DELAWARE, AS A FISHER HOUSE.

(a) Fisher Houses and Authorized Fisher House Residents.—Subsection (a) of section 2493 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking “by patients” and all that follows through “such patients;” and inserting “by authorized Fisher House residents;”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

“(2) The term ‘Fisher House’ includes the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, so long as such facility is available for residential use on a temporary basis by authorized Fisher House residents.”; and
(4) by adding at the end the following new paragraph:

“(4) The term ‘authorized Fisher House residents’ means the following:

“(A) With respect to a Fisher House described in paragraph (1) that is located in proximity to a health care facility of the Army, the Air Force, or the Navy, the following persons:

“(i) Patients of that health care facility.

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

“(iii) Other persons providing the equivalent of familial support for such patients.

“(B) With respect to the Fisher House described in paragraph (2), the following persons:

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

“(ii) Other family members of the deceased member who are eligible for transportation under section 411f(e) of title 37.

“(iii) An escort of a family member described in clause (i) or (ii).”.
(b) Conforming Amendments.—Subsections (b), (e), (f), and (g) of such section are amended by striking “health care” each place it appears.

(c) Repeal of Fiscal Year 2012 Freestanding Designation.—Section 643 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1466) is repealed.

SEC. 644. PURCHASE OF SUSTAINABLE PRODUCTS, LOCAL FOOD PRODUCTS, AND RECYCLABLE MATERIALS FOR RESALE IN COMMISSARY AND EXCHANGE STORE SYSTEMS.

(a) Improved Purchasing Efforts.—Section 2481(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The governing body established pursuant to paragraph (2) shall endeavor to increase the purchase for resale at commissary stores and exchange stores of sustainable products, local food products, and recyclable materials.

“(B) As part of its efforts under subparagraph (A), the governing body shall develop—

“(i) guidelines for the identification of fresh meat, poultry, seafood, and fish, fresh produce, and other products raised or produced through sustainable methods; and
“(ii) goals, applicable to all commissary stores and exchange stores world-wide, to maximize, to the maximum extent practical, the purchase of sustainable products, local food products, and recyclable materials by September 30, 2017.”.

(b) Deadline for Establishment and Guidelines.—The initial guidelines required by paragraph (3)(B)(i) of section 2481(c) of title 10, United States Code, as added by subsection (a), shall be issued not later than two years after the date of the enactment of this Act.

Subtitle F—Disability, Retired Pay, and Survivor Benefits

SEC. 651. REPEAL OF REQUIREMENT FOR PAYMENT OF SURVIVOR BENEFIT PLAN PREMIUMS WHEN PARTICIPANT WAIVES RETIRED PAY TO PROVIDE A SURVIVOR ANNUITY UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM AND TERMINATING PAYMENT OF THE SURVIVOR BENEFIT PLAN ANNUITY.

(a) Deposits Not Required.—Section 1452(e) of title 10, United States Code, is amended—

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

(2) by inserting “or chapter 84 of such title,” after “chapter 83 of title 5”;
(3) by inserting “or 8416(a)” after “8339(j)”; and

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

(b) CONFORMING AMENDMENTS.—Section 1450(d) of such title is amended—

(1) by inserting “or chapter 84 of such title” after “chapter 83 of title 5”;

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

and

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

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to any participant electing a annuity for survivors under chapter 84 of title 5, United States Code, on or after the date of the enactment of this Act.

Subtitle G—Other Matters

SEC. 661. CONSISTENT DEFINITION OF DEPENDENT FOR PURPOSES OF APPLYING LIMITATIONS ON TERMS OF CONSUMER CREDIT EXTENDED TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Paragraph (2) of section 987(i) of title 10, United States Code, is amended to read as follows:

“(2) DEPENDENT.—The term ‘dependent’, with respect to a covered member, means a person de-
scribed in subparagraph (A), (D), (E), or (I) of section 1072(2) of this title.”.

SEC. 662. LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.

Section 1559(a) of title 10, United States Code, is amended by striking “December 31, 2013” and inserting “December 31, 2016”.

SEC. 663. EQUAL TREATMENT FOR MEMBERS OF COAST GUARD RESERVE CALLED TO ACTIVE DUTY UNDER TITLE 14, UNITED STATES CODE.

(a) INCLUSION IN DEFINITION OF CONTINGENCY OPERATION.—Section 101(a)(13)(B) of title 10, United States Code, is amended by inserting “section 712 of title 14,” after “chapter 15 of this title,.”.

(b) CREDIT OF SERVICE TOWARDS REDUCTION OF ELIGIBILITY AGE FOR RECEIPT OF RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12731(f)(2)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

“(iv) Service on active duty described in this subparagraph is also service on active duty pursuant to a call or order to active duty authorized by the Secretary of Homeland Security under section 712 of title 14 for purposes
(c) **Post 9/11 Educational Assistance.**—Section 3301(1)(B) of title 38, United States Code, is amended by inserting “or section 712 of title 14” after “title 10”.

(d) **Retroactive Application of Amendments.**—

(1) **Inclusion of Prior Orders.**—The amendments made by this section shall apply to any call or order to active duty authorized by the Secretary of Homeland Security under section 712 of title 14, United States Code, on or after April 19, 2010.

(2) **Credit for Prior Service.**—The amendments made by this section shall be deemed to have been enacted on April 19, 2010, for purposes of applying the amendments to the following provisions of law:

(A) Section 5538 of title 5, United States Code, relating to nonreduction in pay.

(B) Section 701 of title 10, United States Code, relating to the accumulation and retention of leave.

(C) Section 12731 of title 10, United States Code, relating to age and service require-
ments for receipt of retired pay for non-regular service.

SEC. 664. MORTGAGE PROTECTION FOR MEMBERS OF THE ARMED FORCES, SURVIVING SPOUSES, AND CERTAIN VETERANS.

(a) MORTGAGE PROTECTION.—

(1) IN GENERAL.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended to read as follows:

“SEC. 303. MORTGAGES AND TRUST DEEDS.

“(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property that is secured by a mortgage, trust deed, or other security in the nature of a mortgage and is owned by a covered individual as follows:

“(1) With respect to an obligation on real or personal property owned by a servicemember, such obligation that originated before the period of the servicemember’s military service and for which the servicemember is still obligated.

“(2) With respect to an obligation on real property owned by a servicemember serving in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code), such ob-
ligation that originated at any time and for which
the servicemember is still obligated.

“(3) With respect to an obligation on real prop-
erty owned by a veteran described in subsection
(f)(1)(B), such obligation that originated at any
time and for which the veteran is still obligated.

“(4) With respect to an obligation on real prop-
erty owned by a surviving spouse described in sub-
section (f)(1)(C), such obligation that originated at
any time and for which the spouse is still obligated.

“(b) Stay of Proceedings and Adjustment of
Obligation.—(1) In an action filed during a covered
time period to enforce an obligation described in sub-
section (a), the court may after a hearing and on its own
motion and shall upon application by a covered individual
when the individual’s ability to comply with the obligation
is materially affected by military service—

“(A) stay the proceedings for a period of time
as justice and equity require, or

“(B) adjust the obligation to preserve the inter-
est of all parties.

“(2) For purposes of applying paragraph (1) to a cov-
ered individual who is a surviving spouse of a servicemem-
ber described in subsection (f)(1)(C), the term ‘military
service’ means the service of such servicemember.
“(c) Sale or Foreclosure.—A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid during a covered time period except—

“(1) upon a court order granted before such sale, foreclosure, or seizure with a return made and approved by the court; or

“(2) if made pursuant to an agreement as provided in section 107.

“(d) Misdemeanor.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(e) Proof of Service.—(1) A veteran described in subsection (f)(1)(B) shall provide documentation described in paragraph (2) to relevant persons to prove the eligibility of the veteran to be covered under this section.

“(2) Documentation described in this paragraph is a rating decision or a letter from the Department of Veterans Affairs that confirms that the veteran is totally disabled because of one or more service-connected injuries or service-connected disability conditions.

“(f) Definitions.—In this section:
“(1) The term ‘covered individual’ means the following individuals:

“(A) A servicemember.

“(B) A veteran who was retired under chapter 61 of title 10, United States Code, and whom the Secretary of Veterans Affairs, at the time of such retirement, determines is a totally disabled veteran.

“(C) A surviving spouse of a servicemember who—

“(i) died while serving in support of a contingency operation if such spouse is the successor in interest to property covered under subsection (a); or

“(ii) died while in military service and whose death is service-connected if such spouse is the successor in interest to property covered under subsection (a).

“(2) The term ‘covered time period’ means the following time periods:

“(A) With respect to a servicemember, during the period beginning on the date on which such servicemember begins military service and ending on the date that is 12 months
after the date on which such servicemember is
discharged from such service.

“(B) With respect to a servicemember
serving in support of a contingency operation,
during the period beginning on the date of the
military orders for such service and ending on
the date that is 12 months after the date on
which such servicemember redeploy from such
contingency operation.

“(C) With respect to a veteran described in
subsection (f)(1)(B), during the 12-month pe-
period beginning on the date of the retirement of
such veteran described in such subsection.

“(D) With respect to a surviving spouse of
a servicemember described in subsection
(f)(1)(C), during the 12-month period begin-
ning on the date of the death of the service-
member.”.

(2) CONFORMING AMENDMENT.—Section 107
of the Servicemembers Civil Relief Act (50 U.S.C.
App. 517) is amended by adding at the end the fol-
lowing:

“(e) OTHER INDIVIDUALS.—For purposes of this sec-
tion, the term ‘servicemember’ includes any covered indi-
vidual under section 303(f)(1).”.
(3) **REPEAL OF SUNSET.**—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289; 50 U.S.C. App. 533 note) is amended to read as follows:

“(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.”.

(b) **INCREASED CIVIL PENALTIES FOR MORTGAGE VIOLATIONS.**—Paragraph (3) of section 801(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended to read as follows:

“(3) to vindicate the public interest, assess a civil penalty—

“(A) with respect to a violation of section 303 regarding real property—

“(i) in an amount not exceeding $110,000 for a first violation; and

“(ii) in an amount not exceeding $220,000 for any subsequent violation; and

“(B) with respect to any other violation of this Act—

“(i) in an amount not exceeding $55,000 for a first violation; and

“(ii) in an amount not exceeding $110,000 for any subsequent violation.”.
(c) CREDIT DISCRIMINATION.—Section 108 of such Act (50 U.S.C. App. 518) is amended—

(1) by striking “Application by” and inserting “(a) Application by”; and

(2) by adding at the end the following new subsection:

“(b) In addition to the protections under subsection (a), an individual who is eligible, or who may likely become eligible, for any provision of this Act may not be denied or refused credit or be subject to any other action described under paragraphs (1) through (6) of subsection (a) solely by reason of such eligibility.”.

(d) REQUIREMENTS FOR LENDING INSTITUTIONS THAT ARE CREDITORS FOR OBLIGATIONS AND LIABILITIES COVERED BY THE SERVICEMEMBERS CIVIL RELIEF ACT.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) LENDING INSTITUTION REQUIREMENTS.—

“(1) COMPLIANCE OFFICERS.—Each lending institution subject to the requirements of this section shall designate an employee of the institution as a
compliance officer who is responsible for ensuring
the institution’s compliance with this section and for
distributing information to servicemembers whose
obligations and liabilities are covered by this section.

“(2) TOLL-FREE TELEPHONE NUMBER.—During
any fiscal year, a lending institution subject to
the requirements of this section that had annual as-
sets for the preceding fiscal year of $10,000,000,000
or more shall maintain a toll-free telephone number
and shall make such telephone number available on
the primary Internet Web site of the institution.”.

SEC. 665. STUDY ON ISSUING IDENTIFICATION CARDS TO
CERTAIN MEMBERS UPON DISCHARGE.

(a) STUDY.—The Secretary of Defense shall conduct
a study assessing the feasibility of issuing to a covered
member an identification card that would—

(1) provide such member with a convenient
method of summarizing the DD–214 form or other
official document from the official military personnel
file of the member; and

(2) not serve as proof of any benefits to which
the member may be entitled to.

(b) MATTERS INCLUDED.—The study conducted
under subsection (a) shall address the following:
(1) The information to be included on the identification card.

(2) Whether the Secretary should issue such card—

   (A) to each covered member; or

   (B) to a covered member upon request.

(3) If the card were to be issued to each covered member, the estimated cost of such issuance.

(4) If the card were to be issued upon the request of a covered member, whether the Secretary should charge such member a fee for such card, including the amount of such fee.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

(d) COVERED MEMBER.—In this section, the term “covered member” means a member of the Armed Forces who—

   (1) is expected to be discharged—

      (A) after the completion of the service obligation of the member; and

      (B) under conditions other than dishonorable;
(2) is expected to be issued a DD Form 214 Certificate of Release or Discharge from Active Duty; and

(3) after such discharge, would not otherwise be issued an identification card by the Department of Defense or the Department of Veterans Affairs.

TITLE VII—HEALTH CARE PROVISIONS
Subtitle A—Improvements to Health Benefits

SEC. 701. SENSE OF CONGRESS ON NONMONETARY CONTRIBUTIONS TO HEALTH CARE BENEFITS MADE BY CAREER MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20- to 30-year career in protecting freedom for all Americans; and

(2) those decades of sacrifice constitute a significant pre-paid premium for health care during a career member’s retirement that is over and above what the member pays with money.
SEC. 702. EXTENSION OF TRICARE STANDARD COVERAGE
AND TRICARE DENTAL PROGRAM FOR MEM-
BERS OF THE SELECTED RESERVE WHO ARE
INVOLUNTARILY SEPARATED.

(a) TRICARE STANDARD COVERAGE.—Section
1076d(b) of title 10, United States Code, is amended—
(1) by striking “Eligibility” and inserting “(1)
Except as provided in paragraph (2), eligibility”;
and
(2) by adding at the end the following new
paragraph:
“(2) During the period beginning on the earlier of
the date of the enactment of the National Defense Author-
ization Act for Fiscal Year 2013 or October 1, 2012, and
ending December 31, 2018, eligibility for a member under
this section who is involuntarily separated from the Se-
lected Reserve under other than adverse conditions, as
characterized by the Secretary concerned, shall terminate
180 days after the date on which the member is sepa-
rated.”.

(b) TRICARE DENTAL COVERAGE.—Section
1076a(a)(1) of such title is amended by adding at the end
the following new sentence: “During the period beginning
on the earlier of the date of the enactment of the National
Defense Authorization Act for Fiscal Year 2013 or Octo-
ber 1, 2012, and ending December 31, 2018, such plan
shall provide that coverage for a member of the Selected
Reserve who is involuntarily separated from the Selected
Reserve under other than adverse conditions, as character-
ized by the Secretary concerned, shall not terminate ear-
lier than 180 days after the date on which the member
is separated.”.

SEC. 703. MEDICAL AND DENTAL CARE CONTRACTS FOR
CERTAIN MEMBERS OF THE NATIONAL
GUARD.

(a) STANDARDS.—The Secretary of Defense shall en-
sure that each individual who receives medical or dental
care under a covered contract meets the standards of med-
ical and dental readiness of the Secretary upon the mobili-
ization of the individual.

(b) COVERED CONTRACT DEFINED.—In this section,
the term “covered contract” means a contract entered into
by the National Guard of a State to provide medical or
dental care to the members of such National Guard to en-
sure that the members meet applicable standards of med-
ical and dental readiness.

SEC. 704. CERTAIN TREATMENT OF AUTISM UNDER
TRICARE.

(a) IN GENERAL.—Section 1077 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new subsection:
“(g)(1) In providing health care under subsection (a) to a covered beneficiary described in paragraph (3)(A), the treatment of autism spectrum disorders shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

“(2) In carrying out this subsection, the Secretary shall ensure that—

“(A) except as provided by subparagraph (B), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

“(B) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in subparagraph (A), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary.

“(3)(A) A covered beneficiary described in this subparagraph is a covered beneficiary who is a beneficiary by virtue of—

“(i) service in the armed forces (not including the Coast Guard); or

“(ii) being a dependent of a member of the armed forces (not including the Coast Guard).
“(B) Nothing in this subsection shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

“(i) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

“(ii) being a dependent of a member of a service described in clause (i).

“(C) This subsection shall not apply to a medicare-eligible beneficiary (as defined in section 1111(b) of this title).

“(D) Except as provided in subparagraph (C), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(i) this chapter;

“(ii) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(iii) any other law.”.

(b) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section
1406 for the Defense Health Program, as specified in the corresponding funding table in section 4501, for Private Sector Care is hereby increased by $30,000,000.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4201 for Research, Development, Test and Evaluation, Army, as specified in the corresponding funding table in division D, is hereby reduced by $30,000,000, to be derived as follows:

(A) $21,000,000 from the Aerostat Joint Project Office.

(B) $9,000,000 from Endurance UAVs.

SEC. 705. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1074m of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by redesignating subparagraph (B) and (C) as subparagraph (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:
“(B) Once during each 180-day period during which a member is deployed.”; and

(2) in subsection (c)(1)(A)—

(A) in clause (i), by striking “; and” and inserting a semicolon;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

“(ii) by personnel in deployed units whose responsibilities include providing unit health care services if such personnel are available and the use of such personnel for the assessments would not impair the capacity of such personnel to perform higher priority tasks; and”.

(b) CONFORMING AMENDMENT.—Section 1074m(a)(2) of title 10, United States Code, is amended by striking “subparagraph (B) and (C)” and inserting “subparagraph (C) and (D)”.

Subtitle B—Health Care Administration

SEC. 711. UNIFIED MEDICAL COMMAND.

(a) UNIFIED COMBATANT COMMAND.—
(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

§ 167b. Unified combatant command for medical operations

“(a) Establishment.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified command for medical operations (in this section referred to as the ‘unified medical command’). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

“(b) Assignment of Forces.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

“(c) Grade of Commander.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The commander of such command shall be ap-
pointed to that grade by the President, by and with the
advice and consent of the Senate, for service in that posi-
tion. The commander of such command shall be a member
of a health profession described in paragraph (1), (2), (3),
(4), (5), or (6) of section 335(j) of title 37. During the
five-year period beginning on the date on which the Sec-
retary establishes the command under subsection (a), the
commander of such command shall be exempt from the
requirements of section 164(a)(1) of this title.

“(d) SUBORDINATE COMMANDS.—(1) The unified
medical command shall have the following subordinate
commands:

“(A) A command that includes all fixed military
medical treatment facilities, including elements of
the Department of Defense that are combined, oper-
ated jointly, or otherwise operated in such a manner
that a medical facility of the Department of Defense
is operating in or with a medical facility of another
department or agency of the United States.

“(B) A command that includes all medical
training, education, and research and development
activities that have previously been unified or com-
bined, including organizations that have been des-
ignated as a Department of Defense executive agent.
“(C) The Defense Health Agency established under subsection (f).

“(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

“(e) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

“(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

“(A) Developing programs and doctrine.

“(B) Preparing and submitting to the Secretary of Defense program recommendations and budget
proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

“(C) Exercising authority, direction, and control over the expenditure of funds—

“(i) for forces assigned to the unified medical command;

“(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

“(iii) for military construction funds of the Defense Health Program.

“(D) Training assigned forces.

“(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

“(F) Validating requirements.

“(G) Establishing priorities for requirements.

“(H) Ensuring the interoperability of equipment and forces.

“(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.
“(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

“(f) Defense Health Agency.—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the ‘Defense Health Agency’), and shall transfer to such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE Program (as defined in section 1072(7)).

“(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(g) Regulations.—In establishing the unified medical command under subsection (a), the Secretary of
Defense shall prescribe regulations for the activities of the unified medical command.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167a the following new item:

“167b. Unified combatant command for medical operations.”.

(b) PLAN, NOTIFICATION, AND REPORT.—

(1) PLAN.—Not later than July 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (a), including any legislative actions the Secretary considers necessary to implement the plan.

(2) NOTIFICATION.—The Secretary shall submit to the congressional defense committees written notification of the time line of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) REPORT.—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—
(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

SEC. 712. AUTHORITY FOR AUTOMATIC ENROLLMENT IN TRICARE PRIME OF DEPENDENTS OF MEMBERS IN PAY GRADES ABOVE PAY GRADE E–4.

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

“(a) AUTOMATIC ENROLLMENT OF CERTAIN DEPENDENTS.—(1) In the case of a dependent of a member of the uniformed services who is entitled to medical and dental care under section 1076(a)(2)(A) of this title and resides in an area in which TRICARE Prime is offered, the Secretary—

“(A) shall automatically enroll the dependent in TRICARE Prime if the member is in pay grade E–4 or below; and

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

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

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

SEC. 713. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN THE MILITARY DEPARTMENTS AND NON-MILITARY HEALTH CARE ENTITIES.

(a) Authority.—In addition to the authority of the Secretary of Defense under section 713 of the National Defense Authorization Act of 2010 (10 U.S.C. 1073 note), the Secretary of each military department may establish cooperative health care agreements between military installations and local or regional health care entities.

(b) Requirements.—In establishing an agreement under subsection (a), the Secretary concerned shall—

(1) consult with—

(A) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(B) Federal, State, and local government officials;
(2) identify and analyze health care services available in the area in which the military installa-
tion is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

(3) determine the cost avoidance or savings resulting from innovative partnerships between the military department concerned and the private sec-
tor; and

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(e) RULE OF CONSTRUCTION.—Nothing in this sec-
tion shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individ-
uals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

(d) SECRETARY CONCERNED DEFINED.—In this sec-
tion, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.
SEC. 714. REQUIREMENT TO ENSURE THE EFFECTIVENESS AND EFFICIENCY OF HEALTH ENGAGEMENTS.

(a) In General.—The Secretary of Defense, in coordination with the Assistant Secretary of Defense for Health Affairs and the Uniformed Services University of the Health Sciences, shall develop a process to ensure that health engagements conducted by the Department of Defense are effective and efficient in meeting the national security goals of the United States.

(b) Process Goals.—The Assistant Secretary of Defense for Health Affairs and the Uniformed Services University of the Health Sciences shall ensure that each process developed under subsection (a)—

(1) assesses the operational mission capabilities of the health engagement;

(2) uses the collective expertise of the Federal Government and non-governmental organizations to ensure collaboration and partnering activities; and

(3) assesses the stability and resiliency of the host nation of such engagement.

(c) Pilot Programs.—The Secretary of Defense, in coordination with the Uniformed Services University of Health Sciences, may conduct pilot programs to assess the effectiveness of any process developed under subsection (a) to ensure the applicability of the process to health engagements conducted by the Department of Defense.
SEC. 715. CLARIFICATION OF APPLICABILITY OF FEDERAL TORT CLAIMS ACT TO SUBCONTRACTORS EMPLOYED TO PROVIDE HEALTH CARE SERVICES TO THE DEPARTMENT OF DEFENSE.

Section 1089(a) of title 10, United States Code, is amended in the last sentence—

(1) by striking “if the physician, dentist, nurse, pharmacist, or paramedical” and inserting “to such a physician, dentist, nurse, pharmacist, or paramedical”;

(2) by striking “involved is”; and

(3) by inserting before the period at the end the following: “or a subcontract at any tier under such a contract”.

SEC. 716. PILOT PROGRAM ON INCREASED THIRD-PARTY COLLECTION REIMBURSEMENTS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) Pilot Program.—

(1) In general.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall carry out a pilot program to assess the feasibility of using processes described in paragraph (2) to increase the amounts collected under section 1095 of title 10, United States Code, from a third-party payer for charges for health care serv-
ices incurred by the United States at a military
medical treatment facility.

(2) Processes described.—The processes de-
scribed in this paragraph are revenue-cycle improve-
ment processes, including cash-flow management
and accounts-receivable processes.

(b) Requirements.—In carrying out the pilot pro-
gram under subsection (a)(1), the Secretary shall—

(1) identify and analyze the best practice op-
tions with respect to the processes described in sub-
section (a)(2) that are used in nonmilitary health
care facilities; and

(2) conduct a cost-benefit analysis to assess the
pilot program, including an analysis of—

(A) the different processes used in the
pilot program;

(B) the amount of third-party collections
that resulted from such processes;

(C) the cost to implement and sustain such
processes; and

(D) any other factors the Secretary deter-
mines appropriate to assess the pilot program.

(e) Locations.—The Secretary shall carry out the
pilot program under subsection (a)(1) at not less than two
military installations of different military departments that meet the following criteria:

(1) There is a military medical treatment facility that has inpatient and outpatient capabilities at the installation.

(2) At least 40 percent of the military beneficiary population residing in the catchment area surrounding the installation is potentially covered by a third-party payer (as defined in section 1095(h)(1) of title 10, United States Code).

(d) Duration.—The Secretary shall commence the pilot program under subsection (a)(1) by not later than 270 days after the date of the enactment of this Act and shall carry out such program for three years.

(e) Report.—Not later than 180 days after completing the pilot program under subsection (a)(1), the Secretary shall submit to the congressional defense committees a report describing the results of the program, including—

(1) a comparison of—

(A) the processes described in subsection (a)(2) that were used in the military medical treatment facilities participating in the program; and
(B) the third-party collection processes
used by military medical treatment facilities not
included in the program;

(2) a cost analysis of implementing the proc-
esses described in subsection (a)(2) for third-party
collections at military medical treatment facilities;
and

(3) an assessment of the program, including
any recommendations to improve third-party collec-
tions.

SEC. 717. PILOT PROGRAM FOR REFILLS OF MAINTENANCE
MEDICATIONS FOR TRICARE FOR LIFE BENEFICIARIES THROUGH THE TRICARE MAIL-
ORDER PHARMACY PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall
conduct a pilot program to refill prescription maintenance
medications for each TRICARE for Life beneficiary
through the national mail-order pharmacy program under
section 1074g(a)(2)(E)(iii) of title 10, United States
Code.

(b) MEDICATIONS COVERED.—

(1) DETERMINATION.—The Secretary shall de-
termine the prescription maintenance medications
included in the pilot program under subsection (a).
(2) **SUPPLY.**—In carrying out the pilot program under subsection (a), the Secretary shall ensure that the medications included in the program are—

(A) generally available to the TRICARE for Life beneficiary through retail pharmacies only for an initial filling of a 30-day or less supply; and

(B) any refills of such medications are obtained through the national mail-order pharmacy program.

(3) **EXEMPTION.**—The Secretary may exempt the following prescription maintenance medications from the requirements in paragraph (2):

(A) Such medications that are for acute care needs.

(B) Such other medications as the Secretary determines appropriate.

(c) **NONPARTICIPATION.**—

(1) **OPT OUT.**—The Secretary shall give TRICARE for Life beneficiaries who have been covered by the pilot program under subsection (a) for a period of one year an opportunity to opt out of continuing to participate in the program.

(2) **WAIVER.**—The Secretary may waive the requirement of a TRICARE for Life beneficiary to
participate in the pilot program under subsection (a) if the Secretary determines, on an individual basis, that such waiver is appropriate.

(d) TRICARE FOR LIFE BENEFICIARY DEFINED.—In this section, the term “TRICARE for Life beneficiary” means a TRICARE beneficiary enrolled in the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of title 10, United States Code.

(e) REPORTS.—Not later than March 31 of each year beginning in 2014 and ending in 2018, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a), including the effects of offering incentives for the use of mail order pharmacies by TRICARE beneficiaries and the effect on retail pharmacies.

(f) SUNSET.—The Secretary may not carry out the pilot program under subsection (a) after December 31, 2017.

SEC. 718. COST-SHARING RATES FOR PHARMACY BENEFITS PROGRAM OF THE TRICARE PROGRAM.

(a) In General.—Section 1074g(a)(6) of title 10, United States Code, is amended—

(1) by amending subparagraph (A) to read as follows:
“(A) The Secretary, in the regulations prescribed under subsection (h), shall establish cost-sharing requirements under the pharmacy benefits program. In accordance with subparagraph (C), such cost-sharing requirements shall consist of the following:

“(i) With respect to each supply of a prescription covering not more than 30 days that is obtained by a covered beneficiary under the TRICARE retail pharmacy program—

“(I) in the case of generic agents, $5;
“(II) in the case of formulary agents, $17;

and

“(III) in the case of nonformulary agents, $44.

“(ii) With respect to each supply of a prescription covering not more than 90 days that is obtained by a covered beneficiary under the national mail-order pharmacy program—

“(I) in the case of generic agents, $0;
“(II) in the case of formulary agents, $13;

and

“(III) in the case of nonformulary agents, $43.”; and

(2) by adding at the end the following new sub-paragraph:
“(C) Beginning October 1, 2013, the Secretary may only increase in any year the cost-sharing amount estab-
lished under subparagraph (A) by an amount equal to the percentage by which retired pay is increased under section 1401a of this title.”.

(b) EFFECTIVE DATE.—The cost-sharing require-
ments under section 1074g(a)(6)(A) of title 10, United States Code, as amended by subsection (a)(1), shall apply with respect to prescriptions obtained under the TRICARE pharmacy benefits program on or after October 1, 2012.

SEC. 719. REVIEW OF THE ADMINISTRATION OF THE MILI-
TARY HEALTH SYSTEM.

Section 716(a)(1) of the National Defense Authoriza-
tion Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1477) is amended by striking “until a 120-day pe-
riod” and all that follows through the period and inserting the following: “until the Secretary implements and com-
pletes any recommendations included in the report sub-
mitted by the Comptroller General of the United States under subsection (b)(3) and notifies the congressional de-
fense committees of such implementation and comple-
tion.”.
Subtitle C—Reports and Other Matters

SEC. 721. EXTENSION OF COMPTROLLER GENERAL REPORT ON CONTRACT HEALTH CARE STAFFING FOR MILITARY MEDICAL TREATMENT FACILITIES.

Section 726(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1480) is amended by striking “March 31, 2012” and inserting “March 31, 2013”.

SEC. 722. EXTENSION OF COMPTROLLER GENERAL REPORT ON WOMEN-SPECIFIC HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES.

Section 725(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1480) is amended by striking “December 31, 2012” and inserting “March 31, 2013”.

SEC. 723. ESTABLISHMENT OF TRICARE WORKING GROUP.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) children of members of the Armed Forces deserve health-care practices and policies that—

(A) are designed to meet their pediatric-specific needs;
(B) are developed and determined proactively and comprehensively; and

(C) ensure and maintain their access to pediatric-specific treatments, providers, and facilities.

(2) children’s health-care needs and standards of care are different and distinct from those of adults, therefore the TRICARE program should undertake a proactive, comprehensive approach to review and analyze its policies and practices to meet the needs of children to ensure that children and their families receive appropriate care in proper settings and avoid unnecessary challenges in seeking or obtaining proper health care;

(3) a proactive and comprehensive review is necessary because the reimbursement structure of the TRICARE program is patterned upon Medicare and the resulting policies and practices of the TRICARE program do not always properly reflect appropriate standards for pediatric care;

(4) one distinct aspect of children’s health care is the need for specialty care and services for children with special-health-care needs and chronic-health conditions;
(5) the requirement for specialized health care and developmental support is an ongoing and serious matter of day-to-day life for families with children with special or chronic-health-care needs;

(6) the Department of Defense and the TRICARE program, recognizing the special needs of certain children, have instituted special-needs programs, including the ECHO program, but there are collateral needs that are not being met, generally because the services are provided in the local community rather than by the Department of Defense, who may not always have the best tools or knowledge to access these State and local resources;

(7) despite wholehearted efforts by the Department of Defense, a gap exists between linking military families with children with special-health-care needs and chronic conditions with the resources and services available from local or regional highly specialized providers and the communities and States in which they reside;

(8) the gap is especially exacerbated by the mobility of military families, who often move from State to State, because special-needs health care, educational, and social services are very specific to
each local community and State and such services often have lengthy waiting lists; and

(9) the Department of Defense will be better able to assist military families with children with special-health-care needs fill the gap by collaborating with special-health-care needs providers and those knowledgeable about the opportunities for such children that are provided by States and local communities.

(b) Establishment.—

(1) In General.—The Secretary of Defense shall establish a working group to carry out a review of the TRICARE program with respect to—

(A) pediatric health care needs under paragraph (2); and

(B) pediatric special and chronic health care needs under paragraph (3).

(2) Pediatric Health Care Needs.—

(A) Duties.—The working group shall—

(i) comprehensively review the policy and practices of the TRICARE program with respect to providing pediatric health care;

(ii) recommend changes to such policies and practices to ensure that—
(I) children receive appropriate care in an appropriate manner, at the appropriate time, and in an appropriate setting; and

(II) access to care and treatment provided by pediatric providers and children’s hospitals remains available for families with children; and

(iii) develop a plan to implement such changes.

(B) REVIEW.—In carrying out the duties under subparagraph (A), the working group shall—

(i) identify improvements in policies, practices, and administration of the TRICARE program with respect to pediatric-specific health care and pediatric-specific healthcare settings;

(ii) analyze the direct and indirect effects of the reimbursement policies and practices of the TRICARE program with respect to pediatric care and care provided in pediatric settings;

(iii) consider case management programs with respect to pediatric complex
and chronic care, including whether pediatric-specific programs are necessary;

(iv) develop a plan to ensure that the TRICARE program addresses pediatric-specific health care needs on an on-going basis beyond the life of the working group;

(v) consider how the TRICARE program can work with the pediatric provider community to ensure access, promote communication and collaboration, and optimize experiences of military families seeking and receiving health care services for children; and

(vi) review matters that further the mission of the working group.

(3) Pediatric special and chronic health care needs.—

(A) Duties.—The working group shall—

(i) review the methods in which families in the TRICARE program who have children with special-health-care needs access community resources and health-care resources;

(ii) review how having access to, and a better understanding of, community re-
sources may improve access to health care and support services;

(iii) recommend methods to accomplish improved access by such children and families to community resources and health-care resources, including through collaboration with children’s hospitals and other providers of pediatric specialty care, local agencies, local communities, and States;

(iv) consider approaches and make recommendations for the improved integration of individualized or compartmentalized medical and family support resources for military families;

(v) work closely with the Office of Community Support for Military Families with Special Needs of the Department of Defense and other relevant offices to avoid redundancies and target shared areas of concern for children with special or chronic-health-care needs; and

(vi) review any relevant information learned and findings made by the working group under this paragraph that may be
considered or adopted in a consistent manner with respect to improving access, resources, and services for adults with special needs.

(B) REVIEW.—In carrying out the duties under subparagraph (A), the working group shall—

(i) discuss improvements to special needs health care policies and practices;

(ii) determine how to support and protect families of members of the National Guard or Reserve Components as the members transition into and out of the relevant Exceptional Family Member Program or the ECHO program;

(iii) analyze case management services to improve consistency, communication, knowledge, and understanding of resources and community contacts;

(iv) identify areas in which a State may offer services that are not covered by the TRICARE program or the ECHO program and how to coordinate such services;

(v) identify steps that States and communities can take to improve support
for military families of children with special health care needs;

(vi) consider how the TRICARE program and other programs of the Department of Defense can work with specialty pediatric providers and resource communities to ensure access, promote communication and collaboration, and optimize experiences of military families seeking and receiving health care services for their children with special or chronic health care needs;

(vii) consider special and chronic health care in a comprehensive manner without focus on one or more conditions or diagnoses to the exclusion of others;

(viii) focus on ways to create innovative partnerships, linkages, and access to information and resources for military families across the spectrum of the special-needs community and between the medical community and the family support community; and

(ix) review matters that further the mission of the working group.
(c) Membership.—

(1) Appointments.—The working group shall be composed of not less than 14 members as follows:

(A) The Chief Medical Officer of the TRICARE program, who shall serve as chairperson.

(B) The Chief Medical Officers of the North, South, and West regional offices of the TRICARE program.

(C) One individual representing the Army appointed by the Surgeon General of the Army.

(D) One individual representing the Navy appointed by the Surgeon General of the Navy.

(E) One individual representing the Air Force appointed by the Surgeon General of the Air Force.

(F) One individual representing the regional managed care support contractor of the North region of the TRICARE program appointed by such contractor.

(G) One individual representing the regional managed care support contractor of the South region of the TRICARE program appointed by such contractor.
(H) One individual representing the regional managed care support contractor of the West region of the TRICARE program appointed by such contractor.

(I) Not more than three individuals representing the non-profit organization the Military Coalition appointed by such organization.

(J) One individual representing the American Academy of Pediatrics appointed by such organization.

(K) One individual representing the National Association of Children’s Hospitals appointed by such organization.

(L) One individual representing military families who is not an employee of an organization representing such families.

(M) Any other individual as determined by the Chief Medical Officer of the TRICARE program.

(2) TERMS.—Each member shall be appointed for the life of the working group. A vacancy in the working group shall be filled in the manner in which the original appointment was made.

(3) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of
subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(4) STAFF.—The Secretary of Defense shall ensure that employees of the TRICARE program provide the working group with the necessary support to carry out this section.

(d) MEETINGS.—

(1) SCHEDULE.—The working group shall—

(A) convene its first meeting not later than 60 days after the date of the enactment of this Act; and

(B) convene not less than four other times.

(2) FORM.—Any meeting of the working group may be conducted in-person or through the use of video conferencing.

(3) QUORUM.—Seven members of the working group shall constitute a quorum but a lesser number may hold hearings.

(e) ADVICE.—With respect to carrying out the review of the TRICARE program and pediatric special and chronic health care needs under subsection (b)(3), the working group shall seek counsel from the following individuals acting as an expert advisory group:
(1) One individual representing the Exceptional Family Member Program of the Army.

(2) One individual representing the Exceptional Family Member Program of the Navy.

(3) One individual representing the Exceptional Family Member Program of the Air Force.

(4) One individual representing the Exceptional Family Member Program of the Marine Corps.

(5) One individual representing the Office of Community Support for Military Families with Special Needs.

(6) One individual who is not an employee of an organization representing military families shall represent a military family with a child with special health care needs.

(7) Not more than three individuals representing organizations that—

(A) are not otherwise represented in this paragraph or in the working group; and

(B) possess expertise needed to carry out the goals of the working group.

(f) REPORTS REQUIRED.—

(1) REPORT.—Not later than 12 months after the date on which the working group convenes its first meeting, the working group shall submit to the
congressional defense committees a report including—

(A) any changes described in subsection (b)(2)(A)(ii) identified by the working group that—

(i) require legislation to carry out, including proposed legislative language for such changes;

(ii) require regulations to carry out, including proposed regulatory language for such changes; and

(iii) may be carried out without legislation or regulations, including a time line for such changes; and

(B) steps that States and local communities may take to improve the experiences of military families with special-needs children in interacting with and accessing State and local community resources.

(2) Final report.—Not later than 18 months after the date on which the report is submitted under paragraph (1), the working group shall submit to the congressional defense committees a final report including—
(A) any additional information and updates to the report submitted under paragraph (1);

(B) information with respect to how the Secretary of Defense is implementing the changes identified in the report submitted under paragraph (1); and

(C) information with respect to any steps described in subparagraph (B) of such paragraph that were taken by States and local communities after the date on which such report was submitted.

(g) Termination.—The working group shall terminate on the date that is 30 days after the date on which the working group submits the final report pursuant to subsection (f)(2).

(h) Definitions.—In this Act:

(1) The term “children” means dependents of a member of the Armed Forces who are—

(A) individuals who have not yet attained the age of 21; or

(B) individuals who have not yet attained the age of 27 if the inclusion of such dependents is applicable and relevant to a program or policy being reviewed under this Act.
(2) The term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(3) The term “ECHO program” means the program established pursuant to subsections (d) through (e) of section 1079 of title 10, United States Code (commonly referred to as the “Extended Care Health Option program”).

(4) The term “TRICARE program” means the managed health care program that is established by the Department of Defense under chapter 55 of title 10, United States Code.

SEC. 724. REPORT ON STRATEGY TO TRANSITION TO USE OF HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) Report.—

(1) In general.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report that outlines a strategy to refine and, when appropriate, transition to using human-based training methods for the purpose of training members of the Armed Forces in the treatment of combat trauma injuries by October 1, 2017.
(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) Required research, development, testing, and evaluation investments to validate human-based training methods to refine, reduce, and, when appropriate, transition from the use of live animals in medical education and training by October 1, 2015.

(B) Phased sustainment and readiness costs to refine, reduce, and, when appropriate, replace the use of live animals in medical education and training by October 1, 2017.

(C) Any risks associated with transitioning to human-based training methods, including resource availability, anticipated technological development time lines, and potential impact on the present combat trauma training curricula.

(D) An assessment of the potential effect of transitioning to human based-training methods on the quality of medical care delivered on the battlefield including any reduction in the competency of combat medical personnel.

(E) An assessment of risks to maintaining the level of combat life-saver techniques performed by all members of the Armed Forces.
(b) Updated Annual Reports.—Not later than March 1, 2014, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods for the purposes of training members of the Armed Forces in the treatment of combat trauma injuries under this section.

(c) Definitions.—In this section:

(1) The term “combat trauma injuries” means severe injuries likely to occur during combat, including—

(A) extremity hemorrhage;
(B) tension pneumothorax;
(C) amputation resulting from blast injury;
(D) compromises to the airway; and
(E) other injuries.

(2) The term “human-based training methods” means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

(A) simulators;
(B) partial task trainers;
(C) moulage;
(D) simulated combat environments; and
(E) human cadavers.
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(3) The term “partial task trainers” means training aids that allow individuals to learn or practice specific medical procedures.

SEC. 725. PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.

(a) Program Authority.—The Secretary of Defense may carry out a pilot program to enhance the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and traumatic brain injury in members of the National Guard and Reserves, their family members, and their caregivers through community partners.

(b) Community Partners.—The Secretary of Defense may award grants to community partners described in subsection (c) using a competitive and merit-based award process whereby the awardee agrees to make contributions toward the costs of activities carried out with the grant, from non-Federal sources, an amount equal to not less than $3 for each $1 of funds provided under the grant.

(c) Community Partner Described.—A community partner described in this subsection is a private non-
profit organization or institution that engages in one or more of the following:

(1) Research on the causes, development, and innovative treatment of mental health and substance use disorders and traumatic brain injury in members of the National Guard and Reserves, their family members, and their caregivers.

(2) Providing treatment to such members and their families for such mental health and substance use disorders and traumatic brain injury.

(3) Identifying and disseminating evidence-based treatments of mental health and substance use disorders and traumatic brain injury described in paragraph (1).

(4) Outreach and education to such members, their families and caregivers, and the public about mental health and substance use disorders and traumatic brain injury described in paragraph (1).

(d) Duration.—The duration of the pilot program may not exceed three years.

(e) Report.—Not later than 180 days before the completion of the pilot program, the Secretary of Defense shall submit to the Secretary of Veterans Affairs and Congress a report on the results of the pilot program, including the amount of grants so awarded and activities carried
out, the number of members of the National Guard and
Reserves provided treatment or services by community
partners, and a description and assessment of the effec-
tiveness and achievements of the pilot program with re-
spect to research, treatment, education, and outreach on
mental health and substance use disorders and traumatic
brain injury.

SEC. 726. STUDY ON BREAST CANCER AMONG MEMBERS OF
THE ARMED FORCES AND VETERANS.

(a) STUDY.—The Secretary of Defense and the Sec-
retary of Veterans Affairs shall jointly conduct a study
on the incidence of breast cancer among members of the
Armed Forces (including members of the National Guard
and reserve components) and veterans. Such study shall
include the following:


(1) A determination of the number of members
and veterans diagnosed with breast cancer.

(2) A determination of demographic informa-
tion regarding such members and veterans, includ-
ing—

(A) race;

(B) ethnicity;

(C) sex;

(D) age;
(E) possible exposure to hazardous elements or chemical or biological agents (including any vaccines) and where such exposure occurred;

(F) the locations of duty stations that such member or veteran was assigned;

(G) the locations in which such member or veteran was deployed; and

(H) the geographic area of residence prior to deployment.

(3) An analysis of breast cancer treatments received by such members and veterans.

(4) Other information the Secretaries consider necessary.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report containing the results of the study required under subsection (a).

(c) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in divi-
sion D, is hereby increased by $10,000,000, with the
amount of the increase allocated to the Defense
Health Program, as set forth in the table under sec-
tion 4501, to carry out this section; and

(2) the amount authorized to be appropriated in
section 101 for Weapons Procurement, Navy, as
specified in the corresponding funding table in sec-
tion 4101 of division D, is hereby reduced by a total
$10,000,000, with the amount of the reduction to be
derived from—

(A) Line 004 (AMRAAM) in the amount
of $2,700,000;

(B) Line 006 (JSOW) in the amount of
$2,700,000; and

(C) Line 009 (Hellfire) in the amount of
$4,600,000.

SEC. 727. INCREASED COLLABORATION WITH NIH TO COM-
BAT TRIPLE NEGATIVE BREAST CANCER.

The Office of Health of the Department of Defense
shall work in collaboration with the National Institutes of
Health to—

(1) identify specific genetic and molecular tar-
gets and biomarkers for triple negative breast can-
cer; and
(2) provide information useful in biomarker sele-
ction, drug discovery, and clinical trials design that
will enable both—

(A) triple negative breast cancer patients
to be identified earlier in the progression of
their disease; and

(B) the development of multiple targeted
therapies for the disease.

SEC. 728. PILOT PROGRAM ON PAYMENT FOR TREATMENT
OF MEMBERS OF THE ARMED FORCES AND
VETERANS FOR TRAUMATIC BRAIN INJURY
AND POST-TRAUMATIC STRESS DISORDER.

(a) Payment Process.—The Secretary of Defense
and the Secretary of Veterans Affairs shall carry out a
five-year pilot program under which each such Secretary
shall establish a process through which each Secretary
shall provide payment for treatments (including diagnostic
testing) of traumatic brain injury or post-traumatic stress
disorder received by members of the Armed Forces and
veterans in health care facilities other than military treat-
ment facilities or Department of Veterans Affairs medical
facilities. Such process shall provide that payment be
made directly to the health care facility furnishing the
treatment.
(b) CONDITIONS FOR PAYMENT.—The approval by a
Secretary for payment for a treatment pursuant to sub-
section (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment
must be approved or cleared by the Food and Drug
Administration for any purpose.

(2) The treatment must have been approved by
an institutional review board operating in accordance
with regulations issued by the Secretary of Health
and Human Services.

(3) The treatment (including any patient disclo-
sure requirements) must be used by the health care
provider delivering the treatment.

(4) The patient receiving the treatment must
demonstrate an improvement as a result of the
treatment on one or more of the following:

(A) Standardized independent pre-treat-
ment and post-treatment neuropsychological
testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment must be
receiving the treatment voluntarily.
(6) The patient receiving the treatment may not be a retired member of the uniformed services or of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) ADDITIONAL RESTRICTIONS PROHIBITED.—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located with respect to the receipt of payment under this section.

(d) PAYMENT DEADLINE.—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) PAYMENT AUTHORITY.—

(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall make payments under this
section for treatments received by members of the
Armed Forces using the authority in subsection
(c)(1) of section 1074 of title 10, United States
Code.

(2) DEPARTMENT OF VETERANS AFFAIRS.—
The Secretary of Veterans Affairs shall make pay-
ments under this section for treatments received by
veterans using the authority in section 1728 of title
38, United States Code.

(f) PAYMENT AMOUNT.—A payment under this sec-
tion shall be made at the equivalent Centers for Medicare
and Medicaid Services reimbursement rate in effect for ap-
propriate treatment codes for the State or territory in
which the treatment is received. If no such rate is in effect,
payment shall be made at a fair market rate, as deter-
mmed by the Secretary of Defense, in consultation with
the Secretary of Health and Human Services, with respect
to a patient who is a member of the Armed Forces or
the Secretary of Veterans Affairs with respect to a patient
who is a veteran.

(g) DATA COLLECTION AND AVAILABILITY.—

(1) IN GENERAL.—The Secretary of Defense
and the Secretary of Veterans Affairs shall jointly
develop and maintain a database containing data
from each patient case involving the use of a treat-
ment under this section. The Secretaries shall en-
ensure that the database preserves confidentiality and
be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional com-
mittees and employees of the Department of
Defense, the Department of Veterans Affairs,
the Department of Health and Human Services,
and appropriate State agencies; and

(C) to the primary investigator of the insti-
tutional review board that approved the treat-
ment, in the case of data relating to a patient
case involving the use of such treatment.

(2) Enrollment in Institutional Review
Boards.—In the case of a patient enrolled in
a registered institutional review board study, results
may be publicly distributable in accordance with
the regulations prescribed pursuant to the Health
Insurance Portability and Accountability Act of
1996 (Public Law 104–191) and other regulations
and practices in effect as of the date of the enact-
ment of this Act.

(3) Qualified Institutional Review
Boards.—The Secretary of Defense and the Sec-
retary of Veterans Affairs shall each ensure that the
Internet Web site of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this section.

(h) **ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.**

(1) **ASSIGNMENT TO TEMPORARY DUTY.**—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment for traumatic brain injury or post-traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member’s permanent duty station.

(2) **PAYMENT OF PER DIEM.**—A member who is away from the member’s permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) **GIFT RULE WAIVER.**—Notwithstanding any rule of any department or agency with respect to
ethics or the receipt of gifts, any assistance provided
to a member of the Armed Forces with a service-
connected injury or disability for travel, meals, or
entertainment incidental to receiving treatment
under this section, or for the provision of such treat-
ment, shall not be subject to or covered by any such
rule.

(i) **Retaliation Prohibited.**—No retaliation may
be made against any member of the Armed Forces or vet-
eran who receives treatment as part of registered institu-
tional review board study carried out by a civilian health
care practitioner.

(j) **Treatment of University and Nationally
Accredited Institutional Review Boards.**—For
purposes of this section, a university-affiliated or nation-
ally accredited institutional review board shall be treated
in the same manner as a Government institutional review
board.

(k) **Memoranda of Understanding.**—The Sec-
retary of Defense and the Secretary of Veterans Affairs
shall seek to expeditiously enter into memoranda of under-
standings with civilian institutional review boards de-
scribed in subsection (j) for the purpose of providing for
members of the Armed Forces and veterans to receive
treatment carried out by civilian health care practitioners
under a treatment approved by and under the oversight
of civilian institutional review boards that would qualify
for payment under this section.

(l) OUTREACH REQUIRED.—

(1) OUTREACH TO VETERANS.—The Secretary
of Veterans Affairs shall notify each veteran with a
service-connected injury or disability of the opport-
unity to receive treatment pursuant to this section.

(2) OUTREACH TO MEMBERS OF THE ARMED
FORCES.—The Secretary of Defense shall notify
each member of the Armed Forces with a service-
connected injury or disability of the opportunity to
receive treatment pursuant to this section.

(m) REPORT TO CONGRESS.—Not later than 30 days
after the last day of each fiscal year during which the Sec-
retary of Defense and the Secretary of Veterans Affairs
are authorized to make payments under this section, the
Secretaries shall jointly submit to Congress an annual re-
port on the implementation of this section. Such report
shall include each of the following for that fiscal year:

(1) The number of individuals for whom the
Secretary has provided payments under this section.

(2) The condition for which each such indi-
vidual receives treatment for which payment is pro-
vided under this section and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this section and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this section into facilities of the Department of Defense and Department of Veterans Affairs.

(n) TERMINATION.—The authority to make a payment under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this section.

(p) FUNDING INCREASE AND OFFSETTING REDUCTION.—

(1) IN GENERAL.—Notwithstanding the amounts set forth in the funding tables in division D, to carry out this section during fiscal year 2013—
(A) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by $10,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section; and

(B) the amount authorized to be appropriated in section 301 for Operation and Maintenance, Defense-wide, as specified in the corresponding funding table in division D, is hereby reduced by $10,000,000, with the amount of the reduction to be derived from Line 260, Office of the Secretary of Defense as set forth in the table under section 4301.

(2) Merit-based or competitive decisions.—A decision to commit, obligate, or expend funds referred to in paragraph (1)(A) with or to a specific entity shall—

(A) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and
(B) comply with other applicable provisions of law.

SEC. 729. CONGRESSIONAL SUPPORT FOR GREATER AWARENESS OF POST-TRAUMATIC STRESS DISORDER.

(a) FINDINGS.—Congress makes the following findings:

(1) The brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being.

(2) More than 2,400,000 members of the Armed Forces have deployed overseas as part of overseas contingency operations since the events of September 11, 2001.

(3) One in five members who have returned from deployment reported symptoms of post-traumatic stress disorder (PTSD).

(4) Just over ½ of the members have sought treatment for PTSD symptoms.

(5) More than 90,000 members returning from deployment to Operation Enduring Freedom or Op-
Operation Iraqi Freedom are clinically diagnosed with PTSD.

(6) The Armed Forces have sustained an operational tempo for a period of time unprecedented in the history of the United States, with many members deploying multiple times, placing them at high risk of PTSD.

(7) Up to 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and 8 percent of the general population of the United States suffer or have suffered from PTSD.

(8) Many cases of PTSD remain unreported, undiagnosed, and untreated due to a lack of awareness about PTSD and the persistent stigma associated with mental health issues.

(9) PTSD significantly increases the risk of depression, suicide, and drug- and alcohol-related disorders and deaths, especially if left untreated.

(10) The Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain.

(11) About 1⁄2 of members and their spouses report they are somewhat or not at all knowledgeable about the signs and symptoms of PTSD.
(b) CONGRESSIONAL EXPRESSION OF SUPPORT.—In light of the findings made in subsection (a), Congress—

(1) supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate service members, veterans, the families of service members and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder (PTSD); and

(2) supports the creation of an advisory commission on PTSD to coordinate the efforts of the Department of Defense, Department of Veterans Affairs, and other executive departments and agencies for the prevention, diagnosis, and treatment of PTSD.
TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. PILOT EXEMPTION REGARDING TREATMENT OF PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE IN ACCORDANCE WITH THE DEPARTMENT OF ENERGY'S WORK FOR OTHERS PROGRAM.

(a) Exemption From Inspector General Reviews and Determinations.—Subsection (a) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2304 note) is amended by adding at the end the following new paragraph:

“(7) Treatment of procurements through Department of Energy.—For purposes of this subsection, effective during the 24-month period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the procurement of property or services on behalf of the Department of Defense pursuant to an interagency agreement between the Department of
Defense and the Department of Energy in accordance with the Department of Energy’s Work For Others Program, under which the property or services are provided by a management and operating contractor of the Department of Energy and are procured on behalf of the Department of Defense, shall not be considered a procurement of property or services on behalf of the Department of Defense by a covered non-defense agency.”.

(b) EXEMPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (4)”;

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

“(4) EXCEPTION FOR PROCUREMENTS IN ACCORDANCE WITH THE DEPARTMENT OF ENERGY’S WORK FOR OTHERS PROGRAM.—Effective during the 24-month period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the limitation in paragraph (1) shall not apply to the procurement of property or services on behalf of the Department of Defense pursuant to an interagency agreement between the
Department of Defense and the Department of Energy in accordance with the Department of Energy’s Work for Others Program, under which the property or services are provided by a management and operating contractor of the Department of Energy and procured on behalf of the Department of Defense.”.

(c) CERTIFICATION.—Not later than 20 months after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees the following:

(1) A statement certifying whether the procurement policies, procedures, and internal controls of the Department of Energy provide sufficient protection and oversight for Department of Defense funds expended through the Department of Energy Work for Others Program.

(2) A recommendation regarding whether the pilot exemption granted by the amendments made by this section should be extended.

SEC. 802. REQUIREMENTS RELATING TO CONTRACTS FOR PURCHASE OF HELICOPTERS FOR AFGHAN SECURITY FORCES.

(a) REQUIREMENT FOR COMPETITIVELY BID CONTRACTS.—Subject to subsection (b), the Secretary of De-
fense shall award any contract that will use United States
funds for the procurement of helicopters for the Afghan
Security Forces using competitive procedures.

(b) **Prohibition on Contracting With Certain**
**Entities.**—Notwithstanding subsection (a), the Sec-
retary of Defense may not award a contract, directly or
indirectly, to any entity controlled, directed, or influenced
by—

(1) a country that has provided weapons to
Syria at any time after the date of the enactment of
the **Syria Accountability and Lebanese Sovereignty**
**Restoration Act of 2003** (Public Law 108–175); or

(2) any country that is currently a state spon-
sor of terrorism.

(c) **State Sponsor of Terrorism Defined.**—In
subsection (b), the term “state sponsor of terrorism”
means any country the government of which the Secretary
of State has determined has repeatedly provided support
for acts of international terrorism pursuant to section 6(j)
of the **Export Administration Act of 1979**, section 620A
of the **Foreign Assistance Act of 1961**, or section 40 of
the **Arms Export Control Act**.

(d) **Effective Date.**—The requirement in sub-
section (a) shall apply to contracts awarded after the date
of the enactment of this Act.
(c) National Security Waiver Authority.—The Secretary of Defense may waive the applicability of this section if the Secretary determines such a waiver is necessary in the national security interests of the United States.

SEC. 803. PROHIBITION ON CONTRACTING WITH PERSONS THAT HAVE BUSINESS OPERATIONS WITH STATE SPONSORS OF TERRORISM.

(a) Prohibition.—The Department of Defense may not enter into a contract for the procurement of goods or services with any person that has business operations with a state sponsor of terrorism.

(b) Definitions.—In this section:

(1) State sponsor of terrorism.—The term “state sponsor of terrorism” means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(A) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act);

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or
(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780).

(2) BUSINESS OPERATIONS.—The term “business operations” means engaging in commerce in any form, including acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(3) PERSON.—The term “person” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).
Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. MODIFICATION OF TIME PERIOD FOR CONGRESSIONAL NOTIFICATION OF THE LEASE OF CERTAIN VESSELS BY THE DEPARTMENT OF DEFENSE.

Section 2401(h)(2) of title 10, United States Code, is amended by striking “30 days of continuous session of Congress” and inserting “60 days”.

SEC. 812. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.


(b) Technical Amendment to Cross References.—Subsection (e) of such Act is further amended by striking “section 303(g)(1) of the Federal Property and Administrative Services Act of 1949, and section 31(a) of the Office of Federal Procurement Policy Act, as amended by this section,” and inserting “section 3305(a) of title...
SEC. 813. CODIFICATION AND AMENDMENT RELATING TO LIFE-CYCLE MANAGEMENT AND PRODUCT SUPPORT REQUIREMENTS.

(a) CODIFICATION AND AMENDMENT.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2335. Life-cycle management and product support

"(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—

The Secretary of Defense shall issue and maintain comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems. The guidance issued pursuant to this subsection shall—

"(1) maximize competition and make the best possible use of available Department of Defense and industry resources at the system, subsystem, and component levels; and

"(2) maximize value to the Department of Defense by providing the best possible product support outcomes at the lowest operations and support cost.

"(b) PRODUCT SUPPORT MANAGERS.—
“(1) REQUIREMENT.—The Secretary of Defense shall require that each major weapon system be supported by a product support manager in accordance with this subsection.

“(2) RESPONSIBILITIES.—A product support manager for a major weapon system shall—

“(A) develop and implement a comprehensive product support strategy for the weapon system;

“(B) use advanced predictive analysis to the extent practicable to improve material availability and reliability, increase operational availability rates, and reduce operation and sustainment costs;

“(C) conduct appropriate cost analyses to validate the product support strategy, including cost-benefit analyses as outlined in Office of Management and Budget Circular A–94;

“(D) ensure achievement of desired product support outcomes through development and implementation of appropriate product support arrangements;

“(E) adjust performance requirements and resource allocations across product support integrators and product support providers as nee-
necessary to optimize implementation of the product support strategy;

“(F) periodically review product support arrangements between the product support integrators and product support providers to ensure the arrangements are consistent with the overall product support strategy;

“(G) prior to each change in the product support strategy or every five years, whichever occurs first, revalidate any business-case analysis performed in support of the product support strategy; and

“(H) ensure that the product support strategy maximizes small business participation at the appropriate tiers and apply the requirements of section 15(g) of the Small Business Act (15 U.S.C. 644(g)) in a manner that ensures that small business concerns are not inappropriately selected for performance as a prime contractor.

“(c) DEFINITIONS.—In this section:

“(1) PRODUCT SUPPORT.—The term ‘product support’ means the package of support functions required to field and maintain the readiness and operational capability of major weapon systems, sub-
systems, and components, including all functions related to weapon system readiness.

“(2) PRODUCT SUPPORT ARRANGEMENT.—The term ‘product support arrangement’ means a contract, task order, or any type of other contractual arrangement, or any type of agreement or non-contractual arrangement within the Federal Government, for the performance of sustainment or logistics support required for major weapon systems, subsystems, or components. The term includes arrangements for any of the following:

“(A) Performance-based logistics.

“(B) Sustainment support.

“(C) Contractor logistics support.

“(D) Life-cycle product support.

“(E) Weapon systems product support.

“(3) PRODUCT SUPPORT INTEGRATOR.—The term ‘product support integrator’ means an entity within the Federal Government or outside the Federal Government charged with integrating all sources of product support, both private and public, defined within the scope of a product support arrangement.

“(4) PRODUCT SUPPORT PROVIDER.—The term ‘product support provider’ means an entity that provides product support functions. The term includes
an entity within the Department of Defense, an entity within the private sector, or a partnership between such entities.

“(5) MAJOR WEAPON SYSTEM.—The term ‘major weapon system’ has the meaning given that term in section 2302d of this title.

“(6) ADVANCED PREDICTIVE ANALYSIS.—The term ‘advanced predictive analysis’ means a type of analysis that applies advanced predictive modeling methodology to life-cycle management and product support by using event simulation to account for variations in asset demand over time, including events such as current equipment condition, planned usage, aging of parts, maintenance capacity and quality, and logistics response.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

“2335. Life-cycle management and product support.”.

(b) REPEAL OF SUPERSEDED SECTION.—Section 805 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2302) is repealed.
SEC. 814. CODIFICATION OF REQUIREMENT RELATING TO
GOVERNMENT PERFORMANCE OF CRITICAL
ACQUISITION FUNCTIONS.

(a) Codification.—

(1) In general.—Subchapter I of chapter 87
of title 10, United States Code, is amended by add-
ing at the end the following new section:

“§ 1706. Government performance of certain acquisi-
tion functions

“(a) Goal.—It shall be the goal of the Department
of Defense and each of the military departments to ensure
that, for each major defense acquisition program and each
major automated information system program, each of the
following positions is performed by a properly qualified
member of the armed forces or full-time employee of the
Department of Defense:

“(1) Program manager.
“(2) Deputy program manager.
“(3) Product support manager.
“(4) Chief engineer.
“(5) Systems engineer.
“(6) Chief developmental tester.
“(7) Cost estimator.

“(b) Plan of action.—The Secretary of Defense
shall develop and implement a plan of action for recruit-
ing, training, and ensuring appropriate career develop-
ment of military and civilian personnel to achieve the ob-
jective established in subsection (a).

“(c) DEFINITIONS.—In this section:

“(1) The term ‘major defense acquisition pro-
gram’ has the meaning given such term in section
2430(a) of this title.

“(2) The term ‘major automated information
system program’ has the meaning given such term
in section 2445a(a) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of such subchapter is amend-
ed by adding at the end the following new item:

“1706. Government performance of certain acquisition functions.”.

(b) REPEAL OF SUPERSEDED SECTION.—Section
820 of the John Warner National Defense Authorization
Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C.
1701 note) is repealed.

SEC. 815. LIMITATION ON FUNDING PENDING CERTIFI-
cATION OF IMPLEMENTATION OF REQUIRE-
MENTS FOR COMPETITION.

(a) LIMITATION ON FUNDING FOR CERTAIN OF-
fices.—Of the funds authorized to be appropriated for
fiscal year 2013 as specified in the funding table in section
4301, not more than 80 percent of the funds authorized
for the Office of the Secretary of Defense may be obligated
or expended until the certification described in subsection (b) is submitted.

(b) Certification Required.—The Secretary of Defense shall certify to the congressional defense committees that the Department of Defense is implementing the requirements of section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 10 U.S.C. 2430 note). Such a certification shall be accompanied by—

(1) a briefing to the congressional defense committees on processes and procedures that have been implemented across the military departments and Defense Agencies to maximize competition throughout the life-cycle of major defense acquisition programs, including actions to award contracts for performance of maintenance and sustainment of major weapon systems or subsystems and components of such systems; and

(2) a representative sample of solicitations issued since May 22, 2009, intended to fulfill the objectives of such section 202(d).
SEC. 816. CONTRACTOR RESPONSIBILITIES IN REGULATIONS RELATING TO DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

Section 818(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1493; 10 U.S.C. 2302 note) is amended to read as follows:

“(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under Department contracts, unless—

“(i) the covered contractor has an operational system to detect and avoid counterfeit parts and suspect counterfeit electronic parts that has been reviewed and approved by the Department of Defense pursuant to subsection (e)(2)(B);

“(ii) the counterfeit electronic parts or suspect counterfeit electronic parts were—

“(I) procured from a trusted supplier in accordance with regulations described in paragraph (3); or

“(II) provided to the contractor as Government property in accordance
with part 45 of the Federal Acquisition Regulation; and
“(iii) the covered contractor provides timely notice to the Government pursuant to paragraph (4).”.

SEC. 817. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:
“(11) The term ‘produced’, as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving.”.

SEC. 818. ASSESSMENT AND REPORT RELATING TO INFRA-INFRA-INFRA-RED TECHNOLOGY SECTORS.

(a) ASSESSMENT.—The Secretary of Defense, in conjunction with the sector-by-sector, tier-by-tier review conducted by the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, shall conduct an assessment of the health and status of various national
defense infrared technology sectors, including technology such as focal plane arrays sensitive to infrared wavelengths, read-out integrate circuits, cryogenic coolers, Dewar technology, infrared sensor engine assemblies, and infrared imaging systems.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the findings of the assessment within 90 days after the date of the enactment of this Act.

SEC. 819. COMPLIANCE WITH BERRY AMENDMENT REQUIRED FOR UNIFORM COMPONENTS SUPPLIED TO AFGHAN MILITARY OR AFGHAN NATIONAL POLICE.

(a) REQUIREMENT.—In the case of any textile components supplied by the Department of Defense to the Afghan National Army or the Afghan National Police for purposes of production of uniforms, section 2533a of title 10, United States Code, shall apply, and no exceptions or exemptions under that section shall apply.

(b) EFFECTIVE DATE.—This section shall apply to solicitations issued and contracts awarded for the procurement of such components after the date of the enactment of this Act.
Subtitle C—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

SEC. 821. EXTENSION AND EXPANSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

(a) Extension of Termination Date.—Subsection (f) of section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399) is amended by striking “on or after the date occurring three years after the date of the enactment of this Act” and inserting “after December 31, 2014”.

(b) Expansion of Authority to Cover Forces of the United States and Coalition Forces.—Subsection (b)(1) of such section is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by adding “or” at the end; and

(3) by adding at the end the following:

“(D) by the United States or coalition forces in Afghanistan if the product or service is from a country that has agreed to allow the
transport of coalition personnel, equipment, and
supplies;”.

(c) LIMITATION.—Such section is amended—

(1) by redesignating subsections (d), (e), (f),
and (g) as subsections (e), (f), (g), and (h), respec-
tively; and

(2) by inserting after subsection (e) the fol-
lowing:

“(d) LIMITATION.—The Secretary may not use the
authority provided in subsection (a) to procure goods or
services from Pakistan until such time as the Government
of Pakistan agrees to re-open the Ground Lines of Com-
munication for the movement of United States equipment
and supplies through Pakistan.”.

(d) REPEAL OF EXPIRED REPORT REQUIREMENT.—
Subsection (h) of such section, as redesignated by sub-
section (c) of this section, is repealed.

(e) CLERICAL AMENDMENT.—The heading of such
section is amended by striking “; REPORT”.

SEC. 822. LIMITATION ON AUTHORITY TO ACQUIRE PROD-
UCTS AND SERVICES PRODUCED IN AFGHANI-
STAN.

Section 886 of the National Defense Authorization
266; 10 U.S.C. 2302 note) is amended—
(1) in the section heading, by striking “IRAQ AND”;

(2) by striking “Iraq or” each place it appears;

and

(3) in subsection (b)—

(A) by inserting “(A)” after “(1)”;

(B) in paragraph (2)—

(i) by redesignating clauses (i) and (ii) of subparagraph (B) as subclauses (I) and (II), respectively, and in subclause (II), as so redesignated, by striking the period at the end and inserting “; and”;

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(iii) by striking “(2)” and inserting “(B)”;

and

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

“(2) the Government of Afghanistan is not taxing assistance provided by the United States to Afghanistan in violation of any bilateral or other agreement with the United States.”.
Subtitle D—Other Matters

SEC. 831. ENHANCEMENT OF REVIEW OF ACQUISITION PROCESS FOR RAPID FIELDING OF CAPABILITIES IN RESPONSE TO URGENT OPERATIONAL NEEDS.


(1) by inserting “and” at the end of subparagraph (B);

(2) by striking “; and” at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

SEC. 832. LOCATION OF CONTRACTOR-OPERATED CALL CENTERS IN THE UNITED STATES.

The Secretary of Defense shall ensure that any call center operated pursuant to a contract entered into by the Secretary or by the head of any of the military departments is located in the United States.
SEC. 833. CONSIDERATION AND VERIFICATION OF INFORMATION RELATING TO EFFECT ON DOMESTIC EMPLOYMENT OF AWARD OF DEFENSE CONTRACTS.

(a) In General.—Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) The head of an agency, in issuing a solicitation for competitive proposals, shall state in the solicitation that the agency may consider information (in this paragraph referred to as a ‘jobs impact statement’) that the offeror may include in its offer related to the effects on employment within the United States of the contract if it is awarded to the offeror.

“(B) The information that may be included in a jobs impact statement may include the following:

“(i) The number of jobs expected to be created in the United States, or the number of jobs retained that otherwise would be lost, if the contract is awarded to the offeror.

“(ii) The number of jobs created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.
“(iii) A guarantee from the offeror that
jobs created or retained in the United States
will not be moved outside the United States
after award of the contract.

“(C) The contracting officer may consider the
information in the jobs impact statement in the eval-
uation of the offer.

“(D) The agency may request further informa-
tion from the offeror in order to verify the accuracy
of the information in the jobs impact statement.

“(E) In the case of a contract awarded to an
offeror that submitted a jobs impact statement with
the offer for the contract, the agency shall, not later
than six months after the award of the contract and
annually thereafter for the duration of the contract
or contract extension, assess the accuracy of the jobs
impact statement.

“(F) The Secretary of Defense shall submit to
Congress an annual report on the frequency of use
within the Department of Defense of jobs impact
statements in the evaluation of competitive pro-
posals.”.

(b) REVISION OF FEDERAL ACQUISITION REGULA-
TION.—The Federal Acquisition Regulation shall be re-
vised to implement the amendment made by this section.
SEC. 834. ENERGY SAVINGS PERFORMANCE CONTRACT REPORT.

Not later than June 30, 2013, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the use of energy savings performance contracts by the Department of the Army, the Department of the Navy, and the Department of the Air Force, respectively, including each of the following:

(1) The amount of appropriated funds that have been obligated or expended and that are expected to be obligated or expended for energy savings performance contracts.

(2) The amount of such funds that have been used for comprehensive retrofits.

(3) The amount of such funds that have been used to leverage private sector capital, including the amount of such capital.

SEC. 835. REQUIREMENT TO INCLUDE TRAFFICKING IN PERSONS IN PERFORMANCE ASSESSMENTS OF DEFENSE CONTRACTORS.

(a) Performance Assessments to Include Evaluation of Trafficking in Persons.—With respect to any performance assessment of a defense contractor or subcontractor of such a contractor, or any labor recruiter, broker, or other agent used by the contractor...
or subcontractor, the Secretary of Defense shall include an evaluation of trafficking in persons.

(b) TRAFFICKING IN PERSONS DEFINED.—In this section, the term “trafficking in persons” has the meaning provided the term “severe form of trafficking in persons” in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. ADDITIONAL DUTIES OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY AND AMENDMENTS TO STRATEGIC MATERIALS PROTECTION BOARD.

(a) FINDINGS.—Congress finds the following:

(1) The Defense Logistics Agency has made little progress in addressing the findings and recommendations from the April 2009 report of the Department of Defense report titled “Reconfiguration of the National Defense Stockpile Report to Congress”.
(2) The office of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy has historically analyzed the United States defense industrial base from the point of view of prime contractors and original equipment manufacturers and has provided insufficient attention to producers of materials critical to national security, including raw materials producers.

(3) Responsibility for the secure supply of materials critical to national security, which supports the defense industrial base, is decentralized throughout the Department of Defense.

(4) The office of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy should expand its focus to consider both a top-down view of the supply chain, beginning with prime contractors, and a bottom-up view that begins with raw materials suppliers.

(5) To enable this focus and support a more coherent, comprehensive strategy as it pertains to materials critical to national security, the office of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy should develop policy, conduct oversight, and monitor resource allocation for agencies of the Department of Defense,
including the Defense Logistics Agency, for all ac-
tivities that pertain to ensuring a secure supply of
materials critical to national security.

(6) The Strategic Materials Protection Board
should be reconfigured so as to be chaired by the
Deputy Assistant Secretary of Defense for Manufac-
turing and Industrial Base Policy and should fully
execute its duties and responsibilities.

(b) APPOINTMENT OF DEPUTY ASSISTANT SEC-
RETY.—Section 139c(a) of title 10, United States Code,
is amended by striking “appointed by” and all that follows
through the end of the subsection and inserting “ap-
pointed by the Secretary of Defense.”.

(c) RESPONSIBILITIES OF DEPUTY ASSISTANT SEC-
RETY.—Section 139c(b) of such title is amended—

(1) by striking paragraphs (1) through (4) and
inserting the following:

“(1) Providing input to strategy reviews, in-
cluding quadrennial defense reviews conducted pur-
suant to section 118 of this title, on matters related
to—

“(A) the defense industrial base; and

“(B) materials critical to national security.

“(2) Establishing policies of the Department of
Defense for developing and maintaining the defense
industrial base of the United States and ensuring a secure supply of materials critical to national security.

“(3) Providing recommendations to the Under Secretary on budget matters pertaining to the industrial base, the supply chain, and the development and retention of skills necessary to support the industrial base.

“(4) Providing recommendations and acquisition policy guidance to the Under Secretary on supply chain management and supply chain vulnerability throughout the entire supply chain, from suppliers of raw materials to producers of major end items.”.

(2) by striking paragraph (5) and redesignating paragraphs (6), (7), (8), (9), and (10) as paragraphs (5), (6), (7), (8), and (9), respectively;

(3) by inserting after paragraph (9), as so redesignated, the following new paragraph (10):

“(10) Providing policy and oversight of matters related to materials critical to national security to ensure a secure supply of such materials to the Department of Defense.”.

(4) by redesignating paragraph (15) as paragraph (18); and
(5) by inserting after paragraph (14) the following new paragraphs:

“(15) Coordinating with the Director of Small Business Programs on all matters related to industrial base policy of the Department of Defense.

“(16) Ensuring reliable sources of materials critical to national security, such as specialty metals, armor plate, and rare earth elements.

“(17) Establishing policies of the Department of Defense for continued reliable resource availability from domestic sources and allied nations for the industrial base of the United States.”.

(d) MATERIALS CRITICAL TO NATIONAL SECURITY DEFINED.—Section 139e of such title is further amended by adding at the end the following new subsection:

“(d) MATERIALS CRITICAL TO NATIONAL SECURITY DEFINED.—In this section, the term ‘materials critical to national security’ has the meaning given that term in section 187(e)(1) of this title.”.

(e) AMENDMENTS TO STRATEGIC MATERIALS PROTECTION BOARD.—

(1) MEMBERSHIP.—Paragraph (2) of section 187(a) of such title is amended to read as follows:

“(2) The Board shall be composed of the following:
“(A) The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, who shall be the chairman of the Board.

“(B) The Administrator of the Defense Logistics Agency Strategic Materials, or any successor organization, who shall be the vice chairman of the Board.

“(C) A designee of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

“(D) A designee of the Assistant Secretary of the Navy for Research, Development, and Acquisition.

“(E) A designee of the Assistant Secretary of the Air Force for Acquisition.”.

(2) Duties.—Paragraphs (3) and (4) of section 187(b) of such title are each amended by striking “President” and inserting “Secretary”.

(3) Meetings.—Section 187(c) of such title is amended by striking “Secretary of Defense” and inserting “Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy”.

(4) Reports.—Section 187(d) of such title is amended to read as follows:

“(d) Reports.—(1) After each meeting of the Board, the Board shall prepare a report containing the
results of the meeting and such recommendations as the Board determines appropriate. The Secretary of each military department shall review and comment on the report.

“(2) Each such report shall be published in the Federal Register and subsequently submitted to the congressional defense committees, together with public comments and comments and recommendations from the Secretary of Defense, not later than 90 days after the meeting covered by the report.”.

SEC. 902. REQUIREMENT FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.

(a) Designation of Senior Official Responsible for Focus on Urgent Operational Needs and Rapid Acquisition.—

(1) In general.—The Secretary of Defense, after consultation with the Secretaries of the military departments, shall designate a senior official in the Office of the Secretary of Defense as the principal official of the Department of Defense responsible for leading the Department’s actions on urgent operational needs and rapid acquisition, in accordance with this section.

(2) Staff and resources.—The Secretary shall assign to the senior official designated under paragraph (1) appropriate staff and resources nee-
necessary to carry out the official’s functions under this section.

(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:

(1) Acting as an advocate within the Department of Defense for issues related to the Department’s ability to rapidly respond to urgent operational needs, including programs funded and carried out by the military departments.

(2) Improving visibility of urgent operational needs throughout the Department, including across the military departments, the Defense Agencies, and all other entities and processes in the Department that address urgent operational needs.

(3) Ensuring that tools and mechanisms are used to track, monitor, and manage the status of urgent operational needs within the Department, from validation through procurement and fielding, including a formal feedback mechanism for the armed forces to provide information on how well fielded solutions are meeting urgent operational needs.

(e) URGENT OPERATIONAL NEEDS DEFINED.—In this section, the term “urgent operational needs” means capabilities that are determined by the Secretary of De-
fense, pursuant to the review process required by section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be suitable for rapid fielding in response to urgent operational needs.

SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL FOR ENTERPRISE RESOURCE PLANNING SYSTEM DATA CONVERSION.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) designate a senior official of the Department of Defense as the official with principal responsibility for coordination and management oversight of data conversion for all enterprise resource planning systems of the Department; and

(2) set forth the responsibilities of that senior official with respect to such data conversion.

SEC. 904. ADDITIONAL RESPONSIBILITIES AND RESOURCES FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.

(a) SUPERVISION.—Section 139b(a)(3) of title 10, United States Code, is amended by striking “to the Under Secretary” before the period and inserting “directly to the
Under Secretary, without the interposition of any other supervising official”.

(b) CONCURRENT SERVICE.—Section 139b(a)(7) of such title is amended by striking “may” and inserting “shall”.

(c) RESOURCES.—Section 139b(a) of such title is amended by adding at the end the following new paragraph:

“(8) RESOURCES.—

“(A) The President shall include in the budget transmitted to Congress, pursuant to section 1105 of title 31, for each fiscal year, a separate statement of estimated expenditures and proposed appropriations for the fiscal year for the activities of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation in carrying out the duties and responsibilities of the Deputy Assistant Secretary under this section.

“(B) The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation shall have sufficient professional staff of military and civilian personnel to enable the Deputy Assistant Secretary to carry out the duties and responsibilities prescribed by law. The resources
for the Deputy Assistant Secretary shall be comparable to the resources, including Senior Executive Service positions, other civilian positions, and military positions, available to the Director of Operational Test and Evaluation.’’.

(d) **ANNUAL REPORT.**—Section 139b(d) of such title is amended—

(1) in the subsection heading, by striking “JOINT”;

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting “(1)” before “Not later than March 31”;

(4) in the matter appearing before subparagraph (A), as so redesignated, by striking “jointly” and inserting “each”; and

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

“(2) With respect to the report required under paragraph (1) by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation—

“(A) the report shall include a separate section that covers the activities of the Department of Defense Test Resource Management Center (estab-
lished under section 196 of this title) during the pre-
ceeding year; and

“(B) the report shall be transmitted to the
Under Secretary of Defense for Acquisition, Tech-
nology, and Logistics at the same time it is sub-
mitted to the congressional defense committees.”.

SEC. 905. REDESIGNATION OF THE DEPARTMENT OF THE
NAVY AS THE DEPARTMENT OF THE NAVY
AND MARINE CORPS.

(a) Redesignation of the Department of the
Navy as the Department of the Navy and Marine
Corps.—

(1) Redesignation of military depart-
ment.—The military department designated as the
Department of the Navy is redesignated as the De-
partment of the Navy and Marine Corps.

(2) Redesignation of secretary and
other statutory offices.—

(A) Secretary.—The position of the Sec-
retary of the Navy is redesignated as the Sec-
retary of the Navy and Marine Corps.

(B) Other statutory offices.—The
positions of the Under Secretary of the Navy,
the four Assistant Secretaries of the Navy, and
the General Counsel of the Department of the
Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) Conforming Amendments to Title 10, United States Code.—

(1) Definition of “Military Department.”—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

“(8) The term ‘military department’ means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.”.

(2) Organization of Department.—The text of section 5011 of such title is amended to read as follows: “The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.”.

(3) Position of Secretary.—Section 5013(a)(1) of such title is amended by striking “There is a Secretary of the Navy” and inserting “There is a Secretary of the Navy and Marine Corps”.

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(4) Chapter headings.—

(A) The heading of chapter 503 of such title is amended to read as follows:

“CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS”.

(B) The heading of chapter 507 of such title is amended to read as follows:


(5) Other amendments.—

(A) Title 10, United States Code, is amended by striking “Department of the Navy” and “Secretary of the Navy” each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps”, respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of
such title are amended by striking “Assistant Secretaries of the Navy” and inserting “Assistant Secretaries of the Navy and Marine Corps”.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting “and Marine Corps” after “of the Navy”, with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) Other Provisions of Law and Other References.—

(1) Title 37, United States Code.—Title 37, United States Code, is amended by striking “Department of the Navy” and “Secretary of the Navy” each place they appear and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps”, respectively.

(2) Other References.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine
Corps. Any such reference to an office specified in subsection (a)(2) shall be considered to be a reference to that office as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

Subtitle B—Space Activities

SEC. 911. ANNUAL ASSESSMENT OF THE SYNCHRONIZATION OF SEGMENTS IN SPACE PROGRAMS THAT ARE MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANNUAL ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for five years, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall annually submit to the congressional defense committees an assessment of the synchronization of the operability of the program segments of each space program that is a major defense acquisition program.

(b) CONTENTS.—Each assessment required under subsection (a) shall include—

(1) a description of the intended primary capabilities of each space program that is a major defense acquisition program and the level of operability
of each program segment of such space program at
the time of such assessment;

(2) a schedule for the deployment of such in-
tended primary capabilities of such space program in
each such program segment and in such space pro-
gram as a whole;

(3) for each such space program for which a
primary capability of such program will be operable
by one program segment at least one year after the
date on which such capability is operable by another
program segment—

(A) an explanation of the reasons that
such primary capability will be operable by one
program segment at least one year after the
date such capability is operable by another pro-
gram segment; and

(B) an identification of the steps the De-
partment is taking to improve the alignment of
when the program segments become operable
and the related challenges, costs, and risks; and

(4) a description of the impact on the mission
of such space program caused by such primary capa-
bility being operable by one program segment at
least one year after the date such capability is oper-
able by another program segment.
(c) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—The term “major defense acquisition program” has the meaning given the term in section 2430 of title 10, United States Code.

(2) PROGRAM SEGMENT.—The term “program segment” means, with respect to a space program that is a major defense acquisition program, the following segments:

(A) The portion of such program that is satellite-based.

(B) The portion of such program that is ground-based.

(C) The portion of such program that is operated by the end-user.

SEC. 912. REPORT ON OVERHEAD PERSISTENT INFRARED TECHNOLOGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there are significant investments in overhead persistent infrared technology that span multiple agencies and support a variety of missions, including missile warning, missile defense, battle space awareness, and technical intelligence; and
(2) further efforts should be made to fully exploit overhead persistent infrared sensor data.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report on overhead persistent infrared technology that includes—

(1) an assessment of whether there are further opportunities for the Department of Defense and the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) to capitalize on increased data sharing, fusion, interoperability, and exploitation; and

(2) recommendations on how to better coordinate the efforts by the Department and the intelligence community to exploit overhead persistent infrared sensor data.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 90 days after the date on which the Secretary of Defense submits the report required under subsection (b), the Comptroller General of the United States shall submit to the congressional defense committees an assess-
ment of the report required under subsection (b), including—

(1) an assessment of whether such report is comprehensive, fully supported, and sufficiently detailed; and

(2) an identification of any shortcomings, limitations, or other reportable matters that affect the quality or findings of the report required under subsection (b).

SEC. 913. PROHIBITION ON USE OF FUNDS TO IMPLEMENT INTERNATIONAL AGREEMENT ON SPACE ACTIVITIES THAT HAS NOT BEEN RATIFIED BY THE SENATE OR AUTHORIZED BY STATUTE.

(a) Prohibition.—None of the funds authorized to be appropriated by this Act or any other Act may be used by the Secretary of Defense or the Director of National Intelligence to limit the activities of the Department of Defense or the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) in outer space to implement or comply with an international agreement concerning outer space activities unless such agreement is ratified by the Senate or authorized by statute.

(b) Report on International Agreement Negotiations.—
(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees a report on the progress of negotiations on an international agreement concerning outer space activities. Such report shall include a description of which foreign countries have agreed to sign such an international agreement and any implications that the draft of the agreement being negotiated may have on both classified and unclassified military and intelligence activities of the United States in outer space.

(2) FORM.—

(A) UNCLASSIFIED.—Except as provided in subparagraph (B), each report required under paragraph (1) shall be submitted in unclassified form.

(B) CLASSIFIED ANNEX.—The Secretary of Defense may submit to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a classified annex to a report re-
quired under paragraph (1) containing any clas-
sified information required to be submitted for
such report.

(3) TERMINATION DATE.—The requirement to
submit a report under paragraph (1) shall cease to
apply on the date on which the President submits to
the appropriate congressional committees a certifi-
cation that the United States is no longer involved
in negotiations on an international agreement con-
cerning outer space activities.

(4) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—In this subsection, the term “appropriate
congressional committees” means—

(A) the Committee on Armed Services, the
Permanent Select Committee on Intelligence,
the Committee on Foreign Affairs, and the
Committee on Science, Space, and Technology
of the House of Representatives; and

(B) the Committee on Armed Services, the
Select Committee on Intelligence, the Com-
mittee on Foreign Relations, and the Com-
mittee on Commerce, Science, and Transpor-
tation of the Senate.

(c) REPORT ON FOREIGN COUNTER-SPACE PRO-
GRAMS.—
(1) Report required.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2275. Report on foreign counter-space programs

“(a) Report required.—Not later than January 1 of each year, the Secretary of Defense shall submit to Congress a report on the counter-space programs of foreign countries.

“(b) Contents.—Each report required under subsection (a) shall include—

“(1) an explanation of whether any foreign country has a counter-space program that could be a threat to the national security or commercial space systems of the United States; and

“(2) the name of each country with a counter-space program described in paragraph (1).

“(c) Form.—

“(1) In general.—Except as provided in paragraphs (2) and (3), each report required under subsection (a) shall be submitted in unclassified form.

“(2) Classified annex.—The Secretary of Defense may submit to the covered congressional committees a classified annex to a report required under subsection (a) containing any classified information required to be submitted for such report.
“(3) FOREIGN COUNTRY NAMES.—

“(A) UNCLASSIFIED FORM.—Subject to subparagraph (B), each report required under subsection (a) shall include the information required under subsection (b)(2) in unclassified form.

“(B) NATIONAL SECURITY WAIVER.—The Secretary of Defense may waive the requirement under subparagraph (A) if the Secretary determines it is in the interests of national security to waive such requirement and submits to Congress an explanation of why the Secretary waived such requirement.

“(d) PROHIBITION ON USE OF FUNDS FOR NON-COMPLIANCE.—If in any fiscal year the Secretary of Defense does not submit a report required under subsection (a) on or before the date on which such report is required to be submitted, none of the funds authorized to be appropriated by any Act for such fiscal year for activities of the Department of Defense may be used for travel related to the negotiation of an international agreement concerning outer space activities until such report is submitted.

“(e) COVERED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘covered congressional
committees’ means the Committee on Armed Services and
the Permanent Select Committee on Intelligence of the
House of Representatives and the Committee on Armed
Services and the Select Committee on Intelligence of the
Senate.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 135 of title 10,
United States Code, is amended by adding at the
end the following new item:

“2275. Report on foreign counter-space programs.”.

SEC. 914. ASSESSMENT OF FOREIGN COMPONENTS AND
THE SPACE LAUNCH CAPABILITY OF THE
UNITED STATES.

(a) ASSESSMENT.—The Secretary of the Air Force
shall enter into an agreement with a federally funded re-
search and development center to conduct an independent
assessment of the national security implications of con-
tinuing to use foreign component and propulsion systems
for the launch vehicles under the evolved expendable
launch vehicle program.

(b) REPORT.—Not later than 180 days after the date
of the enactment of this Act, the federally funded research
and development center shall submit to the congressional
defense committees a report on the assessment conducted
under subsection (a).
SEC. 915. REPORT ON COUNTER SPACE TECHNOLOGY.

(a) Report.—Not later than one year after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report based on all available information describing key space technologies that could be used, or are being sought, by a foreign country with a counter space or ballistic missile program, and should be subject to export controls by the United States or an ally of the United States, as appropriate.

(b) Form.—Each report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 916. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) In general.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2276. Commercial space launch cooperation

“(a) Authority.—The Secretary of Defense may take such actions as the Secretary considers to be in the best interest of the Federal Government to—

“(1) maximize the use of the capacity of the space transportation infrastructure of the Depart-
ment of Defense by the private sector in the United States;

“(2) maximize the effectiveness and efficiency of the space transportation infrastructure of the Department of Defense;

“(3) reduce the cost of services provided by the Department of Defense related to space transportation infrastructure at launch support facilities and space recovery support facilities;

“(4) encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Department of Defense; and

“(5) foster cooperation between the Department of Defense and covered entities.

“(b) Authority for Contracts and Other Agreements Relating to Space Transportation Infrastructure.—The Secretary of Defense—

“(1) may enter into an agreement with a covered entity to provide the covered entity with support and services related to the space transportation infrastructure of the Department of Defense; and

“(2) upon the request of such covered entity, may include such support and services in the space
launch and reentry range support requirements of
the Department of Defense if—

“(A) the Secretary determines that the in-
cclusion of such support and services in such re-
quirements—

“(i) is in the best interest of the Fed-
eral Government;

“(ii) does not interfere with the re-
quirements of the Department of Defense;

and

“(iii) does not compete with the com-
mmercial space activities of other covered en-
tities, unless that competition is in the na-
tional security interests of the United
States; and

“(B) any commercial requirement included
in the agreement has full non-Federal funding
before the execution of the agreement.

“(c) CONTRIBUTIONS.—

“(1) IN GENERAL.—The Secretary of Defense
may enter into an agreement with a covered entity
on a cooperative and voluntary basis to accept con-
tributions of funds, services, and equipment to carry
out this section.
“(2) Use of contributions.—Any funds, services, or equipment accepted by the Secretary under this subsection—

“(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the agreement entered into under this subsection; and

“(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

“(3) Requirements with respect to agreements.—An agreement entered into with a covered entity under this subsection—

“(A) shall address the terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the agreement; and

“(B) shall include a provision that the covered entity will not recover the costs of its contribution through any other agreement with the United States.

“(d) Defense cooperation space launch account.—

“(1) Establishment.—There is established in the Treasury of the United States a special account
to be known as the ‘Defense Cooperation Space Launch Account’.

“(2) CREDITING OF FUNDS.—Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account.

“(3) USE OF FUNDS.—Funds deposited in the Defense Cooperation Space Launch Account under paragraph (2) are authorized to be appropriated and shall be available for obligation only to the extent provided in advance in an appropriation Act for costs incurred by the Department of Defense in carrying out subsection (b). Funds in the Account shall remain available until expended.

“(e) ANNUAL REPORT.—Not later than January 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the preceding fiscal year.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

“(g) DEFINITIONS.—In this section:

“(1) COVERED ENTITY.—The term ‘covered entity’ means a non-Federal entity that—
“(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

“(B) is engaged in commercial space activities.

“(2) LAUNCH SUPPORT FACILITIES.—The term ‘launch support facilities’ has the meaning given the term in section 50501(7) of title 51.

“(3) SPACE RECOVERY SUPPORT FACILITIES.—The term ‘space recovery support facilities’ has the meaning given the term in section 50501(11) of title 51.

“(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term ‘space transportation infrastructure’ has the meaning given that term in section 50501(12) of title 51.”.

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

“2276. Commercial space launch cooperation.”.
Subtitle C—Intelligence-Related Activities

SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTELLIGENCE SUPPORT TO CERTAIN SECURITY ALLIANCES AND REGIONAL ORGANIZATIONS.

(a) AUTHORIZATION.—Section 443(a) of title 10, United States Code, is amended—

(1) by striking “The Director” and inserting “(1) Subject to paragraph (2), the Director”;

(2) by striking “foreign countries” and inserting “foreign countries, regional organizations with defense or security components, and security alliances of which the United States is a member”; and

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

“(2) In each case in which the Director of the National Geospatial-Intelligence Agency provides imagery intelligence or geospatial information support to a regional organization or security alliance under paragraph (1), the Director shall—

“(A) ensure that such intelligence and such support are not provided by such regional organization or such security alliance to any other person or entity;
“(B) notify the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate, that the Director has provided such intelligence or such support; and

“(C) coordinate the provision of such intelligence and such support with the commander of the appropriate combatant command.”.

(b) Clerical Amendments.—

(1) Section heading.—The heading of section 443 of title 10, United States Code, is amended by striking “foreign countries” and inserting “foreign countries, regional organizations, and security alliances”.

(2) Table of sections.—The table of sections at the beginning of chapter 22 of title 10, United States Code, is amended by striking the item relating to section 443 and inserting the following new item:

“443. Imagery intelligence and geospatial information: support for foreign countries, regional organizations, and security alliances.”.
SEC. 922. TECHNICAL AMENDMENTS TO REFLECT CHANGE IN NAME OF NATIONAL DEFENSE INTELLIGENCE COLLEGE TO NATIONAL INTELLIGENCE UNIVERSITY.

(a) Conforming Amendments to Reflect Name Change.—Section 2161 of title 10, United States Code, is amended by striking “National Defense Intelligence College” each place it appears and inserting “National Intelligence University”.

(b) Clerical Amendments.—

(1) Section Heading.—The heading of such section is amended to read as follows:

“§ 2161. Degree granting authority for National Intelligence University”.

(2) Table of Sections.—The item related to such section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

“2161. Degree granting authority for National Intelligence University.”.

Subtitle D—Total Force Management

SEC. 931. LIMITATION ON CERTAIN FUNDING UNTIL CERTIFICATION THAT INVENTORY OF CONTRACTS FOR SERVICES HAS BEGUN.

(a) Limitation on Funding for Certain Offices.—Of the funds authorized to be appropriated for
fiscal year 2013 as specified in the funding table in section 4301, not more than 80 percent of the funds authorized for the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition; and the Office of the Assistant Secretary of the Air Force for Acquisition may be obligated or expended until the certification described in subsection (c) is submitted.

(b) LIMITATION ON FUNDING FOR OTHER CONTRACTS.—Of the funds authorized for other contracts or other services to be appropriated for fiscal year 2013 as specified in the funding table in section 4301, not more than 80 percent of the funds authorized for the Office of the Secretary of Defense, the Department of the Navy, and the Department of the Air Force may be obligated or expended until the certification described in subsection (c) is submitted.

(c) CERTIFICATION.—The certification described in this subsection is a certification in writing submitted to the congressional defense committees and made by the Secretary of Defense that the collection of data for purposes of meeting the requirements of section 2330a of title 10, United States Code, has begun.
(d) DEFINITION.—In this section, the term “other contracts or other services” means funding described in line 0989 within Exhibit OP–32 of the justification materials accompanying the President’s budget request for fiscal year 2013.

SEC. 932. REQUIREMENT TO ENSURE SUFFICIENT LEVELS OF GOVERNMENT MANAGEMENT, CONTROL, AND OVERSIGHT OF FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

Section 129a of title 10, United States Code, is amended—

(1) in subparagraph (B) of subsection (f)(3), by inserting after “Government” the following: “management, control, and”; and

(2) by adding at the end the following new subsection:

“(g) REQUIREMENT FOR MANAGEMENT, CONTROL, AND OVERSIGHT OR APPROPRIATE CORRECTIVE ACTIONS.—For purposes of subsection (f)(3)(B), if insufficient levels of Government management, control, and oversight are found, the Secretary of the military department or head of the Defense agency responsible shall provide such management, control, and oversight or take appropriate corrective actions, including potential conversion to
Government performance, consistent with this section and sections 129 and 2463 of this title.”.

SEC. 933. SPECIAL MANAGEMENT ATTENTION REQUIRED FOR CERTAIN FUNCTIONS IDENTIFIED IN INVENTORY OF CONTRACTS FOR SERVICES.

Subparagraph (C) of section 2330a(e)(2) of title 10, United States Code, is amended to read as follows:

“(C) special management attention is being given to functions identified in the inventory as being closely associated with inherently governmental functions; and”.

Subtitle E—Cyberspace-Related Matters

SEC. 941. MILITARY ACTIVITIES IN CYBERSPACE.

Section 954 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1551) is amended to read as follows:

“SEC. 954. MILITARY ACTIVITIES IN CYBERSPACE.

“(a) AFFIRMATION.—Congress affirms that the Secretary of Defense is authorized to conduct military activities in cyberspace.

“(b) AUTHORITY DESCRIBED.—The authority referred to in subsection (a) includes the authority to carry out a clandestine operation in cyberspace—
“(1) in support of a military operation pursuant to the Authorization for Use of Military Force (50 U.S.C. 1541 note; Public Law 107–40) against a target located outside of the United States; or

“(2) to defend against a cyber attack against an asset of the Department of Defense.

“(c) Rule of Construction Regarding Authority in Cyberspace.—Nothing in this section shall be construed to limit the authority of the Secretary of Defense to conduct military activities in cyberspace.

“(d) Rule of Construction Regarding Covert Actions.—Nothing in this section shall be construed to authorize a covert action (as defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e))) or modify the requirements of section 503 of such Act (50 U.S.C. 413b).

“(e) Congressional Notification.—Consistent with, and in addition to, any other reporting requirements under law, the Secretary of Defense shall ensure that the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) are kept fully and currently informed of any intelligence or intelligence-related activities undertaken in support of military activities in cyberspace.”.
SEC. 942. QUARTERLY CYBER OPERATIONS BRIEFINGS.

(a) BRIEFINGS.—Chapter 23 of title 10, United States Code, is amended by inserting after section 483 the following new section:

“§ 484. Quarterly cyber operations briefings

“The Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate quarterly briefings on all offensive and significant defensive military operations in cyberspace carried out by the Department of Defense during the immediately preceding quarter.”.

(b) INITIAL BRIEFING.—The first briefing required under section 484 of title 10, United States Code, as added by subsection (a), shall be provided not later than March 1, 2013.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 10, United States Code, is amended by inserting after the item relating to section 483 the following new item:

“484. Quarterly cyber operations briefings.”.

Subtitle F—Other Matters

SEC. 951. ADVICE ON MILITARY REQUIREMENTS BY CHAIRMAN OF JOINT CHIEFS OF STAFF AND JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) AMENDMENTS RELATED TO CHAIRMAN OF JOINT CHIEFS OF STAFF.—Section 153(a)(4) of title 10, United
States Code, is amended by striking subparagraph (F) and inserting the following new subparagraphs:

“(F) Identifying, assessing, and approving military requirements (including existing systems and equipment) to meet the national military strategy.

“(G) Recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, and performance objectives to ensure that such trade-offs are made in the acquisition of materiel and equipment to meet military requirements in a manner that best supports the strategic and contingency plans required by subsection (a).”.

(b) Amendments Related to JROC.—Section 181(b) of such title is amended—

(1) in paragraph (1)(C), by striking “in ensuring” and all that follows through “requirements” and inserting the following: “in ensuring that appropriate trade-offs are made among life-cycle cost, schedule, and performance objectives in the acquisition of materiel and equipment to meet military requirements”; and
(2) in paragraph (3), by striking “such resource level” and inserting “the total cost of such resources”.

(e) Amendments Related Chiefs of Armed Forces.—Section 2547(a) of such title is amended—

(1) in paragraph (1), by striking “of requirements relating to the defense acquisition system” and inserting “and certification of requirements for equipping the armed force concerned”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraphs:

“(3) The recommendation of trade-offs among life-cycle cost, schedule, and performance objectives to ensure acquisition programs to equip the armed force concerned deliver best value.

“(4) Termination of development or procurement programs that fail to meet life-cycle cost, schedule, and performance objectives.”.
SEC. 952. EXPANSION OF PERSONS ELIGIBLE FOR EXPEDITED FEDERAL HIRING FOLLOWING COMPLETION OF NATIONAL SECURITY EDUCATION PROGRAM SCHOLARSHIP.

Section 802(k) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(k)) is amended to read as follows:

“(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

“(1) APPOINTMENT AUTHORITY.—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

“(A) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint an eligible program participant—

“(i) to a position in the excepted service that is certified by the Secretary of Defense under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or

“(ii) subject to clause (ii) of such subsection, to a position in the excepted serv-
ice in such Federal agency or office identified by the Secretary; and

“(B) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of subparagraph (A), convert the appointment of such individual, without competition, to a career or career conditional appointment.

“(2) Treatment of certain service.—In the case of an eligible program participant described in clause (ii) or (iii) of paragraph (3)(B) who receives an appointment under paragraph (1)(A), the head of a Department or Federal agency or office referred to in paragraph (1) may count any period that the individual served in a position with the Federal Government towards satisfaction of the service requirement under paragraph (1)(B) if that service—

“(A) in the case of an appointment under clause (i) of paragraph (1)(A), was in a position that is identified under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or
“(B) in the case of an appointment under clause (ii) of paragraph (1)(A), was in the Federal agency or office in which the appointment under that clause is made.

“(3) Eligible program participant defined.—In this subsection, the term ‘eligible program participant’ means an individual who—

“(A) has successfully completed an academic program for which a scholarship or fellowship under this section was awarded; and

“(B) at the time of the appointment of the individual to an excepted service position under paragraph (1)(A)—

“(i) under the terms of the agreement for such scholarship or fellowship, owes a service commitment to a Department or Federal agency or office referred to in paragraph (1);

“(ii) is employed by the Federal Government under a non-permanent appointment to a position in the excepted service that has national security responsibilities; or

“(iii) is a former civilian employee of the Federal Government who has less than
a one-year break in service from the last period of Federal employment of such individual in a non-permanent appointment in the excepted service with national security responsibilities.”.

SEC. 953. ANNUAL BRIEFING TO CONGRESSIONAL DEFENSE COMMITTEES ON CERTAIN WRITTEN POLICY GUIDANCE.

Section 113(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Secretary of Defense shall provide an annual briefing to the congressional defense committees on the written policy guidance provided under paragraphs (1) and (2).”.

SEC. 954. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.


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(b) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall assess—

(1) the effectiveness of the Regional Centers for Security Studies in meeting the Centers’ objectives and advancing the priorities of the Department of Defense;

(2) the extent to which the Centers perform a unique function within the interagency community or the extent to which there are similar or duplicative efforts within the Department of Defense or the Department of State;

(3) the measures of effectiveness and impact indicators each Regional Center uses to internally evaluate its programs;

(4) the oversight mechanisms within the Department of Defense with respect to the Regional Centers; and

(5) the costs and benefits to the Department of Defense of waiving reimbursement costs for personnel of nongovernmental organizations and international organizations to participate in activities of the Centers on an ongoing basis.

(e) REPORT.—Not later than March 1, 2013, the Comptroller General shall submit to the Committees on Armed Services and on Foreign Relations of the Senate...
and the Committees on Armed Services and on Foreign Affairs of the House of Representatives a report on the assessment required by subsection (b).

SEC. 955. NATIONAL LANGUAGE SERVICE CORPS.

(a) CHARTER FOR NATIONAL LANGUAGE SERVICE CORPS.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

"SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.

"(a) ESTABLISHMENT.—

"(1) The Secretary of Defense shall establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the ‘Corps’).

"(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

"(b) NATIONAL SECURITY EDUCATION BOARD.—The Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as deter-
mined by the Secretary under paragraph (9) of section 803(d).

“(c) MEMBERSHIP.—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps. Members of the Corps may include employees of the Federal Government and of State and local governments.

“(d) TRAINING.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

“(e) SERVICE.—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be
merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.

“(g) USERRA APPLICABILITY.—For purposes of the applicability of chapter 43 of title 38, United States Code, to a member of the Corps—

“(1) a period of active service in the Corps shall be deemed to be service in the uniformed services; and

“(2) the Corps shall be deemed to be a uniformed service.”.

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:


“(6) The Secretary of Energy.

“(7) The Director of National Intelligence.”.
(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

“(A) identifying and assessing on a periodic basis the needs of the departments and agencies of the Federal Government for personnel with skills in various foreign languages;

“(B) establishing plans to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government;

“(C) recommending effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal Government that use those skills;

“(D) coordinating activities with Executive agencies and State and Local governments to develop interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types
of crises that warrant foreign language skills;
and
“(E) proposing to the Secretary regula-
tions to carry out section 813.”.

**TITLE X—GENERAL PROVISIONS**

*Subtitle A—Financial Matters*

**SEC. 1001. GENERAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(3) **EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.**—A transfer of funds between military personnel authoriza-
tions under title IV shall not be counted toward the
dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by sub-
section (a) to transfer authorizations—

(1) may only be used to provide authority for
items that have a higher priority than the items
from which authority is transferred; and

(2) may not be used to provide authority for an
item that has been denied authorization by Con-
gress.

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

(d) NOTICE TO CONGRESS.—The Secretary shall
promptly notify Congress of each transfer made under
subsection (a).

SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of
complying with the Statutory Pay-As-You-Go Act of 2010,
shall be determined by reference to the latest statement
titled “Budgetary Effects of PAYGO Legislation” for this
Act, submitted for printing in the Congressional Record
SEC. 1003. ANNUAL REPORT ON ARMED FORCES UNFUNDED PRIORITIES.

(a) Report Required.—Not later than 30 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, each member of the Joint Chiefs of Staff specified in subsection (b) and the Commander of the United States Special Operations Command shall submit to the congressional defense committees a report containing a list of the unfunded priorities for the Armed Force under the jurisdiction of that member or commander.

(b) Covered Military Service Chiefs.—The reports required by subsection (a) shall be submitted by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Chief of the National Guard Bureau.

(c) Unfunded Priorities Defined.—In this section, the term “unfunded priorities”, with respect to a report required by subsection (a) for a fiscal year, means a program or mission requirement that—
(1) has not been selected for funding in the
proposed budget for the fiscal year;

(2) is necessary to fulfill a requirement associ-
ated with a combatant commander operational or
contingency plan or other validated global force re-
quirement; and

(3) the officer submitting the report would have
recommended for inclusion in the proposed budget
for the fiscal year had additional resources been
available or had the requirement emerged before the
budget was submitted.

Subtitle B—Counter-Drug
Activities

SEC. 1011. EXTENSION OF THE AUTHORITY OF THE CHIEF
OF THE NATIONAL GUARD BUREAU TO ES-
TABLISH AND OPERATE NATIONAL GUARD
COUNTERDRUG SCHOOLS.

Section 901 of the Office of National Drug Control
Policy Reauthorization Act of 2006 (Public Law 109–469;
120 Stat. 3536; 32 U.S.C. 112 note) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and redesig-
nating paragraphs (2) through (5) as para-
graphs (1) through (4), respectively; and
(B) by adding at the end the following new paragraph:

“(5) The Western Regional Counterdrug Training Center, Camp Murray, Washington.”;

(2) by striking subsection (f) and redesignating subsection (g) as subsection (f); and

(3) in subsection (f)(1), as so redesignated, by striking “fiscal years 2006 through 2010” and inserting “fiscal years 2013 through 2017”.

SEC. 1012. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.


SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERORISM CAMPAIGN IN COLOMBIA.

108–375; 118 Stat. 2042), as most recently amended by section 1007 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1558), is amended—

(1) in subsection (a), by striking “2012” and inserting “2013”; and

(2) in subsection (c), by striking “2012” and inserting “2013”.

SEC. 1014. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.


SEC. 1015. SENSE OF CONGRESS REGARDING THE COUNTERDRUG TETHERED AEROSTAT RADAR SYSTEM PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Since 1992, the Air Force has administered the Counterdrug Tethered Aerostat Radar System (TARS) program, which contributes to deterring and detecting smugglers moving illicit drugs into the United States.
(2) There are eight current tethered aerostat systems, located at Yuma, Arizona, Fort Huachuca, Arizona, Deming, New Mexico, Marfa, Texas, Eagle Pass, Texas, Rio Grande City, Texas, Cudjoe Key, Florida, and Lajas, Puerto Rico.

(3) Primary customers of the surveillance data from the TARS program are the Department of Homeland Security, the United States Northern Command, the United States Southern Command, and the North American Aerospace Defense Command.

(4) In the past two years, the radars in two of the eight tethered aerostat systems have been destroyed in strong weather conditions, namely the radar at Lajas, Puerto Rico, which was destroyed in April 2011, and the radar at Marfa, Texas, which was destroyed in February 2012.

(5) The Air Force has indicated that it does not have sufficient spare parts in its inventory to replace either of these two radars or the funding necessary to purchase any new radars. As a result, there are no current plans to resume operations at Lajas, Puerto Rico or Marfa, Texas.

(6) The loss of these two tethered aerostats systems substantially degrades counterdrug capabilities
in the Caribbean corridor and along the Southwest border.

(7) The loss of the tethered aerostat system in Lajas, Puerto Rico, is particularly detrimental to the national counterdrug mission. In Section 1023 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), Congress found that—

(A) “Drug traffickers use the Caribbean corridor to smuggle narcotics to the United States via Puerto Rico and the Dominican Republic. This route is ideal for drug trafficking because of its geographic expanse, numerous law enforcement jurisdictions, and fragmented investigative efforts.”; and

(B) “The tethered aerostat system in Lajas, Puerto Rico, contributes to deterring and detecting smugglers moving illicit drugs into Puerto Rico. The aerostat’s range and operational capabilities allow it to provide surveillance coverage of the eastern Caribbean corridor and the strategic waterway between Puerto Rico and the Dominican Republic, known as the Mona Passage.”.

(8) In such section 1023, Congress expressed that “Congress and the Department of Defense
should fund the Counter-Drug Tethered Aerostat program.”.

(9) In recent years, Puerto Rico and the United States Virgin Islands have been increasingly impacted by the drug trade and related violence. Both jurisdictions have homicide rates that are roughly six times the national average and about three times higher than any State, and many of these homicides are linked to the drug trade.

(10) The Department of Defense has raised questions as to whether it should continue to administer the TARS program or, alternatively, whether responsibility for this program should be vested in the Department of Homeland Security.

(b) SENSE OF CONGRESS.—In light of the findings under subsection (a), it is the sense of Congress that—

(1) irrespective of whether the Department of Defense continues to be responsible for the Counterdrug Tethered Aerostat Radar System (TARS) program or such responsibility is assigned to another agency, Congress and the responsible agency should fund the TARS program; and

(2) Congress and the responsible agency should take all appropriate steps to ensure that the eight current tethered aerostat systems are fully func-
tional and, in particular, to ensure that the TARS program is providing coverage to protect jurisdictions of the United States in the Caribbean region, as well as jurisdictions of the United States along the United States-Mexico border and in the Florida Straits.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

Section 1012 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 303), as most recently amended by section 1015 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is amended by striking “Secretary of Defense” and all that follows through the period and inserting the following: “Secretary the Navy notifies the congressional defense committees that, as a result of a cost-benefit analysis, it would not be practical for the Navy to design the class of ships with an integrated nuclear power system.”.
SEC. 1022. LIMITATION ON AVAILABILITY OF FUNDS FOR DELAYED ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.

(a) In general.—Section 231 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e)(1) If the Secretary of Defense does not include with the defense budget materials for a fiscal year the plan and certification under subsection (a), the Secretary of the Navy may not use more than 50 percent of the funds described in paragraph (2) during the fiscal year in which such materials are submitted until the date on which such plan and certification are submitted to the congressional defense committees.

“(2) The funds described in this paragraph are funds made available to the Secretary of the Navy for operation and maintenance, Navy, for emergencies and extraordinary expenses.”.

(b) Conforming amendment.—Section 12304b(i) of title 10, United States Code, is amended by striking “231(e)(2)” and inserting “section 231(f)(2)”.
Subtitle D—Counterterrorism

SEC. 1031. FINDINGS ON DETENTION PURSUANT TO THE
AUTHORIZATION FOR USE OF MILITARY
FORCE ENACTED IN 2001.

Congress finds the following:

(1) In 2001, Congress passed, and the President signed, the Authorization for Use of Military
Force (Public Law 107–40; 50 U.S.C. 1541 note)
(hereinafter referred to as the “AUMF”), which au-
thorized the President to “use all necessary and ap-
propriate force” against those responsible for the at-
tacks of September 11, 2001, and those who har-
bored them “in order to prevent any future acts of
international terrorism against the United States”.

(2) In 2004, the Supreme Court held in Hamdi
v. Rumsfeld that the AUMF authorized the Presi-
dent to detain individuals, including a United States
citizen captured in Afghanistan and later detained in
the United States, legitimately determined to be
“engaged in armed conflict against the United
States” until the end of hostilities, noting that
“[W]e understand Congress’ grant of authority for
the use of ‘necessary and appropriate force’ to in-
clude the authority to detain for the duration of the
relevant conflict, and our understanding is based on longstanding law-of-war principles”.

(3) The Court reaffirmed the long-standing principle of American law that a United States citizen may not be detained in the United States pursuant to the AUMF without due process of law, stating the following:

(A) “Striking the proper constitutional balance here is of great importance to the Nation during this period of ongoing combat. But it is equally vital that our calculus not give short shrift to the values that this country holds dear or to the privilege that is American citizenship.”.

(B) “It is during our most challenging and uncertain moments that our Nation’s commitment to due process is most severely tested; and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad.”.

(C) “[A] state of war is not a blank check for the President when it comes to the rights of the Nation’s citizens.”.
(D) “[A]bsent suspension, the writ of habeas corpus remains available to every individual detained within the United States.”.

(E) “All agree suspension of the writ has not occurred here.”.

(F) “[A]n enemy combatant must receive notice of the factual basis for his classification, and a fair opportunity to rebut the Government’s factual assertions before a neutral decisionmaker.”.

(G) “Whatever power the United States Constitution envisions for the Executive in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all three branches when individual liberties are at stake.”.

(H) “[U]nless Congress acts to suspend it, the Great Writ of habeas corpus allows the Judicial Branch to play a necessary role in maintaining this delicate balance of governance, serving as an important judicial check on the Executive’s discretion in the realm of detentions.”.

(I) “We reaffirm today the fundamental nature of a citizen’s right to be free from invol-
untary confinement by his own government without due process of law, and we weigh the opposing governmental interests against the curtailment of liberty that such confinement entails.”

(4) In 2008, in Boumediene v. Bush, the Supreme Court also extended the constitutional right to habeas corpus to the foreign detainees held pursuant to the AUMF at the United States Naval Station, Guantanamo Bay, Cuba.

(5) Chapter 47A of title 10, United States Code, as originally enacted by the Military Commissions Act of 2006 (Public Law 109–366), only allows for prosecution of foreign terrorists by military commission.

(6) In 2011, with the enactment of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), Congress and the President affirmed the authority of the Armed Forces of the United States to detain pursuant to the AUMF a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks, or a person who was a part of or substantially supported al-Qaeda, the Taliban, or associ-
ated forces that are engaged in hostilities against
the United States or its coalition partners, including
any person who has committed a belligerent act or
has directly supported such hostilities in aid of such
enemy forces.

(7) The interpretation of the detention author-
ity provided by the AUMF under the National De-
fense Authorization Act for Fiscal Year 2012 is the
same as the interpretation used by the Obama ad-
ministration in its legal filings in Federal court and
is nearly identical to the interpretation used by the
Bush administration. This interpretation has also
been upheld by the United States Court of Appeals
for the District of Columbia Circuit.

(8) Such Act also requires the Secretary of De-
fense to regularly brief Congress regarding the ap-
plication of the detention authority provided by the
AUMF.

(9) Section 1021 of such Act states that “Noth-
ing in this section shall be construed to affect exist-
ing law or authorities relating to the detention of
United States citizens, lawful resident aliens of the
United States, or any other persons who are cap-
tured or arrested in the United States.”.
SEC. 1032. FINDINGS REGARDING HABEAS CORPUS RIGHTS.

Congress finds the following:

(1) Article 1, section 9 of the Constitution states “The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.”.

(2) Regarding the Great Writ, the Supreme Court has noted “The writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.”.

SEC. 1033. RIGHTS UNAFFECTED.

(a) Rule of Construction.—Nothing in the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) or the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) shall be construed to deny the availability of the writ of habeas corpus or to deny any Constitutional rights in a court ordained or established by or under Article III of the Constitution for any person who is lawfully in the United States when detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) and who is otherwise entitled to the availability of such writ or such rights.

(b) Notification of Detention of Persons Under Authorization for Use of Military
FORCE.—Not later than 48 hours after the date on which a person who is lawfully in the United States is detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), the President shall notify Congress of the detention of such person.

(c) Habeas Applications.—A person who is lawfully in the United States when detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) shall be allowed to file an application for habeas corpus relief in an appropriate district court not later than 30 days after the date on which such person is placed in military custody.

SEC. 1034. EXTENSION OF AUTHORITY TO MAKE REWARDS FOR COMBATING TERRORISM.

(a) Extension.—Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2014”.

(b) Report to Congress.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that outlines the future requirements and authorities to make rewards for combating terrorism. The report shall include—

(1) an analysis of future requirements under section 127b of title 10, United States Code;
(2) a detailed description of requirements for rewards in support of operations with allied forces; and

(3) an overview of geographic combatant commander requirements through September 30, 2014.

SEC. 1035. PROHIBITION ON TRAVEL TO THE UNITED STATES FOR CERTAIN DETAINES REPATRIATED TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF PALAU, AND THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) PROHIBITION ON TRAVEL TO THE UNITED STATES.—Notwithstanding any provision of the applicable Compact of Free Association described in subsection (c), an individual described in subsection (b) who has been repatriated to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau may not be afforded the rights and benefits put forth in section 141 of such applicable Compact of Free Association.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and
(2) is or was located at United States Naval Station, Guantanamo Bay, Cuba, on or after September 11, 2001, while—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(c) APPLICABLE COMPACT OF FREE ASSOCIATION.—
The applicable Compact of Free Association described in this subsection is—

(1) with respect to an individual repatriated to the Federal States of Micronesia, the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia as set forth in section 201(a) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 48 U.S.C. 1921 note);

(2) with respect to an individual repatriated to the Republic of the Marshall Islands, the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands as set forth in section 201(b) of the Compact of

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Free Association Amendments Act of 2003 (Public Law 108–188; 48 U.S.C. 1921 note); and

(3) with respect to an individual repatriated to the Republic of Palau, the Compact of Free Association between the Government of the United States of America and the Government of Palau as set forth in section 201 of the joint resolution entitled “A Joint Resolution to approve the ‘Compact of Free Association’ between the United States and the Government of Palau, and for other purposes”, approved November 14, 1986 (Public Law 99–658; 48 U.S.C. 1931 note).

SEC. 1036. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act for fiscal year 2013 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and
(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1037. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) Certification Required Prior to Transfer.—

(1) In general.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense for fiscal year 2013 to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) Exception.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the indi-
individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;
(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary’s certifications.

(e) Prohibition in Cases of Prior Confirmed Recidivism.—

(1) Prohibition.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the De-
partment of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) Exception.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(d) National Security Waiver.—

(1) In General.—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by subsection (c) and, with the concur-
rence of the Secretary of State and in consultation
with the Director of National Intelligence, deter-
mines that—

(A) alternative actions will be taken to ad-
address the underlying purpose of the requirement
or requirements to be waived;

(B) in the case of a waiver of subpara-
graph (D) or (E) of subsection (b)(1), it is not
possible to certify that the risks addressed in
the paragraph to be waived have been com-
pletely eliminated, but the actions to be taken
under subparagraph (A) will substantially miti-
gate such risks with regard to the individual to
be transferred;

(C) in the case of a waiver of subsection
(c), the Secretary has considered any confirmed
case in which an individual who was transferred
to the country subsequently engaged in terrorist
activity, and the actions to be taken under sub-
paragraph (A) will substantially mitigate the
risk of recidivism with regard to the individual
to be transferred; and

(D) the transfer is in the national security
interests of the United States.
(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the subparagraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the subparagraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) DEFINITIONS.—In this section:
(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term “foreign terrorist organization” means any organization so designated by the Sec-
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3 SEC. 1038. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

4 (a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2013 may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

5 (b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

6 (c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” has the meaning given that term in section 1037(e)(2).
SEC. 1039. REPORTS ON RECIDIVISM OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, THAT HAVE BEEN TRANSFERRED TO FOREIGN COUNTRIES.

(a) Report on Factors Causing or Contributing to Recidivism.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for five years, the Director of the Defense Intelligence Agency, in consultation with the head of each element of the intelligence community that the Director considers appropriate, shall submit to the covered congressional committees a report assessing the factors that cause or contribute to the recidivism of individuals detained at Guantanamo that are transferred or released to a foreign country, including a discussion of trends, by country and region, where recidivism has occurred.

(b) Report on Effectiveness of International Agreements.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, with the concurrence of the Secretary of Defense, shall submit to the covered congressional committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the effectiveness of international agreements relating to the transfer or release of individuals detained at Guantanamo between the United States and
each foreign country to which an individual detained at
Guantanamo has been transferred or released.

(c) FORM.—The reports required under subsections
(a) and (b) shall be submitted in unclassified form, but
may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) COVERED CONGRESSIONAL COMMITTEES.—
The term “covered congressional committees”
means—

(A) the Committee on Armed Services and
the Permanent Select Committee on Intelligence
of the House of Representatives; and

(B) the Committee on Armed Services and
the Select Committee on Intelligence of the
Senate.

(2) INDIVIDUAL DETAINED AT GUANTANAMO.—
The term “individual detained at Guantanamo”
means any individual that is or was located at
United States Naval Station, Guantanamo Bay,
Cuba, who—

(A) is not a citizen of the United States or
a member of the Armed Forces of the United
States; and

(B) is or was—
(i) in the custody or under the control
of the Department of Defense; or
(ii) otherwise under detention at
United States Naval Station, Guantanamo
Bay, Cuba.

SEC. 1040. NOTICE AND REPORT ON USE OF NAVAL VESSELS FOR DETENTION OF INDIVIDUALS CAPTURED OUTSIDE AFGHANISTAN PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) Notice to Congress.—Not later than 5 days
after first detaining an individual who is captured pursuant to the Authorization for Use of Military Force on a naval vessel outside the United States, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives notice of the detention.

(b) Report.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of naval vessels for the detention outside the United States of any individual who is captured pursuant to the Authorization for Use of
Military Force (Public Law 107–40; 50 U.S.C. 1541 note). Such report shall include—

(A) procedures and any limitations on detaining such individuals at sea on board United States naval vessels;

(B) an assessment of any force protection issues associated with detaining such individuals on such vessels;

(C) an assessment of the likely effect of such detentions on the original mission of the naval vessel; and

(D) any restrictions on long-term detention of individuals on United States naval vessels.

(2) Form of report.—The report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1041. NOTICE REQUIRED PRIOR TO TRANSFER OF CERTAIN INDIVIDUALS DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.

(a) Notice Required.—The Secretary of Defense shall submit to the appropriate congressional committees notice in writing of the proposed transfer of any individual detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) who is
a national of a country other than the United States or Afghanistan from detention at the Detention Facility at Parwan, Afghanistan, to the custody of the Government of Afghanistan or of any other country. Such notice shall be provided not later than 10 days before such a transfer may take place.

(b) ADDITIONAL ASSESSMENTS AND CERTIFICATIONS.—As part of the notice required under subsection (a), the Secretary shall include the following:

(1) In the case of the proposed transfer of such an individual by reason of the individual being released, an assessment of the threat posed by the individual and the security environment of the country to which the individual is to be transferred.

(2) In the case of the proposed transfer of such an individual to a country other than Afghanistan for the purpose of the prosecution of the individual, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country with respect to prosecuting similar cases, including a description of the evidence against the individual that is likely to be admissible as part of the prosecution.

(3) In the case of the proposed transfer of such an individual for reintegration or rehabilitation in a
country other than Afghanistan, a certification that
an assessment has been conducted regarding the ca-
pacity, willingness, and historical track records of
the country for reintegrating or rehabilitating simi-
lar individuals.

(4) In the case of the proposed transfer of such
an individual to the custody of the government of
Afghanistan for prosecution or detention, a certifi-
cation that an assessment has been conducted re-
garding the capacity, willingness, and historical
track record of Afghanistan to prosecute or detain
long-term such individuals.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congres-
sional committees” means the Committee on Armed Serv-
ices and the Committee on Foreign Affairs of the House
of Representatives and the Committee on Armed Services
and the Committee on Foreign Relations of the Senate.

SEC. 1042. REPORT ON RECIDIVISM OF INDIVIDUALS FOR-
MERLY DETAINED AT THE DETENTION FACIL-
ITY AT PARWAN, AFGHANISTAN.

(a) Report.—Not later than 90 days after the date
of the enactment of this Act, the Secretary of Defense
shall submit to the relevant congressional committees a
report that—
(1) assesses recidivism rates and the factors that cause or contribute to the recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan, who are transferred or released, with particular emphasis on individuals transferred or released in connection with reconciliation efforts or peace negotiations; and

(2) includes a general rationale of the Commander, International Security Assistance Force, as to why such individuals were released.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “relevant congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.
SEC. 1043. ADDITIONAL REQUIREMENTS RELATING TO THE TRANSFER OF INDIVIDUALS DETAINED AT GUANTANAMO TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

Section 1028 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended—

(1) in subsection (a)(1)—

(A) by striking “the certification described in subsection (b) not later than 30 days before the transfer of the individual” and inserting “by not later than 90 days before the transfer each of the following;”; and

(B) by adding at the end the following new subparagraphs:

“(A) The certification described in subsection (b).

“(B) An assessment of the likelihood that the individual to be transferred will engage in terrorist activity after the transfer takes place.

“(C) A detailed summary, in classified or unclassified form, of the individual’s history of associations with foreign terrorist organizations and the individual’s record of cooperation while in the custody of or under the effective control of the Department of Defense.”; and
(2) in subsection (d)(2)—

(A) by striking “30 days” and inserting “90 days”; and

(B) by adding at the end the following new subparagraphs:

“(E) An assessment of the likelihood that the individual to be transferred will engage in terrorist activity after the transfer takes place.

“(F) A detailed summary, in classified or unclassified form, of the individual’s history of associations with foreign terrorist organizations and the individual’s record of cooperation while in the custody of or under the effective control of the Department of Defense.”.

Subtitle E—Nuclear Forces

SEC. 1051. NUCLEAR WEAPONS EMPLOYMENT STRATEGY OF THE UNITED STATES.

(a) SENSE OF CONGRESS.—Subsection (a) of section 1046 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1579) is amended to read as follows:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) any future modification to the nuclear weapons employment strategy, plans, and options of
the United States should maintain or enhance the
ability of the nuclear forces of the United States to
support the goals of the United States with respect
to nuclear deterrence, extended deterrence, and as-
surances for allies, and the defense of the United
States; and

“(2) the oversight responsibility of Congress in-
cludes oversight of the nuclear weapons employment
strategy, plans, and options of the United States
and that therefore the Chairmen and Ranking Mem-
ers of the Committees on Armed Services of the
Senate and House of Representatives, and such pro-
fessional staff as they designate, should have access
to the nuclear weapons employment strategy, plans,
and options of the United States.”.

(b) REPORTS ON STRATEGY.—Section 491 of title
10, United States Code, is—

(1) transferred to chapter 24 of such title, as
added by subsection (c)(1); and

(2) amended—

(A) in the heading, by inserting “

weap-

ons” after “Nuclear”;

(B) by striking “nuclear employment strat-

egy” each place it appears and inserting “nu-

clear weapons employment strategy”;

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(C) in paragraph (1)—

(i) by inserting “the” after “modifications to”; and

(ii) by inserting “, plans, and options” after “employment strategy”;

(D) by inserting after paragraph (3) the following new paragraph:

“(4) the extent to which such modifications include an increased reliance on conventional or non-nuclear global strike capabilities or missile defenses of the United States.”;

(E) by striking “On the date” and inserting “(a) REPORTS.—On the date”; and

(F) by adding at the end the following new subsection:

“(b) ANNUAL BRIEFINGS.—Not later than March 15 of each year, the Secretary of Defense shall provide to the congressional defense committees a briefing regarding the nuclear weapons employment strategy, plans, and options of the United States.”.

(c) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER 24.—Part I of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:
“CHAPTER 24—NUCLEAR POSTURE

Sec.
“491. Nuclear weapons employment strategy of the United States: modification of strategy.”.

(2) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by inserting after the item relating to chapter 23 the following new item:

“24. Nuclear posture .................................................................................. 491”.

(3) TRANSFER OF PROVISIONS.—

(A) CHAPTER 23.—Chapter 23 of title 10, United States Code, is amended as follows:

(i) Section 490a is—

(I) transferred to chapter 24 of such title, as added by paragraph (1);

(II) inserted after section 491 of such title, as added to such chapter 24 by subsection (b)(1); and

(III) redesignated as section 492.

(ii) The table of sections at the beginning of such chapter 23 is amended by striking the items relating to sections 490a and 491.

(B) FY12 NDAA.—Section 1077 of the National Defense Authorization Act for Fiscal
Year 2012 (Public Law 112–81; 50 U.S.C. 2514) is—

(i) transferred to chapter 24 of title 10, United States Code, as added by paragraph (1);

(ii) inserted after section 492 of such title, as added by subparagraph (A)(i);

(iii) redesignated as section 493; and

(iv) amended by striking “the date of the enactment of this Act” and inserting “December 31, 2011,”.

(C) CHAPTER 24.—The table of sections at the beginning of chapter 24 of title 10, United States Code, as added by paragraph (1), is amended by inserting after the item relating to section 491 the following new items:


“493. Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.”.

(4) CONFORMING AMENDMENT.—Section 1041(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1574) is amended by striking “section 490a of title 10, United States Code, as added by subsection (a),” and inserting “section 492 of title 10, United States Code,”.
SEC. 1052. COMMITMENTS FOR NUCLEAR WEAPONS STOCK-PILE MODERNIZATION.

(a) FINDINGS.—Congress finds the following:

(1) In 2008, then Secretary of Defense Robert Gates warned that “to be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.”.

(2) Secretary Gates also warned in September 2009 that modernization is a prerequisite to nuclear force reductions, stating that modernizing the nuclear capability of the United States is an “enabler of arms control and our ability to reduce the size of our nuclear stockpile. When we have more confidence in the long-term viability of our weapons systems, then our ability to reduce the number of weapons we must keep in the stockpile is enhanced.”.

(3) President Obama’s 2010 Nuclear Posture Review stated that—

(A) “In order to sustain a safe, secure, and effective United States nuclear stockpile as long as nuclear weapons exist, the United States must possess a modern physical infrastructure—comprised of the national security
laboratories and a complex of supporting facilities.’’; and

(B) ‘‘[I]mplementation of the Stockpile Stewardship Program and the nuclear infrastructure investments recommended in the NPR will allow the United States to shift away from retaining large numbers of non-deployed warheads as a hedge against technical or geopolitical surprise, allowing major reductions in the nuclear stockpile. These investments are essential to facilitating reductions while sustaining deterrence under New START and beyond.’’.

(4) Section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) required the President to submit a report to Congress on the plan for the nuclear weapons stockpile, nuclear weapons complex, and delivery platforms at the time a follow-on treaty to the Strategic Arms Reduction Treaty was submitted by the President to the Senate. The President submitted such report in May 2010 and submitted updates in November 2010 and February 2011.
(5) Such section 1251 also contained a sense of Congress that “the enhanced safety, security, and reliability of the nuclear weapons stockpile, modernization of the nuclear weapons complex, and maintenance of nuclear delivery systems are key to enabling further reductions in the nuclear forces of the United States.”.

(6) Forty-one Senators wrote to President Obama on December 15, 2009, stating, “we don’t believe further reductions can be in the national security interest of the United States in the absence of a significant program to modernize our nuclear deterrent.”.

(7) Former Secretary of Defense and Secretary of Energy James Schlesinger stated, while testifying before the Committee on Foreign Relations of the Senate in April 2010, “I believe that it is immensely important for the Senate to ensure, what the Administration has stated as its intent, i.e., that there be a robust plan with a continuation of its support over the full 10 years, before it proceeds to ratify this START follow-on treaty.”.

(8) Former Secretary of State James Baker stated in testimony before the Committee on Foreign Relations of the Senate in May 2010 that “because
our security is based upon the safety and reliability
of our nuclear weapons, it is important that our
Government budget enough money to guarantee that
those weapons can carry out their mission.”.

(9) Former Secretary of State Henry Kissinger
also stated in May 2010 while testifying before the
Committee on Foreign Relations of the Senate that
“as part of a number of recommendations, my col-
leagues, Bill Perry, George Shultz, Sam Nunn, and
I have called for significant investments in a re-
paired and modernized nuclear weapons infrastruc-
ture and added resources for the three national lab-
oratories.”.

(10) Then Secretary of Defense Robert Gates,
while testifying before the Committee on Armed
Services of the Senate in June 2010, stated, “I see
this treaty as a vehicle to finally be able to get what
we need in the way of modernization that we have
been unable to get otherwise * * *. We are essen-
tially the only nuclear power in the world that is not
carrying out these kinds of modernization pro-
grams.”.

(11) Secretary Gates further stated that “I’ve
been up here for the last four springs trying to get
money for this and this is the first time I think I’ve
got a fair shot of actually getting money for our nuclear arsenal.”.

(12) The Directors of the national nuclear weapons laboratories wrote to the chairman and ranking member of the Committee on Foreign Relations of the Senate in December 2010 that “We are very pleased by the update to the Section 1251 Report, as it would enable the laboratories to execute our requirements for ensuring a safe, secure, reliable and effective stockpile under the Stockpile Stewardship and Management Plan. In particular, we are pleased because it clearly responds to many of the concerns that we and others have voiced in the past about potential future-year funding shortfalls, and it substantially reduces risks to the overall program. In summary, we believe that the proposed budgets provide adequate support to sustain the safety, security, reliability and effectiveness of America’s nuclear deterrent within the limit of 1,550 deployed strategic warheads established by the New START Treaty with adequate confidence and acceptable risk.”.

(13) President Obama pledged, in a December 2010 letter to several Senators, “I recognize that nuclear modernization requires investment for the long-term * * *. That is my commitment to the Con-
gress—that my Administration will pursue these programs and capabilities for as long as I am President.”.

(14) Secretary Gates added in May 2011 that, “this modernization program was very carefully worked out between ourselves and the Department of Energy; and, frankly, where we came out on that played a fairly significant role in the willingness of the Senate to ratify the New START agreement.”.

(15) The Administrator for Nuclear Security, Thomas D’Agostino, testified before Congress in November 2011 that, “it is critical to accept the linkage between modernizing our current stockpile in order to achieve the policy objective of decreasing the number of weapons we have in our stockpile, while still ensuring that the deterrent is safe, secure, and effective.”.

(b) NEW START TREATY DEFINED.—In this sub-title, the term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.
SEC. 1053. LIMITATION AND REPORT IN THE EVENT OF INSUFFICIENT FUNDING FOR MODERNIZATION OF NUCLEAR WEAPONS STOCKPILE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) consistent with Condition 9 of the Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate, agreed to on December 22, 2011, the United States is committed to ensuring the safety, security, reliability, and credibility of its nuclear forces; and

(2) the United States is committed to—

(A) proceeding with a robust stockpile stewardship program and maintaining and modernizing nuclear weapons production capabilities and capacities of the United States to ensure the safety, security, reliability, and credibility of the nuclear arsenal of the United States at the New START Treaty levels and meeting requirements for hedging against possible international developments or technical problems;

(B) reinvigorating and sustaining the nuclear security laboratories of the United States and preserving the core nuclear weapons competencies therein; and
(C) providing the resources needed to achieve these objectives, at a minimum at the levels set forth in the President’s 10-year plan provided to Congress in November 2010 pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549).

(b) **INSUFFICIENT FUNDING REPORT AND LIMITATION.**—

(1) **IN GENERAL.**—Paragraph (2) of section 1045(a) of the National Defense Authorization Act for Fiscal Year 2012 (50 U.S.C. 2523b) is amended to read as follows:

“(2) **INSUFFICIENT FUNDING.**—

“(A) REPORT.—During each year in which the New START Treaty is in force, if the President determines that an appropriations Act is enacted that fails to meet the resource levels set forth in the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) or if at any time determines that more resources are required to carry out such plan than were estimated, the President shall submit
to the appropriate congressional committees, within 60 days of making such a determination, a report detailing—

“(i) a plan to remedy the resource shortfall;

“(ii) if more resources are required to carry out the plan than were estimated—

“(I) the proposed level of funding required; and

“(II) an identification of the stockpile work, campaign, facility, site, asset, program, operation, activity, construction, or project for which additional funds are required;

“(iii) any effects caused by the shortfall on the safety, security, reliability, or credibility of the nuclear forces of the United States; and

“(iv) whether and why, in light of the shortfall, remaining a party to the New START Treaty is in the national interest of the United States.

“(B) LIMITATION.—If the President submits a report under subparagraph (A), none of the funds made available for fiscal year 2012 or
any fiscal year thereafter for the Department of
Defense or the National Nuclear Security Ad-
ministration may be used to reduce the number
of deployed nuclear warheads until—

“(i) after the date on which such re-
port is submitted, the President certifies in
writing to the appropriate congressional
committees that the resource shortfall
identified in such report has been ad-
dressed; and

“(ii) a period of 120 days has elapsed
following the date on which such certifi-
cation is made.

“(C) EXCEPTION.—The limitation in sub-
paragraph (B) shall not apply to—

“(i) reductions made to ensure the
safety, security, reliability, and credibility
of the nuclear weapons stockpile and stra-
tegic delivery systems, including activities
related to surveillance, assessment, certifi-
cation, testing, and maintenance of nuclear
warheads and strategic delivery systems; or

“(ii) nuclear warheads that are retired
or awaiting dismantlement on the date of
the report under subparagraph (A).
“(D) DEFINITIONS.—In this paragraph:

“(i) The term ‘appropriate congressional committees’ means—

“(I) the congressional defense committees; and

“(II) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.


(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2012.

SEC. 1054. PROGRESS OF MODERNIZATION.

(a) FINDINGS.—Congress finds the following:

(1) In 2008, then Secretary of Defense Robert Gates warned that “to be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without
either resorting to testing our stockpile or pursuing a modernization program.”.

(2) The 2010 Nuclear Posture Review stated that “the President has directed a review of post-New START arms control objectives, to consider future reductions in nuclear weapons. Several factors will influence the magnitude and pace of future reductions in United States nuclear forces below New START levels”, including—

(A) “First, any future nuclear reductions must continue to strengthen deterrence of potential regional adversaries, strategic stability vis-à-vis Russia and China, and assurance of our allies and partners. This will require an updated assessment of deterrence requirements; further improvements in United States, allied, and partner non-nuclear capabilities; focused reductions in strategic and non-strategic weapons; and close consultations with allies and partners. The United States will continue to ensure that, in the calculations of any potential opponent, the perceived gains of attacking the United States or its allies and partners would be far outweighed by the unacceptable costs of the response.”;
(B) “Second, implementation of the Stockpile Stewardship Program and the nuclear infrastructure investments recommended in the NPR will allow the United States to shift away from retaining large numbers of non-deployed warheads as a hedge against technical or geopolitical surprise, allowing major reductions in the nuclear stockpile. These investments are essential to facilitating reductions while sustaining deterrence under New START and beyond.”; and

(C) “Third, Russia’s nuclear force will remain a significant factor in determining how much and how fast we are prepared to reduce United States forces. Because of our improved relations, the need for strict numerical parity between the two countries is no longer as compelling as it was during the Cold War. But large disparities in nuclear capabilities could raise concerns on both sides and among United States allies and partners, and may not be conducive to maintaining a stable, long-term strategic relationship, especially as nuclear forces are significantly reduced. Therefore, we will
place importance on Russia joining us as we
move to lower levels.”.

(3) The 2010 Nuclear Posture Review also stat-
ed that the Administration would “conduct follow-on
analysis to set goals for future nuclear reductions
below the levels expected in New START, while
strengthening deterrence of potential regional adver-
saries, strategic stability vis-à-vis Russia and China,
and assurance of our allies and partners.”.

(4) The Secretary of Defense has warned in
testimony before the Committee on Armed Services
of the House of Representatives regarding the se-
questration mechanism under section 251A of the
Balanced Budget and Emergency Deficit Control
Act of 1985 that “if this sequester goes into effect
and it doubles the number of cuts, then it’ll truly
devastate our national defense, because it will then
require that we have to go at our force structure.
We will have to hollow it out * * * [i]t will badly
damage our capabilities for the future * * *. And if
you have a smaller force, you’re not going to be able
to be out there responding in as many areas as we
do now.”.

(5) The 2010 Nuclear Posture Review also stat-
ed that “by modernizing our aging nuclear facilities
and investing in human capital, we can substantially reduce the number of nuclear weapons we retain as a hedge.”.

(6) The President requested the promised $7,600,000,000 for weapons activities of the National Nuclear Security Administration in fiscal year 2012 but signed an appropriations Act for fiscal year 2012 that provided only $7,233,997,000, a substantial reduction to only the second year of the ten-year plan under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549).

(7) The President requested only $7,577,341,000 for weapons activities of the National Nuclear Security Administration in fiscal year 2013 while the President’s section 1251 plan promised $7,900,000,000.

(8) The President’s section 1251 plan further promised to request $8,400,000,000 in fiscal year 2014, $8,700,000,000 in fiscal year 2015, $8,900,000,000 in fiscal year 2016, at least $8,900,000,000 in fiscal year 2017, at least $9,200,000,000 in fiscal year 2018, at least $9,400,000,000 in fiscal year 2019, at least
$9,400,000,000 in fiscal year 2020, and at least
$9,500,000,000 in fiscal year 2021.

(9) While the administration has not yet shared
with Congress the terms of reference of the so-called
Nuclear Posture Review Implementation Study, or
the Department of Defense’s instructions for that
review, the only publicly available statements by the
administration, including language from the Nuclear
Posture Review, suggest the review was specifically
instructed by the President and his senior political
appointees to only consider reductions to the nuclear
forces of the United States.

(10) When asked at a hearing if the New
START Treaty allowed the United States “to main-
tain a nuclear arsenal that is more than is needed
to guarantee an adequate deterrent,” then Com-
mander of the United States Strategic Command,
General Kevin P. Chilton said, “I do not agree that
it is more than is needed. I think the arsenal that
we have is exactly what is needed today to provide
the deterrent.”.

(b) NUCLEAR EMPLOYMENT STRATEGY.—Section
491 of title 10, United States Code, as amended by section
1051, is amended by adding after subsection (b) the fol-
lowing:
“(c) LIMITATION.—With respect to a new nuclear weapons employment strategy described in a report submitted to Congress under subsection (a), none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to implement such strategy until a period of one year has elapsed following the date on which such report is submitted to Congress.”.

(e) LIMITATION.—During each of fiscal years 2012 through 2021, none of the funds made available for each such fiscal year for the Department of Defense may be used to carry out the results of the decisions made pursuant to the 2010 Nuclear Posture Review Implementation Study that would alter the nuclear weapons employment strategy, guidance, plans, or options of the United States until the date on which the President certifies to the congressional defense committees that—

(1) the President has included the resources necessary to carry out the February 2011 update to the report required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) in the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for such fiscal year;
(2) the resources described in paragraph (1) have been provided to the President in an appropriations Act; and

(3) the sequestration mechanism under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 has been repealed or the sequestration mechanism under such section for the security category has otherwise been terminated.

SEC. 1055. LIMITATION ON STRATEGIC DELIVERY SYSTEM REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) The Nuclear Posture Review of 2010 said, with respect to modernizing the triad, “for planned reductions under New START, the United States should retain a smaller Triad of SLBMs, ICBMs, and heavy bombers. Retaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities.”.

(2) The Senate stated in Declaration 13 of the Resolution of Advice and Consent to Ratification of the New START Treaty that “In accordance with paragraph 1 of Article V of the New START Treaty, which states that, ‘Subject to the provisions of this Treaty, modernization and replacement of stra-
ategic offensive arms may be carried out,’ it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.”.

(3) The Senate required the President, prior to the entry into force of the New START Treaty, to certify to the Senate that the President intended to modernize or replace the triad of strategic nuclear delivery systems.

(4) The President made this certification in a message to the Senate on February 2, 2011, in which the President stated, “I intend to (a) modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM; and (b) maintain the United States rocket motor industrial base.”.

(b) LIMITATION.—
(1) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

§ 494. Strategic delivery system reductions

“(a) ANNUAL CERTIFICATION.—Beginning fiscal year 2013, the President shall annually certify in writing to the congressional defense committees whether plans to modernize or replace strategic delivery systems are fully resourced and being executed at a level equal to or more than the levels set forth in the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), including plans regarding—

“(1) a heavy bomber and air-launched cruise missile;

“(2) an intercontinental ballistic missile;

“(3) a submarine-launched ballistic missile;

“(4) a ballistic missile submarine; and

“(5) maintaining—

“(A) the nuclear command and control system; and

“(B) the rocket motor industrial base of the United States.
“(b) LIMITATION.—If the President certifies under subsection (a) that plans to modernize or replace strategic delivery systems are not fully resourced or being executed, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to reduce, convert, or eliminate strategic delivery systems, whether deployed or nondeployed, pursuant to the New START Treaty or otherwise until a period of 120 days has elapsed following the date on which such certification is made.

“(c) EXCEPTION.—The limitation in subsection (b) shall not apply to—

“(1) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and delivery systems; or

“(2) strategic delivery systems that are retired or awaiting dismantlement on the date of the certification under subsection (a).

“(d) DEFINITIONS.—In this section:

“(1) The term ‘New START Treaty’ means the Treaty between the United States of America and the Russian Federation on Measures for the Further
Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

“(2) The term ‘strategic delivery system’ means a delivery platform for nuclear weapons.”.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“494. Strategic delivery system reductions.”.

SEC. 1056. PREVENTION OF ASYMMETRY OF NUCLEAR WEAPON STOCKPILE REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) Then Secretary of Defense Robert Gates warned in 2008 that, “There is no way to ignore efforts by rogue states such as North Korea and Iran to develop and deploy nuclear weapons or Russian or Chinese strategic modernization programs. To be sure, we do not consider Russia or China as adversaries, but we cannot ignore these developments and the implications they have for our national security.”.

(2) The 2010 Nuclear Posture Review stated that, “large disparities in nuclear capabilities could raise concerns on both sides and among United States allies and partners, and may not be conducive to maintaining a stable, long-term strategic relation-
ship, especially as nuclear forces are significantly re-
duced.”.

(3) The Senate stated in the Resolution of Ad-
vice and Consent to Ratification of the New START
Treaty that, “It is the sense of the Senate that, in
conducting the reductions mandated by the New
START Treaty, the President should regulate reduc-
tions in United States strategic offensive arms so
that the number of accountable strategic offensive
arms under the New START Treaty possessed by
the Russian Federation in no case exceeds the com-
parable number of accountable strategic offensive
arms possessed by the United States to such an ex-
tent that a strategic imbalance endangers the na-
tional security interests of the United States.”.

(4) At a hearing before the Committee on
Armed Services of the House of Representatives in
2011, Secretary of Defense Leon Panetta said, with
respect to unilateral nuclear reductions by the
United States, “I don’t think we ought to do that
unilaterally—we ought to do that on the basis of ne-
gotiations with the Russians and others to make
sure we are all walking the same path.”.

(b) CERTIFICATION.—Section 1045 of the National
Defense Authorization Act for Fiscal Year 2012 (50
U.S.C. 2523b) is amended by adding at the end the following new subsection:

“(d) PREVENTION OF ASYMMETRY IN REDUCTIONS.—

“(1) CERTIFICATION.—During any year in which the President recommends to reduce the number of nuclear weapons in the active and inactive stockpiles of the United States by a number that is greater than one percent of the number of nuclear weapons in such stockpiles, the President shall certify in writing to the congressional defense committees whether such reductions will cause the number of nuclear weapons in such stockpiles to be fewer than the number of nuclear weapons in the active and inactive stockpiles of the Russian Federation.

“(2) LIMITATION.—If the President certifies under paragraph (1) that the recommended number of nuclear weapons in the active and inactive stockpiles of the United States is fewer than the number of nuclear weapons in the active and inactive stockpiles of the Russian Federation, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense or the National Nuclear Security Administration may be used
to carry out any reduction to such stockpiles of the
United States until—

“(A) after the date on which such certifi-
cation is made, the President transmits to the
congressional defense committees a report by
the Commander of the United States Strategic
Command, without change, detailing whether
the recommended reduction would create a stra-
tegic imbalance between the total nuclear forces
of the United States and the total nuclear
forces of the Russian Federation; and

“(B) a period of 180 days has elapsed fol-
lowing the date on which such report is trans-
mited.

“(3) EXCEPTION.—The limitation in paragraph
(2) shall not apply to—

“(A) reductions made to ensure the safety,
security, reliability, and credibility of the nu-
clear weapons stockpile and strategic delivery
systems, including activities related to surveil-
ance, assessment, certification, testing, and
maintenance of nuclear warheads and strategic
delivery systems; or
“(B) nuclear warheads that are retired or awaiting dismantlement on the date of the certification under paragraph (1).”.

SEC. 1057. CONSIDERATION OF EXPANSION OF NUCLEAR FORCES OF OTHER COUNTRIES.

(a) FINDINGS.—Congress finds the following:

(1) The Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate said, “It is the sense of the Senate that if, during the time the New START Treaty remains in force, the President determines that there has been an expansion of the strategic arsenal of any country not party to the New START Treaty so as to jeopardize the supreme interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the New START Treaty remains in the national interest of the United States.”.

(2) In 2011, experts testified before the Committee on Armed Services of the House of Representatives that—

(A) “Russia is modernizing every leg of its nuclear triad with new, more advanced systems”, including new ballistic missile submarines, new heavy intercontinental ballistic
missiles carrying up to 15 warheads each, new shorter range ballistic missiles, and new low-yield warheads; and

(B) “China is steadily increasing the numbers and capabilities of the ballistic missiles it deploys and is upgrading older ICBMs to newer, more advanced systems. China also appears to be actively working to develop a submarine-based nuclear deterrent force, something it has never had * * *. A recent unclassified Department of Defense report says that this network of tunnels could be in excess of 5,000 kilometers and is used to transport nuclear weapons and forces.”.

(b) REPORT AND CERTIFICATION.—

(1) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

“§ 495. Consideration of expansion of nuclear forces of other countries

“(a) REPORT AND CERTIFICATION.—During any year in which the President recommends any reductions in the nuclear forces of the United States, none of the funds made available for fiscal year 2012 or any fiscal
year thereafter for the Department of Defense or the Na-
tional Nuclear Security Administration may be used for
such recommended reduction until the date on which—
“(1) the President transmits to the appropriate
congressional committees a report detailing, for each
country with nuclear weapons—
“(A) the number of each type of nuclear
weapons possessed by such country;
“(B) the modernization plans for such
weapons of such country;
“(C) the production capacity of nuclear
warheads and strategic delivery systems (as de-
deﬁned in section 491(c) of this title) of such
country; and
“(D) the nuclear doctrine of such country;
and
“(2) the Commander of the United States Stra-
tegic Command certiﬁes to the appropriate congres-
sional committees whether such recommended reduc-
tions in the nuclear forces of the United States will—
“(A) impair the ability of the United
States to address—
“(i) unplanned strategic or geo-
political events; or
“(ii) technical challenge; or

“(B) degrade the deterrence or assurance provided by the United States to friends and allies of the United States.

“(b) FORM.—The reports required by subsection (a)(1) shall be submitted in unclassified form, but may include a classified annex.

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the following:

“(1) The congressional defense committees.

“(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.”.

(2) The table of sections at the beginning of chapter 24 of title 10, United States Code, is amended by inserting after the item relating to section 494 the following new item:

“495. Consideration of expansion of nuclear forces of other countries.”.

SEC. 1058. CHEMISTRY AND METALLURGY RESEARCH REPLACEMENT NUCLEAR FACILITY AND URANIUM PROCESSING FACILITY.

(a) FINDINGS.—Congress finds the following:

(1) Administrator for Nuclear Security Thomas D’Agostino testified before the Committee on Armed Services of the House of Representatives in Feb-
ruary 2008 that “Infrastructure improvements are a major part of the complex transformation plan that we have, and we’ve made important progress, but we have a lot more to do. Some major facilities that we have date back to World War II and cannot readily meet today’s safety and security requirements. Let me give you just two quick examples, if I could. A sufficient capability to work with plutonium is an essential part of a national security enterprise and is required for as long as we retain a nuclear deterrent, and most likely even longer. Currently, we have a very small production capacity at Los Alamos, about 10 pits per year, at our TA–55 area. Our building at Los Alamos, the Chemistry and Metallurgy Research Facility, is well over 50 years old and is insufficient to support the national security requirements for the stockpile and for future national security mission areas. So, whether we continue on our existing path or move towards a replacement modern warhead-type stockpile, we still need the capacity to produce about 50 to 80 pits per year, which is less than one-tenth of our Cold War level, as well as the ability to carry out pit surveillance, which is an essential part of maintaining our stockpile.”.
(2) Then Commander of the United States Strategic Command General Kevin P. Chilton also testified in February 2008 that “When you have a responsive complex that has the capacity to flex to production as you may need it or adjust your deployed force posture in the future, should you need it—in other words, if we go to a lower number, you need to be certain that you can come back up, should the strategic environment change, and you can’t necessarily without that flexible or responsive infrastructure behind it, and that’s probably one of my great concerns. And then how you posture both the portion of your stockpile that you hold in reserve and your confidence in the weapons that you have deployed is very much a function of modernizing, in my view, the weapons systems that we have available today, which are, as the secretary described, of Cold War legacy design, and the associated issues with them.”.

(3) The Congressional Commission on the Strategic Posture of the United States reported in May 2009, with respect to the timing of the replacement of the nuclear weapons infrastructure of the United States, that “This raises an obvious question about whether these two replacement programs might pro-
ceed in sequence rather than concurrently. There are strong arguments for moving forward concurrently. Existing facilities are genuinely decrepit and are maintained in a safe and secure manner only at high cost. Moreover, the improved production capabilities they promise are integral to the program of refurbishment and modernization described in the preceding chapter. If funding can be found for both, this would best serve the national interest in maintaining a safe, secure, and reliable stockpile of weapons in the most effective and efficient manner.”.

(4) The 2010 Nuclear Posture Review states—

(A) “The National Nuclear Security Administration (NNSA), in close coordination with DoD, will provide a new stockpile stewardship and management plan to Congress within 90 days, consistent with the increases in infrastructure investment requested in the President’s FY 2011 budget. As critical infrastructure is restored and modernized, it will allow the United States to begin to shift away from retaining large numbers of non-deployed warheads as a technical hedge, allowing additional reductions in the United States stockpile of non-deployed nuclear weapons over time.”;
(B) “In order to sustain a safe, secure, and effective United States nuclear stockpile as long as nuclear weapons exist, the United States must possess a modern physical infrastructure—comprised of the national security laboratories and a complex of supporting facilities.”;

(C) “Funding the Chemistry and Metallurgy Research Replacement Project at Los Alamos National Laboratory to replace the existing 50-year old Chemistry and Metallurgy Research facility in 2021.”;

(D) “Developing a new Uranium Processing Facility at the Y–12 Plant in Oak Ridge, Tennessee to come on line for production operations in 2021.”;

(E) “Without an ability to produce uranium components, any plan to sustain the stockpile, as well as support for our Navy nuclear propulsion, will come to a halt. This would have a significant impact, not just on the weapons program, but in dealing with nuclear dangers of many kinds.”; and

(F) “The non-deployed stockpile currently includes more warheads than required for the
above purposes, due to the limited capacity of the National Nuclear Security Administration (NNSA) complex to conduct LEPs for deployed weapons in a timely manner. Progress in restoring NNSA’s production infrastructure will allow these excess warheads to be retired along with other stockpile reductions planned over the next decade.”.

(5) In the memorandum of agreement between the Department of Defense and the Department of Energy concerning the modernization of the nuclear weapon stockpile of the United States dated May 3, 2010, then Secretary of Defense Robert Gates and Secretary of Energy Steven Chu agreed that “DOE Agrees to * * * increase pit production capacity * * * plan and program to ramp up to a minimum of 50–80 PPY in 2022.”.

(6) The plan required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) submitted by the President states that the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility will complete construction by 2021 and will achieve full operational functionality by 2024.
(7) The Senate required that, prior to the entry into force of the New START Treaty, the President certifies to the Senate that the President intends to—

(A) accelerate to the extent possible the design and engineering phase of the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility; and

(B) request full funding, including on a multiyear basis as appropriate, for the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility upon completion of the design and engineering phase for such facilities.

(8) The President did request full funding for such facilities on February 2, 2011, when the President stated, “I intend to (a) accelerate, to the extent possible, the design and engineering phase of the Chemistry and Metallurgy Research Replacement (CMRR) building and the Uranium Processing Facility (UPF); and (b) request full funding, including on a multi-year basis as appropriate, for the CMRR building and the UPF upon completion of the design and engineering phase for such facilities.”.
(b) LIMITATION.—Section 1045 of the National Defense Authorization Act for Fiscal Year 2012 (50 U.S.C. 2523b), as amended by section 1056(b), is amended by adding at the end the following new subsection:

“(e) CMRR AND UPF.—

“(1) ANNUAL CERTIFICATION.—Beginning fiscal year 2013, the President shall annually certify in writing to the congressional defense committees whether—

“(A) the construction of both the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility will be completed by not later than 2021; and

“(B) both facilities will be fully operational by not later than 2024.

“(2) LIMITATION.—If the President certifies under paragraph (1) that the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility will be completed by later than 2021 or be fully operational by later than 2024, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the National Nuclear Security Administration may be used to reduce the nondeployed nuclear warheads in the nuclear weapons stockpile of the United States until
a period of 120 days has elapsed following the date of such certification.

“(3) Exception.—The limitation in paragraph (2) shall not apply to—

“(A) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and strategic delivery systems; or

“(B) nuclear warheads that are retired or awaiting dismantlement on the date of the certification under paragraph (1).

“(4) Termination.—The requirement in paragraph (1) shall terminate on the date on which the President certifies in writing to the congressional defense committees that the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility are both fully operational.”.

SEC. 1059. NUCLEAR WARHEADS ON INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) Sense of Congress.—It is the sense of Congress that reducing the number of nuclear warheads contained on each intercontinental ballistic missile of the
United States does not promote strategic stability if at the same time other nuclear weapons states, including the Russian Federation and the People’s Republic of China, are rapidly increasing the warhead-loading of their land-based missile forces.

(b) LIMITATION.—

(1) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

“§ 496. Nuclear warheads on intercontinental ballistic missiles of the United States

“(a) IN GENERAL.—During any year in which the President proposes to reduce the number of nuclear warheads contained on an intercontinental ballistic missile of the United States, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense or the National Nuclear Security Administration may be used for such proposed reduction if the reduction results in such missile having only a single nuclear warhead unless the President certifies in writing to the congressional defense committees that the Russian Federation and the People’s Republic of China are both also carrying out a similar reduction.
“(b) EXCEPTION.—The limitation in subsection (a) shall not apply to reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and strategic delivery systems.”.

(2) The table of sections at the beginning of chapter 24 of title 10, United States Code, is amended by inserting after the item relating to section 495 the following:

“496. Nuclear warheads on intercontinental ballistic missiles of the United States.”.

SEC. 1060. NONSTRATEGIC NUCLEAR WEAPON REDUCTIONS AND EXTENDED DETERRENCE POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The NATO Strategic Concept of 2010 endorsed the continued role of nuclear weapons in the security of the NATO alliance, stating—

(A) “The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States; the independent strategic nuclear forces of the United Kingdom and France, which have a deterrent role of their
own, contribute to the overall deterrence and
security of the Allies.”;

(B) “We will ensure that NATO has the
full range of capabilities necessary to deter and
defend against any threat to the safety and se-
curity of our populations. Therefore, we will *
* * maintain an appropriate mix of nuclear and
conventional forces”; and

(C) “[NATO will] ensure the broadest pos-
sible participation of Allies in collective defence
planning on nuclear roles, in peacetime basing
of nuclear forces, and in command, control and
consultation arrangements.”.

(2) However, the 2010 Strategic Concept also
walked away from the decades-long policy encap-
sulated by the 1999 Strategic Concept that said,
“The presence of United States conventional and
nuclear forces in Europe remains vital to the secu-
ritiy of Europe, which is inseparably linked to that
of North America.”.

(3) Former Secretary of Defense William Perry
said in March 2011 testimony before the Sub-
committee on Strategic Forces of the Committee on
Armed Services of the House of Representatives that
“the reason we have nuclear weapons in Europe in
the first place, is not because the rest of our weapons are not capable of deterrence, but because, during the Cold War at least, our allies in Europe felt more assured when we had nuclear weapons in Europe. That is why they were deployed there in the first place. Today the issue is a little different. The issue is the Russians in the meantime have built a large number of nuclear weapons, and we keep our nuclear weapons there as somewhat of a political leverage for dealing with an ultimate treaty in which we may get Russia and the United States to eliminate tactical nuclear weapons. My own view is it would be desirable if both the United States and Russia would eliminate tactical nuclear weapons, but I see it as very difficult to arrive at that conclusion if we were to simply eliminate all of our tactical nuclear weapons unilaterally.”

(4) During testimony before the Subcommittee on Strategic Forces of the Committee on Armed Services of the House of Representatives in July 2011—

(A) former Department of Defense official Frank Miller stated, “as long as United States allies believe that those weapons need to be
there, we need to make sure that we provide that security.”; and

(B) former Department of Defense official Mort Halperin stated, “I do not think we should be willing to trade our withdrawal of our nuclear weapons from Europe for some reduction, even a substantial reduction, in Russian tactical nuclear weapons because if it is * * * that the credibility of the American nuclear deterrent for our NATO allies depends on the presence of nuclear weapons in Europe, that will not change if the Russians cut their tactical nuclear arsenal by two thirds, or even eliminate it because they will still have their strategic weapons, which, while they can’t have intermediate range missiles, they can find a way to target them on the NATO countries.”.

(5) Section 1237(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) expressed the sense of Congress that—

(A) the commitment of the United States to extended deterrence in Europe and the nuclear alliance of NATO is an important component of ensuring and linking the national secu-
rity of the United States and its European allies;

(B) the nuclear forces of the United States are a key component of the NATO nuclear alliance; and

(C) the presence of the nuclear weapons of the United States in Europe—combined with NATO’s unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—provides reassurance to NATO allies who feel exposed to regional threats.

(b) LIMITATION.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

“§ 497. Limitation on reduction, consolidation, or withdrawal of nuclear forces based in Europe

“(a) POLICY ON NONSTRATEGIC NUCLEAR WEAPONS.—It is the policy of the United States—

“(1) to pursue negotiations with the Russian Federation aimed at the reduction of Russian deployed and nondeployed, nonstrategic nuclear forces;
“(2) that nonstrategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and the Russian Federation;

“(3) that any geographical relocation or storage of nonstrategic nuclear weapons by the Russian Federation does not constitute a reduction or elimination of such weapons;

“(4) the vast advantage of the Russian Federation in nonstrategic nuclear weapons constitutes a threat to the United States and its allies and a growing asymmetry in Western Europe; and

“(5) the forward-deployed nuclear forces of the United States are an important contributor to the assurance of the allies of the United States and constitute a check on proliferation and a tool in dealing with neighboring states hostile to NATO.

“(b) Policy on Extended Deterrence Commitment to Europe.—It is the policy of the United States that—

“(1) it maintain its commitment to extended deterrence, specifically the nuclear alliance of the North Atlantic Treaty Organization, as an important component of ensuring and linking the national
security interests of the United States and the security of its European allies;

“(2) forward-deployed nuclear forces of the United States shall remain based in Europe in support of the nuclear policy and posture of NATO;

“(3) the presence of nuclear weapons of the United States in Europe—combined with NATO’s unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—contributes to the cohesion of NATO and provides reassurance to allies and partners who feel exposed to regional threats; and

“(4) only the President and Congress can articulate when and how the United States will employ the nuclear forces of the United States and no multilateral organization, not even NATO, can articulate a declaratory policy concerning the use of nuclear weapons that binds the United States.

“(c) LIMITATION ON REDUCTION, CONSOLIDATION, OR WITHDRAWAL OF NUCLEAR FORCES BASED IN EUROPE.—In light of the policy expressed in subsections (a) and (b), none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to effect or implement the reduction,
consolidation, or withdrawal of nuclear forces of the
United States that are based in Europe unless—

“(1) the reduction, consolidation, or withdrawal
of such nuclear forces is requested by the govern-
ment of the host nation in the manner provided in
the agreement between the United States and the
host nation regarding the forces;

“(2) the President certifies that—

“(A) NATO member states have consid-
ered the reduction, consolidation, or withdrawal
in the High Level Group;

“(B) NATO has decided to support such
reduction, consolidation, or withdrawal;

“(C) the remaining nuclear forces of the
United States that are based in Europe after
such reduction, consolidation, or withdrawal
would provide a commensurate or better level of
assurance and credibility as before such reduc-
tion, consolidation, or withdrawal; and

“(D) there has been reciprocal action by
the Russian Federation, not including the Rus-
sian Federation relocating nuclear forces from
one location to another; or
“(3) the reduction, consolidation, or withdrawal of such nuclear forces is specifically authorized by an Act of Congress.

“(d) Notification.—Upon any decision to reduce, consolidate, or withdraw the nuclear forces of the United States that are based in Europe, the President shall submit to the appropriate congressional committees a notification containing—

“(1) the certification required by paragraph (2) of subsection (c) if such reduction, consolidation, or withdrawal is based upon such paragraph;

“(2) justification for such reduction, consolidation, or withdrawal; and

“(3) an assessment of how NATO member states, in light of such reduction, consolidation, or withdrawal, assess the credibility of the deterrence capability of the United States in support of its commitments undertaken pursuant to article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964).

“(e) Notice and Wait Requirement.—The President may not commence a reduction, consolidation, or withdrawal of the nuclear forces of the United States that
are based in Europe for which the certification required by subsection (e)(2) is made until the expiration of a 180-day period beginning on the date on which the President submits the notification under subsection (d) containing the certification.

“(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—
In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committees on Armed Services of the House of Representatives and the Senate; and

“(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.”.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 10, United States Code, is amended by inserting after the item relating to section 496 the following:

“497. Limitation on reduction, consolidation, or withdrawal of nuclear forces based in Europe.”.

SEC. 1061. IMPROVEMENTS TO NUCLEAR WEAPONS COUNCIL.

Section 179 of title 10, United States Code, is amended—

(1) in subsection (b)(3), by adding at the end the following: “Not later than seven days before a meeting, the Chairman shall disseminate to each

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member of the Council the agenda and documents for such meeting.”; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting “and alternatives” before the period;

(B) in paragraph (3), by inserting “and approving” after “Coordinating”;

(C) in paragraph (7)—

(i) by striking “broad” and inserting “specific”; and

(ii) by inserting before the period the following: “and priorities among activities, including production, surveillance, research, construction, and any other programs within the National Nuclear Security Administration”; and

(D) by adding at the end the following new paragraph:

“(11) Coordinating and approving the annual budget proposals of the National Nuclear Security Administration, including before such proposals are submitted to—

“(A) the Director of the Office of Management and Budget;”

“(B) the President; and
“(C) Congress under section 1105 of title 31.”.

SEC. 1062. INTERAGENCY COUNCIL ON THE STRATEGIC CAPABILITY OF THE NATIONAL LABORATORIES.

(a) ESTABLISHMENT.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 188. Interagency Council on the Strategic Capability of the National Laboratories

“(a) ESTABLISHMENT.—There is an Interagency Council on the Strategic Capability of the National Laboratories (in this section referred to as the ‘Council’).

“(b) MEMBERSHIP.—The membership of the Council is comprised of the following:

“(1) The Secretary of Defense.

“(2) The Secretary of Energy.


“(4) The Director of National Intelligence.


“(6) Such other officials as the President considers appropriate.

“(c) STRUCTURE AND PROCEDURES.—The President may determine the chair, structure, staff, and procedures of the Council.
“(d) RESPONSIBILITIES.—The Council shall be responsible for the following matters:

“(1) Identifying and considering the science, technology, and engineering capabilities of the national laboratories that could be leveraged by each participating agency to support national security missions.

“(2) Reviewing and assessing the adequacy of the national security science, technology, and engineering capabilities of the national laboratories for supporting national security missions throughout the Federal Government.

“(3) Establishing and overseeing means of ensuring that—

“(A) capabilities identified by the Council under paragraph (1) are sustained to an appropriate level; and

“(B) each participating agency provides the appropriate level of institutional support to sustain such capabilities.

“(4) In accordance with acquisition rules regarding federally funded research and development centers, establishing criteria for when each participating agency should seek to use the services of the
national laboratories, including the identification of appropriate mission areas and capabilities.

“(5) Making recommendations to the President and Congress regarding regulatory or statutory changes needed to better support—

“(A) the strategic capabilities of the national laboratories; and

“(B) the use of such laboratories by each participating agency.

“(6) Other actions the Council considers appropriate with respect to—

“(A) the sustainment of the national laboratories; and

“(B) the use of the strategic capabilities of such laboratories.

“(e) STREAMLINED PROCESS.—With respect to the participating agency for which a member of the Council is the head of, each member of the Council shall—

“(1) establish processes to streamline the consideration and approval of procuring the services of the national laboratories on appropriate matters; and

“(2) ensure that such processes are used in accordance with the criteria established under subsection (d)(4).
“(f) DEFINITIONS.—In this section:

“(1) The term ‘participating agency’ means a department or agency of the Federal Government that is represented on the Council by a member under subsection (b).

“(2) The term ‘national laboratories’ means—

“(A) each national security laboratory (as defined in section 3281(1) of the National Nuclear Security Administration Act (50 U.S.C. 2471(1))); and

“(B) each national laboratory of the Department of Energy.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 187 the following new item:

“188. Interagency Council on the Strategic Capability of the National Laboratories.”.

(c) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2013, the Interagency Council on the Strategic Capability of the National Laboratories under section 188 of title 10, United States Code, as added by subsection (a), shall submit to the appropriate congressional committees a report describing and assessing the following:
(A) The actions taken to implement the requirements of such section 188 and the charter titled “Governance Charter for an Interagency Council on the Strategic Capability of DOE National Laboratories as National Security Assets” signed by the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence in July 2010.

(B) The effectiveness of the Council in accomplishing the purpose and objectives of such section and such Charter.

(C) Efforts to strengthen work-for-others programs at the national laboratories.

(D) Efforts to make work-for-others opportunities more cost-effective.

(E) Ongoing and planned measures for increasing cost-sharing and institutional support investments from other agencies.

(F) Any regulatory or statutory changes recommended to improve the ability of such other agencies to leverage expertise and capabilities at such laboratories.
(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term “appropriate congressional committees” means the following:

(A) The congressional defense committees.

(B) The Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(C) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(E) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) CONSTRUCTION.—Nothing in section 188 of title 10, United States Code, as added by subsection (a), shall be construed to limit section 309 of the Homeland Security Act of 2002 (6 U.S.C. 189).
SEC. 1063. REPORT ON CAPABILITY OF CONVENTIONAL AND NUCLEAR FORCES AGAINST CERTAIN TUNNEL SITES.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Commander of the United States Strategic Command shall submit to the appropriate congressional committees a report on the underground tunnel network used by the People’s Republic of China with respect to the capability of the United States to use conventional and nuclear forces to neutralize such tunnels and what is stored within such tunnels.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1064. REPORT ON CONVENTIONAL AND NUCLEAR FORCES IN THE WESTERN PACIFIC REGION.

(a) SENSE OF CONGRESS.—Congress—

(1) supports steps taken by the President to—
(A) reinforce the security of the allies of
the United States; and

(B) strengthen the deterrent capability of
the United States against the illegal and in-
creasingly belligerent actions of North Korea;
and

(2) encourages further steps, including such
steps to deploy additional conventional forces of the
United States and redeploy tactical nuclear weapons
to the Western Pacific region.

(b) REPORT.—Not later than 90 days after the date
of the enactment of this Act, the Secretary of Defense,
in consultation with the Secretary of State, shall submit
to the congressional defense committees a report on de-
ploying additional conventional and nuclear forces to the
Western Pacific region to ensure the presence of a robust
conventional and nuclear capability, including a forward-
deployed nuclear capability, of the United States in re-
sponse to the ballistic missile and nuclear weapons devel-
opments of North Korea and the other belligerent actions
North Korea has made against allies of the United States.
The report shall include an evaluation of any bilateral
agreements, basing arrangements, and costs that would be
involved with such additional deployments.
SEC. 1065. SENSE OF CONGRESS ON NUCLEAR ARSENAL.

It is the sense of Congress that the nuclear force structure of the United States should be periodically reexamined, through nuclear posture reviews, to assess assumptions that shape the structure, size, and targeting of the nuclear forces of the United States and to ensure that such forces are structured, sized, and targeted—

(1) to be capable of holding at risk the assets that potential adversaries value; and

(2) to provide robust extended deterrence and assurance to allies of the United States.

SEC. 1065A. BUDGET REQUIREMENTS ASSOCIATED WITH SUSTAINING AND MODERNIZING THE NUCLEAR DETERRENT.

Section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by amending subparagraph (F) to read as follows:

“(F) In accordance with paragraph (3), a detailed estimate of the budget requirements associated with sustaining and modernizing the nuclear deterrent of the United States and the nuclear weapons stockpile of the United States, including the costs associated with the plans
outlined under subparagraphs (A) through (E),
over the 10-year period following the date of
the report, including the applicable and appro-
priate costs associated with—

“(i) training;
“(ii) basing;
“(iii) security;
“(iv) testing;
“(v) research;
“(vi) development;
“(vii) deployment;
“(viii) transportation;
“(ix) personnel;
“(x) overhead; and
“(xi) other appropriate matters.”; and

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

“(3) DETAILED BUDGET ESTIMATE CON-
TENTS.—Each budget estimate under paragraph
(2)(F) shall include a detailed description of the
matters included in such estimate, the rationale for
including such matters, and the cost listed by loca-
tion. Such costs listed by location shall be submitted
in the form of a classified annex in accordance with
subsection (b).”; and
(2) by adding at the end the following new sub-
section:

“(c) COMPTROLLER GENERAL.—The Comptroller 
General of the United States shall—

“(1) review each report under subsection (a) for 
accuracy and completeness with respect to the mat-
ters described in paragraphs (2)(F) and (3) of such 
subsection; and

“(2) not later than 180 days after the date on 
which such report under subsection (a) is submitted, 
submit to the congressional defense committees a 
summary of each such review.”.

SEC. 1065B. PROHIBITION ON UNILATERAL REDUCTION OF 
NUCLEAR WEAPONS OF THE UNITED STATES.

(a) IN GENERAL.—Chapter 24 of title 10, United 
States Code, as added by section 1051, is amended by 
adding at the end the following:

“§ 498. Prohibition on unilateral reduction of nuclear 
weapons

“The President may not retire, dismantle, or elimi-
nate, or prepare to retire, dismantle, or eliminate, any nu-
clear weapon of the United States (including such de-
ployed weapons and nondeployed weapons and warheads 
in the nuclear weapons stockpile) if such action would re-
duce the number of such weapons to a number that is
less than the level described in the New START Treaty (as defined in section 130f(e) of this title) unless such action is—

“(1) required by a treaty or international agreement specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

“(2) specifically authorized by an Act of Congress.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“498. Prohibition on unilateral reduction of nuclear weapons.”.

SEC. 1065C. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF STRATEGIC DELIVERY SYSTEMS.

(a) Limitation.—Chapter 24 of title 10, United States Code, is amended by adding at the end the following:

“§ 498. Commensurate strategic delivery system reductions

“(a) Limitation on New START reductions.—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the Department of Defense may be obligated or expended to reduce, convert, or decommission any
strategic delivery system pursuant to the levels set forth for such systems under the New START Treaty unless the President certifies to the congressional defense committees that—

“(1) the Russian Federation must make a commensurate reduction, conversion, or decommissioning pursuant to the levels set forth under such treaty; and

“(2) the Russian Federation is not developing or deploying a strategic delivery system that is—

“(A) not covered under the limits set forth under such treaty; and

“(B) capable of reaching the United States.

“(b) LIMITATION ON TRIAD REDUCTIONS.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the Department of Defense may be obligated or expended to reduce, convert, or decommission any strategic delivery system if such reduction, conversion, or decommissioning would eliminate a leg of the nuclear triad.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘New START Treaty’ means the Treaty between the United States of America and
the Russian Federation on Measures for the Further
Reduction and Limitation of Strategic Offensive
Arms, signed on April 8, 2010, and entered into
force on February 5, 2011.

“(2) The term ‘strategic delivery system’ means
the following delivery platforms for nuclear weapons:

“(A) Land-based intercontinental ballistic
missiles.

“(B) Submarine-launched ballistic missiles
and associated ballistic missile submarines.

“(C) Nuclear-certified strategic bombers.

“(3) The term ‘triad’ means the nuclear deter-
rent capabilities of the United States composed of
the strategic delivery systems.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 497 the following new
item:

‘‘498. Commensurate strategic delivery system reductions.’’.

Subtitle F—Studies and Reports

SEC. 1066. ASSESSMENT OF DEPARTMENT OF DEFENSE USE
OF ELECTROMAGNETIC SPECTRUM.

Not later than 120 days after the date of the enact-
ment of this Act, the Secretary of Defense shall provide
to the congressional defense committees, the Committee
on Energy and Commerce of the House of Representa-
atives, and the Committee on Commerce, Science, and Transportation of the Senate a briefing assessing the use of electromagnetic spectrum by the Department of Defense, including—

(1) a comparison of the actual and projected cost impact, time required to plan and implement, and policy implications of electromagnetic spectrum reallocations made since the enactment of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66, 107 Stat. 312);

(2) an identification of critical electromagnetic spectrum assignments where there is use by the Department of Defense that—

(A) cannot be eliminated, relocated, consolidated in other electromagnetic spectrum bands, or for which there is no commercial or non-spectrum alternative, including a detailed explanation of why that is the case; and

(B) can be eliminated, relocated, consolidated in other electromagnetic spectrum bands, or for which there is a commercial or non-spectrum alternative, including frequency of use, time necessary to relocate or consolidate to another electromagnetic spectrum band, and operational and cost impacts; and
(3) an analysis of the research being conducted by the Department of Defense in electromagnetic spectrum-sharing and other dynamic electromagnetic spectrum access technologies, including maturity level, applicability for spectrum relocation or consolidation, and potential costs for continued development or implementation.

SEC. 1067. ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.

(a) Guidance Required.—Not later than January 1, 2013, the Secretary of Defense shall review and update Department of Defense guidance related to electronic warfare to ensure that oversight roles and responsibilities within the Department related to electronic warfare policy and programs are clearly defined. Such guidance shall clarify, as appropriate, the roles and responsibilities related to the integration of electronic warfare matters and cyberspace operations.

(b) Plan Required.—Not later than January 1, 2013, the Commander of the United States Strategic Command shall update and issue guidance regarding the responsibilities of the Command with regard to joint electronic warfare capabilities. Such guidance shall—

(1) define the role and objectives of the Joint Electromagnetic Spectrum Control Center or any
other center established in the Command to provide
governance and oversight of electronic warfare mat-
ters; and

(2) include an implementation plan outlining
tasks, metrics, and timelines to establish such a cen-
ter.

(e) ADDITIONAL REPORTING REQUIREMENTS.—Sec-
tion 1053(b)(1) of the National Defense Authorization Act
for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
2459) is amended—

(1) in subparagraph (B), by striking ‘‘; and’’
and inserting a semicolon;

(2) in subparagraph (C), by striking the period
and inserting a semicolon; and

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

“(D) performance measures to guide the
implementation of such strategy;

“(E) an identification of resources and in-
vestments necessary to implement such strat-
egy; and

“(F) an identification of the roles and re-
sponsibilities within the Department to imple-
ment such strategy.”.
SEC. 1068. REPORT ON COUNTERPROLIFERATION CAPABILITIES AND LIMITATIONS.

(a) Report Required.—Not later than March 1, 2013, the Secretary of Defense shall provide to the congressional defense committees a report outlining operational capabilities, limitations, and shortfalls within the Department of Defense with respect to counterproliferation and combating weapons of mass destruction involving special operations forces and key enabling forces.

(b) Elements.—The report required under subsection (a) shall include each of the following elements:

(1) An overview of current capabilities and limitations.

(2) An overview and assessment of current and future training requirements and gaps.

(3) An assessment of technical capability gaps.

(4) An assessment of interagency coordination capabilities and gaps.

(5) An outline of current and future proliferation and weapons of mass destruction threats, including critical intelligence gaps.

(6) An assessment of current international bilateral and multilateral partnerships and the limitations of such partnerships, including an assessment of existing authorities to build partnership capacity in this area.
(7) A description of efforts to address the limitations and gaps referred to in paragraphs (1) through (6), including timelines and requirements to address such limitations and such gaps.

(8) Any other matters the Secretary considered appropriate.

SEC. 1069. REPORT ON COMMUNICATIONS FROM CONGRESS ON STATUS OF MILITARY CONSTRUCTION PROJECTS.

(a) Report Required.—The Secretary of Defense shall submit to Congress a report describing any letters from Congress (including a committee of the Senate or the House of Representatives, a member of Congress, an officer of Congress, or a congressional staff member) received by the Department of Defense that refers to or requests information on the status of a military construction project on the future-years defense program.

(b) Deadline.—The report required by subsection (a) shall be submitted not later than one year after the date of the enactment of this Act.

SEC. 1070. FEDERAL MORTUARY AFFAIRS ADVISORY COMMISSION.

(a) Establishment.—There is established a Federal Mortuary Affairs Advisory Commission.
(b) PURPOSE.—The purpose of the Commission shall be to advise the President, the Secretary of Defense, the Secretary of Veterans Affairs, and Congress on the best practices for casualty notification, family support, and mortuary affairs operations so as to ensure prompt notification and compassionate and responsive support for families who have lost servicemembers, and for the honorable and dignified disposition of the remains of fallen servicemembers.

(c) SCOPE.—Within the Department of Defense and the Department of Veterans Affairs, the Commission shall examine, on an ongoing basis, all matters that encompass the notification of family members on the death of a servicemember in said family; all family support programs, policies, and procedures designed to assist affected families; and all aspects of mortuary affairs operations, including the final disposition of fallen servicemembers.

(d) COMPOSITION.—

(1) MEMBERS.—The Commission shall consist of 13 members, appointed as follows:

(A) One member appointed by the President of the United States.

(B) One member appointed by the Speaker of the House of Representatives.
(C) One member appointed by the Minority Leader of the House of Representatives.

(D) One member appointed by the Majority Leader of the Senate.

(E) One member appointed by the Minority Leader of the Senate.

(F) One member appointed by the Chairman of the House Committee on Veterans Affairs.

(G) One member appointed by the Ranking Member of the House Committee on Veterans Affairs.

(H) One member appointed by the Chairman of the House Committee on Armed Services.

(I) One member appointed by the Ranking Member of the House Committee on Armed Services.

(J) One member appointed by the Chairman of the Senate Committee on Veterans Affairs.

(K) One member appointed by the Ranking Member of the Senate Committee on Veterans Affairs.
(L) One member appointed by the Chairman of the Senate Committee on Armed Services.

(M) One member appointed by the Chairman of the Senate Committee on Armed Services.

(2) TERM.—Each member shall serve a term of three years.

(3) MEETINGS AND QUORUM.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Seven members of the Commission shall constitute a quorum.

(4) CHAIRMAN AND VICE CHAIRMAN.—Upon convening for its first meeting, the Commission members shall elect by majority vote a chairman and vice chairman of the Commission.

(5) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) QUALIFICATIONS.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.
(2) **Nongovernmental Appointees.**—An individual appointed to the Commission may not be an officer or employee of the Federal Government.

(3) **Other Qualifications.**—At least four individuals appointed to the Commission should include family members who have direct experience dealing with the loss of a servicemember that involved interactions with the Dover Port Mortuary. At least three individuals should have extensive private or public sector experience in mortuary science, operations, procedures, and decorum.

(f) **Duration.**—The Commission shall have a 5 year duration, beginning after the last member of the Commission is appointed.

(g) **Meetings and Reports.**—The Commission shall hold regular public meetings, notification of which shall appear in the Federal Register and on the Commission’s website. Not less than annually, the Commission shall provide a written report to the President, the Secretary of Defense, the Secretary of Veterans Affairs, and Congress on—

(1) recommendations for improving casualty notification, family support, and remains disposition; and
(2) progress, or lack thereof, by the Department of Defense and the Department of Veterans Affairs in acting upon prior recommendations of the Commission. Said report shall also be posted on the Commission’s website for public inspection.

(h) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, Commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, Commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommission created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.
(i) **Assistance From Federal Agencies.**—

(1) **General Services Administration.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.

(2) **Other Departments and Agencies.**—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(j) **Staff of Commission.**—

(1) **Appointment and Compensation.**—The chairman, in consultation with vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule
pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(3) DETAILLEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level
IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 1070A. REPORT ON MANUFACTURING INDUSTRY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the manufacturing industry of the United States. The report shall include, at a minimum, the following:
(1) An assessment of the current manufacturing capacity of the United States as it relates to the ability of the United States to respond to both civilian and defense needs.

(2) An assessment of the tax, trade, and regulatory policies of the United States as such policies impact the growth of the manufacturing industry in the United States.

(3) An analysis of the factors leading to the increased outsourcing of manufacturing processes to foreign nations.

(4) An analysis of the strength of the United States defense industrial base, including the security and stability of the supply chain and an assessment of the vulnerabilities of that supply chain.

SEC. 1070B. REPORT ON LONG-TERM COSTS OF OPERATION

NEW DAWN, OPERATION ENDURING FREEDOM, AND OTHER CONTINGENCY OPERATIONS.

(a) Report Requirement.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of Veterans Affairs, shall submit to Congress a report containing an estimate
of the long-term costs of Operation New Dawn and Operation Enduring Freedom for each the following scenarios:

(1) The scenario in which the number of members of the Armed Forces deployed in support of Operation Enduring Freedom is reduced from roughly 90,000 in 2012 to 67,000 in 2013, and 50,000 by the beginning of 2014, and remains at 50,000 through 2020.

(2) The scenario in which the number of members of the Armed Forces deployed in support of Operation Enduring Freedom is reduced from roughly 90,000 in 2012 to 60,000 in 2013, and 30,000 by the beginning of 2014, and remains at 30,000 through 2020.

(3) An alternative scenario, determined by the President and based on current contingency operation and withdrawal plans, which takes into account expected force levels and the expected length of time that members of the Armed Forces will be deployed in support of Operation Enduring Freedom.

(b) ESTIMATES TO BE USED IN PREPARATION OF REPORT.—In preparing the report required by subsection (b), the President shall make estimates and projections through at least fiscal year 2020, adjust any dollar
amounts appropriately for inflation, and take into account and specify each of the following:

(1) The total number of members of the Armed Forces expected to be deployed in support of Operation Enduring Freedom, and Operation Odyssey Dawn, including—

(A) the number of members of the Armed Forces actually deployed in Southwest Asia in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn;

(B) the number of members of reserve components of the Armed Forces called or ordered to active duty in the United States for the purpose of training for eventual deployment in Southwest Asia, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and

(C) the break-down of deployments of members of the regular and reserve components and activation of members of the reserve components.
(2) The number of members of the Armed Forces, including members of the reserve components, who have previously served in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been used and are expected to be used during the course of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(4) The number of veterans currently suffering and expected to suffer from post-traumatic stress disorder, traumatic brain injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during service in support of Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from veterans of military service in Iraq, Afghanistan, and Libya, and the
total number of such veterans expected to seek dis-
ability compensation from the Department of Vet-
erans Affairs.

(7) The total number of members of the Armed
Forces who have been killed or wounded in Iraq, Af-
ghanistan, or Libya, including noncombat casualties,
the total number of members expected to suffer inju-
ries in Iraq, Afghanistan, and Libya, and the total
number of members expected to be killed in Iraq,
Afghanistan, and Libya, including noncombat cas-
ualties.

(8) The amount of funds previously appro-
priated for the Department of Defense, the Depart-
ment of State, and the Department of Veterans Af-
fairs for costs related to Operation Iraqi Freedom,
Operation New Dawn, and Operation Enduring
Freedom, including an account of the amount of
funding from regular Department of Defense, De-
partment of State, and Department of Veterans Af-
fairs budgets that has gone and will go to costs asso-
ciated with such operations.

(9) Current and future operational expenditures
associated with Operation New Dawn, Operation
Enduring Freedom, and Operation Odyssey Dawn
including—
(A) funding for combat operations;

(B) deploying, transporting, feeding, and housing members of the Armed Forces (including fuel costs);

(C) activation and deployment of members of the reserve components of the Armed Forces;

(D) equipping and training of Iraqi and Afghani forces;

(E) purchasing, upgrading, and repairing weapons, munitions, and other equipment consumed or used in Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and

(F) payments to other countries for logistical assistance in support of such operations.

(10) Past, current, and future costs of entering into contracts with private military security firms and other contractors for the provision of goods and services associated with Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(11) Average annual cost for each member of the Armed Forces deployed in support of Operation Iraqi Freedom, Operation New Dawn, Operation
Enduring Freedom, and Operation Odyssey Dawn, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of calling or ordering members of the reserve components to active duty in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support members of the Armed Forces serving in Iraq and Afghanistan.


(A) the cost of mental health treatment for veterans suffering from post-traumatic stress
disorder and traumatic brain injury, and other mental problems as a result of such service; and

(B) the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of such service.


(18) Current and future cost of providing survivors’ benefits to survivors of members of the Armed Forces killed while serving in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(19) Cost of bringing members of the Armed Forces and equipment back to the United States upon the conclusion of Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn, including the cost of demobilization, transportation costs (including fuel costs), providing transition services for members of the Armed Forces transitioning from active duty to veteran status,
transporting equipment, weapons, and munitions
(including fuel costs), and an estimate of the value
of equipment that will be left behind.

(20) Cost to restore the military and military
equipment, including the equipment of the reserve
components, to full strength after the conclusion of
Operation New Dawn or Operation Enduring Free-
dom.

(21) Amount of money borrowed to pay for Op-
eration Iraqi Freedom, Operation New Dawn, Oper-
ation Enduring Freedom, or Operation Odyssey
Dawn, and the sources of that money.

(22) Interest on money borrowed, including in-
terest for money already borrowed and anticipated
interest payments on future borrowing, for Oper-
ation Iraqi Freedom, Operation New Dawn, Oper-
ation Enduring Freedom, or Operation Odyssey
Dawn.
Subtitle G—Miscellaneous
Authorities and Limitations

SEC. 1071. RULE OF CONSTRUCTION RELATING TO PROHIBITION ON INFRINGING ON THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND OTHERWISE USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS.

Section 1062(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4363) is amended—

(1) in paragraph (1)(B), by striking “; or” and inserting a semicolon;

(2) in paragraph (2), by striking “others.” and inserting “others; or”; and

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

“(3) authorize a mental health professional that is a member of the Armed Forces or a civilian employee of the Department of Defense or a commanding officer to inquire if a member of the Armed Forces plans to acquire, or already possesses or owns, a privately-owned firearm, ammunition, or other weapon, if such mental health professional or such commanding officer has reasonable grounds to
believe such member is at high risk for suicide or
causing harm to others.”

SEC. 1072. EXPANSION OF AUTHORITY OF THE SECRETARY
OF THE ARMY TO LOAN OR DONATE EXCESS
SMALL ARMS FOR FUNERAL AND OTHER CER-
EMONIAL PURPOSES.

Section 4683(a) of title 10, United States Code, is
amended by adding at the end the following new para-
graph:

“(3)(A) In order to meet the needs of an eligi-
ble organization with respect to performing funeral
and other ceremonies, if the Secretary determines
appropriate, the Secretary may—

“(i) loan or donate excess small arms to an
eligible organization;

“(ii) authorize an eligible organization to
retain small arms other than M–1 rifles; or

“(iii) if excess small arms stock is insuffi-
cient to meet organizational requirements, pre-
scribe policies and procedures to establish a ro-
tational loan program based on the needs of eli-
gible organizations.

“(B) Nothing in this paragraph shall be con-
strued to supersede any Federal law or regulation
governing the use or ownership of firearms.
“(C) The Secretary may not delegate the au-

thority under this paragraph.”.

SEC. 1073. PROHIBITION ON THE USE OF FUNDS FOR MAN-

UFACTURING BEYOND LOW-RATE INITIAL

PRODUCTION AT CERTAIN PROTOTYPE INTE-

GRATION FACILITIES.

(a) PROHIBITION.—None of the funds authorized to

be appropriated by this Act may be used for manufac-
turing production beyond the greater of low-rate initial

production or 1000 units at a prototype integration facil-

ity of any of the following components of the Army Re-

search, Development, and Engineering Command:

(1) The Armament Research, Development, and

Engineering Center.

(2) The Aviation and Missile Research, Devel-

opment, and Engineering Center.

(3) The Communications-Electronics Research, Devel-

opment, and Engineering Center.

(4) The Tank Automotive Research, Develop-

ment, and Engineering Center.

(b) WAIVER.—The Assistant Secretary of the Army

for Acquisition, Logistics, and Technology may waive the

prohibition under subsection (a) for a fiscal year if—

(1) the Assistant Secretary determines that the

waiver is necessary—
(A) for reasons of national security; or
(B) to rapidly acquire equipment to respond to combat emergencies; and
(2) the Assistant Secretary submits to Congress a notification of the waiver together with the reasons for the waiver.

(c) Low-rate Initial Production.—For purposes of this section, the term “low-rate initial production” shall be determined in accordance with section 2400 of title 10, United States Code.

SEC. 1074. INTERAGENCY COLLABORATION ON UNMANNED AIRCRAFT SYSTEMS.

(a) Findings on Joint Department of Defense-Federal Aviation Administration Executive Committee on Conflict and Dispute Resolution.—Section 1036(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4596) is amended by adding at the end the following new paragraph:

“(9) Collaboration of scientific and technical personnel and sharing resources from the Department of Defense, Federal Aviation Administration, and National Aeronautics and Space Administration can advance an enduring relationship of research capability to advance the access of unmanned aircraft...
systems of the Department of Defense to the Na-
tional Airspace System.”.

(b) INTERAGENCY COLLABORATION.—

(1) IN GENERAL.—The Secretary of Defense
shall collaborate with the Administrator of the Fed-
eral Aviation Administration and the Administrator
of the National Aeronautics and Space Administra-
tion to conduct research and seek solutions to chal-
lenges associated with the safe integration of un-
manned aircraft systems into the National Airspace
System in accordance with subtitle B of title III of
the FAA Modernization and Reform Act of 2012
(Public Law 112–95; 126 Stat. 72).

(2) ACTIVITIES IN SUPPORT OF PLAN ON AC-
CESS TO NATIONAL AIRSPACE FOR UNMANNED AIR-
CRAFT SYSTEMS.—Collaboration under paragraph
(1) may include research and development of sci-
entific and technical issues, equipment, and tech-
nology in support of the plan to safely accelerate the
integration of unmanned aircraft systems as re-
quired by subtitle B of title III of the FAA Mod-
ernization and Reform Act of 2012 (Public Law
112–95; 126 Stat. 72).

(3) NONDUPLICATIVE EFFORTS.—If the Sec-
retary of Defense determines it is in the interest of
the Department of Defense, the Secretary may use existing aerospace-related laboratories, personnel, equipment research radars, and ground facilities of the Department of Defense to avoid the duplication of efforts in carrying out collaboration under paragraph (1).

(4) REPORTS.—

(A) REQUIREMENT.—The Secretary of Defense, on behalf of the UAS Executive Committee, shall annually submit to the congressional defense committees, the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of collaborative research activity, including—

(i) the progress on accomplishing the goals of the unmanned aircraft systems research, development, and demonstration roadmap of the Next Generation Air Transportation System Joint Planning and Development Office of the Federal Aviation Administration; and
(ii) estimates of long-term funding needs.

(B) TERMINATION.—The requirement to submit a report under subparagraph (A) shall terminate on the date that is five years after the date of the enactment of this Act.

(c) UAS EXECUTIVE COMMITTEE DEFINED.—In this section, the term “UAS Executive Committee” means the Department of Defense–Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4596) established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.

SEC. 1075. AUTHORITY TO TRANSFER SURPLUS MINE-RESISTANT AMBUSH-PROTECTED VEHICLES AND SPARE PARTS.

(a) AUTHORITY.—The Secretary of Defense is authorized to transfer surplus Mine-Resistant Ambush-Protected vehicles, including spare parts for such vehicles, to non-profit United States humanitarian demining organizations for purposes of demining activities and training of such organizations.
(b) Terms and Conditions.—Any transfer of vehicles or spare parts under subsection (a) shall be subject to the following terms and conditions:

(1) The transfer shall be made on a loan basis.
(2) The costs of operation and maintenance of the vehicles shall be borne by the recipient organization.
(3) Any other terms and conditions as the Secretary of Defense determines to be appropriate.

(c) Notification.—The Secretary of Defense shall notify the congressional defense committees in writing not less than 60 days before making any transfer of vehicles or spare parts under subsection (a). Such notification shall include the name of the organization, the number and model of the vehicle to be transferred, a listing of any spare parts to be transferred, and any other information the Secretary considers appropriate.

Sec. 1076. Limitation on Availability of Funds for Retirement of Aircraft.

(a) In General.—Except as provided by section 135, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Army or the Air Force may be used during fiscal year 2013 to divest, retire, or transfer, or prepare to divest, retire, or transfer, any—
(1) C–23 aircraft of the Army assigned to the Army as of May 31, 2012; or

(2) aircraft of the Air Force assigned to the Air Force as of May 31, 2012.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary submits to the congressional defense committees written certification that such a waiver is necessary to meet an emergency national security requirement; and

(2) a period of 15 days has elapsed following the date on which such certification is submitted.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report by the Chief of the National Guard Bureau, the Chief of Staff of the Air Force, and the Chief of Staff of the Army and approved by the Secretary of Defense that specifies, with respect to all aircraft proposed to be retired during fiscal years 2013 through 2017—

(A) the economic analysis used to make each realignment decision with respect to such aircraft of the National Guard and Air Force Reserve;
(B) alternative options considered for each such realignment decision, including an analysis of such options;

(C) the effect of each such realignment decision on—

(i) the current personnel at the location; and

(ii) the missions and capabilities of the Army; and

(D) the plans for each location that is being realigned, including the analysis used for such plans.

(2) GAO ANALYSIS.—The Comptroller General of the United States shall carry out the following:

(A) An economic analysis of the realignment decisions made by the Secretary of Defense with respect to the aircraft of the National Guard and Air Force Reserve described in paragraph (1)(A).

(B) An analysis of the alternative options considered for each such realignment decision.

(C) An analysis of the effect of each such realignment decision on—

(i) the current personnel at the location; and
(ii) the missions and capabilities of
the Army; and
(D) An analysis of the plans described in
paragraph (1)(D).

(3) Cooperation.—The Secretary of Defense
shall provide the Comptroller General with relevant
data and cooperation to carry out the analyses under
paragraph (2).

(4) Submittal.—Not later than 90 days after
the date on which the Secretary submits the report
under paragraph (1), the Comptroller General shall
submit to the congressional defense committees a re-
port containing the analyses conducted under para-
graph (2).

SEC. 1077. PROHIBITION ON DEPARTMENT OF DEFENSE
USE OF NONDISCLOSURE AGREEMENTS TO
PREVENT MEMBERS OF THE ARMED FORCES
AND CIVILIAN EMPLOYEES OF THE DEPART-
MENT FROM COMMUNICATING WITH MEM-
BERS OF CONGRESS.

(a) Inclusion of Civilian Employees in Cur-
rent Prohibition on Restricting Communication.—
Paragraph (1) of subsection (a) of section 1034 of title
10, United States Code, is amended by inserting “or civil-
ian employee of the Department of Defense” after “member of the armed forces”.

(b) PROHIBITION ON USING NONDISCLOSURE AGREEMENTS TO RESTRICT COMMUNICATION.—Such subsection is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2)(A) The prohibition imposed by paragraph (1) precludes the use of a nondisclosure agreement with a member of the armed forces or a civilian employee of the Department of Defense to restrict the member or employee in communicating with a Member of Congress or an Inspector General.

“(B) Subparagraph (A) does not prevent the use of nondisclosure agreements to prevent the disclosure of—

“(i) deliberations regarding the closure or realignment of a military installation under a base closure law;

“(ii) commercial proprietary information; and

“(iii) classified information the level of which exceeds the clearance held by the requestor.”.
SEC. 1078. AUTHORITY FOR CORPS OF ENGINEERS TO CONSTRUCT PROJECTS CRITICAL TO NAVIGATION SAFETY.

The Secretary of the Army, acting through the Chief of Engineers, may accept non-Federal funds and use such funds to construct a navigation project that has not been specifically authorized by law if—

(1) the Secretary has received a completed Chief of Engineers’ report for the project;

(2) the project is fully funded by non-Federal sources using non-Federal funds; and

(3) the Secretary finds that the improvements to be made by the project are critical to navigation safety.

SEC. 1079. REVIEW OF AIR NATIONAL GUARD COMPONENT NUMBERED AIR FORCE AUGMENTATION FORCE.

(a) Review.—

(1) IN GENERAL.—The Secretary of the Air Force shall conduct a review of the decision of the Secretary to cancel or consolidate the Air National Guard Component Numbered Air Force Augmentation Force.

(2) MATTERS INCLUDED.—The review under paragraph (1) shall include the following:
(A) An explanation of how the Secretary determined which Air National Guard Augmentation Units would be retired or relocated during fiscal year 2013.

(B) A description of the methodologies underlying such determinations, including the factors and assumptions that shaped the specific determinations.

(C) The rationale for selecting Augmentation Units to be retired or relocated with respect to such Units of the Air National Guard.

(D) An explanation of how such consolidation or relocation affects national security.

(E) Details of the costs incurred, avoided, or saved with respect to consolidation or relocation of Augmentation Units.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the review conducted under subsection (a)(1).

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the report is submitted under subsection (b), the Comptroller General of the United States shall submit to the congressional defense committees a review of such report.
Subtitle H—Other Matters

SEC. 1081. BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.

(a) Bipartisan Independent Strategic Review Panel.—

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

“§ 119b. Bipartisan independent strategic review panel

“(a) Establishment.—There is established a bipartisan independent strategic review panel (in this section referred to as the ‘Panel’) to conduct a regular review of the national defense strategic environment of the United States and to conduct an independent assessment of the quadrennial defense review required under section 118.

“(b) Membership.—

“(1) Appointment.—The Panel shall be composed of 12 members from civilian life with a recognized expertise in national security matters who shall be appointed as follows:

“(A) Four members shall be appointed by the Secretary of Defense, of whom not more than three members shall be of the same political party.
“(B) Two members shall be appointed by the chair of the Committee on Armed Services of the House of Representatives.

“(C) Two members shall be appointed by the chair of the Committee on Armed Services of the Senate.

“(D) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

“(E) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the Senate.

“(2) INITIAL MEMBERS: APPOINTMENT DATE AND TERM OF SERVICE.—

“(A) APPOINTMENT DATE.—The initial members of the Panel shall be appointed under paragraph (1) not later than January 30, 2013.

“(B) TERMS.—

“(i) The Secretary of Defense shall designate two initial members of the Panel appointed under paragraph (1)(A) to serve terms that expire on December 31, 2013, and two such initial members to serve terms that expire on December 31, 2014.
“(ii) The chair of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(B) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

“(iii) The chair of the Committee on Armed Services of the Senate shall designate one initial member of the Panel appointed under paragraph (1)(C) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

“(iv) The ranking minority member of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(D) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

“(v) The ranking minority member of the Committee on Armed Services of the

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Senate shall designate one initial member of the Panel appointed under paragraph (1)(E) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

“(3) CHAIRS.—The Secretary of Defense shall designate two members appointed pursuant to paragraph (1)(A) that are not of the same political party to serve as the Chairs of the Panel.

“(4) VACANCIES.—

“(A) A vacancy in the Panel shall be filled in the same manner as the original appointment and not later than 30 days after the date on which the vacancy begins.

“(B) A member of the Panel appointed to fill a vacancy shall be appointed for a term that expires—

“(i) in the case of an appointment to fill a vacancy resulting from a person not serving the entire term for which such person was appointed, at the end of the remainder of such term; and

“(ii) in the case of an appointment to fill a vacancy resulting from the expiration
of the term of a member of the panel, two
years after the date on which the term of
such member expired.

“(5) REAPPOINTMENT.—Members of the Panel
may be reappointed to the Panel for additional
terms of service.

“(6) PAY.—The members of the Panel shall
serve without pay

“(7) TRAVEL EXPENSES.—Each member of the
Panel shall receive travel expenses, including per
diem in lieu of subsistence, in accordance with appli-
cable provisions under subchapter I of chapter 57 of
title 5, United States Code.

“(c) DUTIES.—

“(1) REVIEW OF NATIONAL DEFENSE STRA-
 tegic Environment.—The Panel shall every four
years, during a year following a year evenly divisible
by four, review the national defense strategic envi-
ronment of the United States. Such review shall in-
clude a review and assessment of—

“(A) the national defense environment, in-
cluding challenges and opportunities;

“(B) the national defense strategy and pol-
icy;
“(C) the national defense roles, missions, and organizations;

“(D) the risks to the national defense of the United States and how such risks affect challenges and opportunities to national defense; and

“(2) ADDITIONAL REVIEWS.—The Panel may conduct additional reviews under paragraph (1) as requested by Congress or the Secretary of Defense, or when the Panel determines a significant change in the national defense environment has occurred that would warrant new recommendations from the Panel.

“(3) ASSESSMENT OF QUADRENNIAL DEFENSE REVIEW.—The Panel shall conduct an assessment of each quadrennial defense review required to be conducted under section 118. Each assessment shall include—

“(A) a review of the Secretary of Defense’s terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on such quadrennial defense review;

“(B) an assessment of the assumptions, strategy, findings, and risks in the report of the
Secretary of Defense on such quadrennial defense review required under section 118(d), with particular attention paid to the risks described in such a report;

“(C) an independent assessment of a variety of possible force structures for the armed forces, including the force structure identified in the report required under section 118(d); and

“(D) a review of the resource requirements identified in such quadrennial defense review pursuant to section 118(b)(3) and, to the extent practicable, a general comparison of such resource requirements with the resource requirements to support the forces contemplated under the force structures assessed under subparagraph (C).

“(d) Administrative Provisions.—

“(1) Staff.—

“(A) In general.—The Chairs of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and not more than 11 additional personnel, as may be necessary to enable the Panel to perform the duties of the Panel.
“(B) COMPENSATION.—The Chairs of the Panel may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

“(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairs of the Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title.
“(4) Provision of Information.—The Panel may request directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

“(5) Use of Certain Department of Defense Resources.—Upon the request of the Chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally-funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

“(6) Funding.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

“(e) Reports.—

“(1) Review of National Defense Strategic Environment.—Not later than June 30 of a year following a year evenly divisible by four, the Panel shall submit to the congressional defense committees, the Secretary of Defense, and the National
Security Council a report containing the results of
the review conducted under subsection (c)(1) and
any recommendations or other matters that the
Panel considers appropriate.

“(2) ASSESSMENT OF QUADRENNIAL DEFENSE
review.—Not later than 90 days after the date on
which a report on a quadrennial defense review is
submitted to Congress under section 118(d), the
Panel shall submit to the congressional defense com-
mittees and the Secretary of Defense a report con-
taining the results of the assessment conducted
under subsection (c)(3) and any recommendations or
other matters that the Panel considers appro-
priate.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 2 of title 10,
United States Code, is amended by adding at the
end the following new item:

“119b. Bipartisan independent strategic review panel.”.

(b) UPDATES FROM SECRETARY OF DEFENSE ON
PROGRESS OF QUADRENNIAL DEFENSE REVIEW.—Sec-
tion 118(f) of title 10, United States Code, is amended
to read as follows:

“(f) UPDATES TO BIPARTISAN INDEPENDENT STRA-
TEGIC REVIEW PANEL.—The Secretary of Defense shall
ensure that periodically, but not less often than every 60
days, or at the request of the Chairs of the bipartisan
independent strategic review panel established under sec-
tion 119b(a), the Department of Defense briefs such panel
on the progress of the conduct of a quadrennial defense
review under subsection (a).”.

(c) Bipartisan Independent Strategic Review
of the United States Army.—

(1) Review required.—Not later than 30
days after the date on which all initial members of
the bipartisan independent strategic review panel are
appointed under section 119b(b) of title 10, United
States Code, as added by subsection (a)(1) of this
section, the Panel shall begin a review of the future
of the Army.

(2) Elements of review.—The review re-
quired under paragraph (1) shall include a review
and assessment of—

(A) the validity and utility of the scenarios
and planning assumptions the Army used to de-
velop the current force structure of the Army;

(B) such force structure and an evaluation
of the adequacy of such force structure for
meeting the goals of the national military strat-
egy of the United States;
(C) the size and structure of elements of
the Army, in particular United States Army
Training and Doctrine Command, United
States Army Materiel Command, and corps and
higher headquarters elements;

(D) potential alternative force structures of
the Army; and

(E) the resource requirements of each of
the alternative force structures analyzed by the
Panel.

(3) REPORT.—

(A) PANEL REPORT.—Not later than one
year after the date on which the Panel begins
the review required under paragraph (1), the
Panel shall submit to the congressional defense
committees and the Secretary of Defense a re-
port containing the findings and recommenda-
tions of the Panel, including any recommenda-
tions concerning changes to the planned size
and composition of the Army.

(B) ADDITIONAL VIEWS.—The report re-
quired under subparagraph (A) shall include
any additional or dissenting views of a member
of the Panel that such member considers appro-
priate to include in such report.
(4) DEFINITIONS.—In this section:

(A) Army.—The term “Army” includes the reserve components of the Army.

(B) Bipartisan Independent Strategic Review Panel.—The terms “bipartisan independent strategic review panel” and “Panel” mean the bipartisan independent strategic review panel established under section 119b(a) of title 10, United States Code, as added by subsection (a)(1) of this section.

SEC. 1082. NOTIFICATION OF DELAYED REPORTS.

(a) In General.—Chapter 3 of title 10, United States Code, is amended by inserting after section 122a the following new section:

§ 122b. Notification of delayed reports

“If the Secretary of Defense determines that a report required by law to be submitted by any official of the Department of Defense to Congress will not be submitted by the date required under law, the Secretary shall submit to the congressional defense committees a notification, by not later than such date, of the following:

“(1) An explanation of why such report will not be submitted by such date.

“(2) The date on which such report will be submitted.
“(3) The status of such report as of the date
of the notification.

“(4) The office of the Department carrying out
such report and the individual acting as the head of
such office.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 122a the following new
item:

“122b. Notification of delayed reports.”.

SEC. 1083. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS TO NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—Effective as of
December 31, 2011, and as if included therein as enacted,
the National Defense Authorization Act for Fiscal Year
2012 (Public Law 112–81) is amended as follows:

(1) Section 243(d) (125 Stat. 1344) is amended
by striking “paragraph” and inserting “subsection”.

(2) Section 541(b) (125 Stat. 1407) is amended
by striking “, as amended by subsection (a),”.

(3) Section 589(b) (125 Stat. 1438) is amended
by striking “section 717” and inserting “section
2564”.

(4) Section 602(a)(2) (125 Stat. 1447) is
amended by striking “repairs,” and inserting “re-
pairs”.

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(5) Section 631(e)(28)(A) (125 Stat. 1464) is amended by striking “In addition” in the matter proposed to be inserted and inserting “Under regulations”.

(6) Section 631(f)(2) (125 Stat. 1464) is amended by striking “table of chapter” and inserting “table of chapters”.

(7) Section 631(f)(3)(B) (125 Stat. 1465) is amended by striking “chapter 9” and inserting “chapter 10”.

(8) Section 631(f)(4) (125 Stat. 1465) is amended by striking “subsection (c)” both places it appears and inserting “subsection (d)”.

(9) Section 801 (125 Stat. 1482) is amended—

(A) in subsection (a)(1)(B), by striking “paragraphs (6) and (7)” and inserting “paragraphs (5) and (6)”;

(B) in subsection (a)(2), in the matter proposed to be inserted as a new paragraph, by striking the double closing quotation marks after “capabilities” and inserting a single closing quotation mark; and

(C) in subsection (e)(1)(A), by striking “Point” in the matter proposed to be struck and inserting “Point A”.
(10) Section 832(b)(1) (125 Stat. 1504) is amended by striking “Defenese” and inserting “Defense”.

(11) Section 855 (125 Stat. 1521) is amended by striking “Section 139e(b)(12)” and inserting “Section 139c(b)(12)”.

(12) Section 864(a)(2) (125 Stat. 1522) is amended by striking “for Acquisition Workforce Programs” in the matter proposed to be struck.

(13) Section 864(d)(2) (125 Stat. 1525) is amended to read as follows:

“(2) in paragraph (6), by striking ‘ensure that amounts collected’ and all that follows through the end of the paragraph (as amended by section 526 of division C of Public Law 112–74 (125 Stat. 914)) and inserting ‘ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title.’.”

(14) Section 866(a) (125 Stat. 1526) is amended by striking “September 30” in the matter proposed to be struck and inserting “December 31”.

(15) Section 867 (125 Stat. 1526) is amended—
(A) in paragraph (1), by striking “2010” in the matter proposed to be struck and inserting “2011”; and

(B) in paragraph (2), by striking “2013” in the matter proposed to be struck and inserting “2014”.

(16) Section 1045(c)(1) (125 Stat. 1577) is amended by striking “described in subsection (b)” and inserting “described in paragraph (2)”.

(17) Section 1067 (125 Stat. 1589) is amended—

(A) by striking subsection (a); and

(B) by striking the subsection designation and the subsection heading of subsection (b).

(18) Section 2702 (125 Stat. 1681) is amended—

(A) in the section heading, by striking “AUTHORIZED” and inserting “AUTHORIZATION OF APPROPRIATIONS FOR”; and

(B) by striking “Using amounts” and all that follows through “may carry out” and inserting “Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for”.

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(19) Section 2815(c) (125 Stat. 1689) is amended by inserting “subchapter III of” before “chapter 169”.

(b) Amendments to Ike Skelton National Defense Authorization Act for Fiscal Year 2011.—Effective as of January 7, 2011, and as if included therein as enacted, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended as follows:

(1) Section 533(b) (124 Stat. 4216) is amended by inserting “Section” before “1559(a)”.

(2) Section 863(d)(9) (124 Stat. 4293; 10 U.S.C. 2330 note) is amended by striking “this title” and inserting “title 10, United States Code”.

(3) Section 896(a) (124 Stat. 4314) is amended by striking “Chapter 7” and inserting “Chapter 4”.

(c) Amendments to Reflect Redesignation of Certain Positions in Office of Secretary of Defense.—

(1) Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.—Section 1605(a)(5) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is amended by striking “The Assistant to the Secretary of De-
fense for Nuclear and Chemical and Biological De-
defense Programs’’ each place it appears and inserting
‘‘The Assistant Secretary of Defense for Nuclear,
Chemical, and Biological Defense Programs’’.

(2) ASSISTANT SECRETARY OF DEFENSE FOR
RESEARCH AND ENGINEERING.—

(A) The following provisions are amended
by striking ‘‘Director of Defense Research and
Engineering’’ and inserting ‘‘Assistant Sec-
retary of Defense for Research and Engineer-
ing’’:

(i) Sections 2362(a)(1) and
2521(e)(5) of title 10, United States Code.

(ii) Section 241(c) of the National De-
fense Authorization Act for Fiscal Year
2006 (Public Law 109–163; 10 U.S.C.
2521 note).

(iii) Section 212(b) of the Ronald W.
Reagan National Defense Authorization
Act for Fiscal Year 2005 (Public Law

(iv) Section 246(d)(1) of the Bob
Stump National Defense Authorization Act
for Fiscal Year 2003 (Public Law 107–


(B) Section 2365 of title 10, United States Code, is amended—

(i) in subsection (a), by inserting “of Defense for Research and Engineering” after “Assistant Secretary”; and

(ii) in subsection (d)(3)(A), by striking “Director” and inserting “Assistant Secretary”.

(C) Section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 1071 note) is amended in subsections (b)(4) and (d) by striking “Director, Defense” and inserting “Assistant Secretary of Defense for”. 

(i) in subsection (a), by striking “Director of Defense” and inserting “Assistant Secretary of Defense for”; and

(ii) in subsection (b)(9), by striking “the Director of the” and all that follows through “Engineering” and inserting “the Director and the Assistant Secretary”.

(E) Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2358 note) is amended—

(i) in subsection (a), by striking “Director of Defense” and inserting “Assistant Secretary of Defense for”; 

(ii) in subsections (b), (d), and (e), by striking “Director” and inserting “Assistant Secretary”; and 

(iii) in subsection (f), by striking “Not later than” and all that follows through “the Director” and inserting “The Assistant Secretary”.

(F) Section 214 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2521 note) is amended by striking “unless the” and all that follows through “ensures” and inserting “unless the Assistant Secretary of Defense for Research and Engineering ensures”.

(d) CROSS-REFERENCE AMENDMENTS RELATING TO ENACTMENT OF TITLE 41.—Title 10, United States Code, is amended as follows:

(1) Section 2302 is amended—

(A) in paragraph (7), by striking “section 4 of such Act” and inserting “such section”; and

(B) in paragraph (9)(A)—

(i) by striking “section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422)” and inserting “chapter 15 of title 41”; and

(ii) by striking “such section” and inserting “such chapter”.


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(3) Section 2321(f)(2) is amended by striking “section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))” and inserting “section 104 of title 41”.

(4) Section 2359a(h) is amended by striking “section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))” and inserting “section 1702(c) of title 41”.

(5) Section 2359b(k)(4) is amended—

(A) in subparagraph (A), by striking “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and inserting “section 110 of title 41”; and

(B) in subparagraph (B), by adding a period at the end.

(6) Section 2379 is amended—

(A) in subsections (a)(1)(A), (b)(2)(A), and (c)(1)(B)(i), by striking “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and inserting “section 103 of title 41”; and

(B) in subsections (b) and (c)(1), by striking “section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))” and inserting “section 104 of title 41”.
(7) Section 2382(c) is amended—

(A) in paragraph (2)(B), by striking “sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k)” and inserting “sections 4101, 4103, 4105, and 4106 of title 41”; and

(B) in paragraph (3)(A), by striking “section 16(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))” and inserting “section 1702(e) of title 41”.

(8) Section 2410m(b)(1) is amended—

(A) in subparagraph (A)(i), by striking “section 7 of such Act” and inserting “section 7104(a) of such title”; and

(B) in subparagraph (B)(ii), by striking “section 7 of the Contract Disputes Act of 1978” and inserting “section 7104(a) of title 41”.

(9) Section 2533b is amended—

(A) in subsection (h)—

(i) in paragraph (1), by striking “sections 34 and 35 of the Office of Federal Procurement Policy Act (41 U.S.C. 430
and 431)” and inserting “sections 1906
and 1907 of title 41”; and

(ii) in paragraph (2), by striking “sec-
tion 35(c) of the Office of Federal Proc-
curement Policy Act (41 U.S.C. 431(c))”
and inserting “section 104 of title 41”; and

(B) in subsection (m)—

(i) in paragraph (2), by striking “sec-
tion 4 of the Office of Federal Procure-
ment Policy Act (41 U.S.C. 403)” and in-
serting “section 105 of title 41”; and

(ii) in paragraph (3), by striking “sec-
tion 4 of the Office of Federal Procure-
ment Policy Act (41 U.S.C. 403)” and in-
serting “section 131 of title 41”; and

(iii) in paragraph (5), by striking “section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))” and inserting “section 104 of title 41”.

(e) Other Cross-reference Amendments in
Title 10.—Title 10, United States Code, is amended as
follows:

(1) Section 1722b(e) is amended—
(A) in paragraph (3), by striking “sub-
sections (b)(2)(A) and (b)(2)(B)” and inserting
“subsections (b)(1)(A) and (b)(1)(B)”;
and
(B) in paragraph (4), by striking
“1734(d), or 1736(e)” and inserting “or
1734(d)”.

(2) Section 2382(b)(1) is amended by inserting
“of the Small Business Act (15 U.S.C. 657q(c)(4))”
after “section 44(e)(4)”;

(3) Section 2548(e)(2) is amended by striking
“section 103(f) of the Weapon Systems Acquisition
Reform Act of 2009 (10 U.S.C. 2430 note),” and in-
serting “section 2438(f) of this title”.

(4) Section 2925 is amended—

(A) in subsection (a)(1), by striking “sec-
tion 533” and inserting “section 553”; and

(B) in subsection (b)(1), by striking “sec-
tion 139b” and inserting “section 138e”.

(f) DATE OF ENACTMENT REFERENCES.—Title 10,
United States Code, is amended as follows:

(1) Section 1564(a)(2)(B) is amended by strik-
ing “the date of the enactment of the Ike Skelton
National Defense Authorization Act for Fiscal Year
2011” in clauses (ii) and (iii) and inserting “January
7, 2011”.

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(2) Section 2359b(k)(5) is amended by striking “the date that is five years after the date of the enactment of this Act” and inserting “January 7, 2016”.

(3) Section 2649(c) is amended by striking “During the 5-year period beginning on the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011” and inserting “Until January 6, 2016”.

(4) Section 2790(g)(1) is amended by striking “on or after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011” and inserting “after January 6, 2011,”.

(5) Sections 3911(b)(2), 6323(a)(2)(B), and 8911(b)(2) are amended by striking “the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011” and inserting “January 7, 2011,”.

(6) Section 10217(d)(3) is amended by striking “after the end of the 2-year period beginning on the date of the enactment of this subsection” and inserting “after January 6, 2013”.

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(g) **OTHER MISCELLANEOUS AMENDMENTS TO TITLE 10.**—Title 10, United States Code, is amended as follows:

1. Section 113(c)(2) is amended by striking “on” after “Board on”.

2. The table of sections at the beginning of chapter 4 is amended by striking the item relating to section 133b.

3. Paragraph (3) of section 138(c), as added by section 314(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1357), is transferred to appear at the end of section 138c(c).

4. Section 139a(d)(4) is amended by adding a period at the end.

5. Section 139b(a)(6) is amended by striking “propriety” and inserting “proprietary”.

6. The item relating to section 225 at the end of the table of sections at the beginning of chapter 9 is transferred to appear after the item relating to section 224.

7. Section 843(b)(2)(B)(v) (article 43 of the Uniform Code of Military Justice) is amended by striking “Kidnaping,” and inserting “Kidnapping,”
(8) Section 920(g)(7) (article 120 of the Uniform Code of Military Justice) is amended by striking the second period at the end.

(9) Section 1086(b)(1) is amended by striking “clause (2)” and inserting “paragraph (2)”.

(10) Section 1142(b)(10) is amended by striking “training,” and inserting “training,”.

(11) Section 1401(a) is amended by striking “columns 1, 2, 3, and 4,” in the matter preceding the table and inserting “columns 1, 2, and 3,”.

(12) Section 1781(a) is amended—

(A) in the first sentence, by striking “Director” and inserting “Office”;  

(B) in the first sentence, by striking “hereinafter”; and  

(C) in the second sentence, by striking “office” both places it appears and inserting “Office”.

(13) Section 1790 is amended—

(A) by striking the section heading and inserting the following:

§ 1790. Military personnel citizenship processing;

(B) by striking “Authorization of Payments.”;
(C) by striking “title 10, United States Code” and inserting “this title”; 

(D) by striking “Secs.”; and 

(E) by striking “sections 286(m) and (n) of such Act (8 U.S.C. Sec. 1356(m))” and inserting “subsections m and (n) of section 286 of such Act (8 U.S.C. 1356).”.

(14) Section 2006(b)(2) is amended by redesignating the second subparagraph (E) (as added by section 109(b)(2)(B) of Public Law 111–377 (124 Stat. 4120), effective August 1, 2011) as subparagraph (F).

(15) Section 2350m(e) is amended by striking “Not later than October 31, 2009, and annually thereafter” and inserting “Not later than October 31 each year”.

(16) Section 2401 is amended by striking “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives” in subsections (b)(1)(B) and (h)(1) and inserting “the congressional defense committees”.

(17) Section 2438(a)(3) is amended by inserting “the senior” before “official’s”.
(18) Section 2548 is amended—

(A) in subsection (a)—

(i) by striking “Not later than” and all that follows through “the Secretary” and inserting “The Secretary”; and

(ii) by adding a period at the end of paragraph (3);

(B) in subsection (d), by striking “Beginning with fiscal year 2012, the” and inserting “The”; and

(C) in subsection (e)(1), by striking “, United States Code,”.

(19) Section 2561(f)(2) is amended by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”.

(20) Section 2687a is amended—

(A) in subsection (a), by striking “Foreign relations” and inserting “Foreign Relations”; and

(B) in subsection (b)(1)—

(i) by striking the comma after “including”; and

(ii) by striking “The Treaty” and inserting “the Treaty”.

(21) Section 4342 is amended—
(A) in subsection (b)—

(i) in paragraph (1), by striking “clause” both places it appears and inserting “paragraph”; and

(ii) in paragraph (5), by striking “clauses” and inserting “paragraphs”; and

(B) in subsection (d), by striking “clauses” and inserting “paragraphs”; and

(C) in subsection (f), by striking “clauses” and inserting “paragraphs”.

(22) Section 4343 is amended by striking “clauses” and inserting “paragraphs”.

(23) Section 6954 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking “clause” both places it appears and inserting “paragraph”; and

(ii) in paragraph (5), by striking “clauses” and inserting “paragraphs”; and

(B) in subsection (d), by striking “clauses” and inserting “paragraphs”.

(24) Section 6956(b) is amended by striking “clauses” and inserting “paragraphs”.

(25) Section 9342 is amended—

(A) in subsection (b)—
(i) in paragraph (1), by striking “clause” both places it appears and inserting “paragraph”; and

(ii) in paragraph (5), by striking “clauses” and inserting “paragraphs”; and

(B) in subsection (d), by striking “clauses” and inserting “paragraphs”; and

(C) in subsection (f), by striking “clauses” and inserting “paragraphs”.

(26) Section 9343 is amended by striking “clauses” and inserting “paragraphs”.

(27) Section 10217(c)(3) is amended by striking “consider” and inserting “considered”.

(h) REPEAL OF EXPIRED PROVISIONS.—Title 10, United States Code, is amended as follows:

(1) Section 1108 is amended—

(A) by striking subsections (j) and (k); and

(B) by redesignating subsection (l) as subsection (j).

(2) Section 2325 is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

(3) Section 2349a is repealed, and the table of sections at the beginning of subchapter I of chapter
138 is amended by striking the item relating to that section.

(4) Section 2374b is repealed, and the table of sections at the beginning of chapter 139 is amended by striking the item relating to that section.

(i) Amendments to Title 37.—Title 37, United States Code, is amended as follows:

(1) Section 310(c)(1) is amended by striking “section for for” and inserting “section for”.

(2) Section 431, as transferred to chapter 9 of such title by section 631(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1460), is redesignated as section 491.

(j) Amendments to Title 41.—Title 41, United States Code, is amended as follows:

(1) Section 1122(a)(5) is amended by striking the period at the end and inserting a semicolon.

(2) Section 1703(i)(6) is amended by striking “Procurement” and inserting “Procurement”.

(k) Amendment to Title 46.—Subsection (a) of section 51301 of title 46, United States Code, is amended in the heading by striking “IN GENERAL” and inserting “IN GENERAL”.

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(m) **Cross References and Date of Enactment References in Reinstatement of Temporary Early Retirement Authority.**—Section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1293 note), as amended by section 504(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1391), is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by striking “1995 (” and inserting “1995 (Public Law 103–337;”; and

(B) in subparagraph (B), by striking “1995” and inserting “1996”;

(2) in subsection (h), by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012” and inserting “December 31, 2011,”; and
(3) in subsection (i)(2), by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012” and inserting “December 31, 2011,”.

(n) Coordination With Other Amendments Made by This Act.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any amendment made by other provisions of this Act.

SEC. 1084. PROHIBITION ON USE OF INFORMATION AGAINST A UNITED STATES CITIZEN GATHERED BY UNMANNED AERIAL VEHICLE WITHOUT A WARRANT.

Notwithstanding any other provision of law, information acquired by an unmanned aerial vehicle operated by the Department of Defense may not be admitted in a Federal court, State court, or court of a political subdivision of a State as evidence against a United States citizen unless such information was obtained by such unmanned aerial vehicle pursuant to a court order.

SEC. 1085. THE HOUSE OF REPRESENTATIVES HONORS.

(a) Findings.—The House of Representatives finds the following:
(1) The spread of warfare across Europe and Asia led to the establishment on May 20, 1941, of the United States Office of Civilian Defense by Executive Order No. 8757 of President Franklin D. Roosevelt, to “assure effective coordination of Federal relations with State and local governments engaged in defense activities, to provide for necessary cooperation with States and local governments in respect to measures for adequate protection of the civilian population in emergency periods, to facilitate constructive civilian participation in the defense program, and to sustain national morale”.

(2) The December 7, 1941, attack by the Empire of Japan on Pearl Harbor, Hawaii, precipitated the entry of the United States into the worldwide conflict and signaled a new era of warfare that demanded new efforts to protect the people of the United States from airborne assault by an overseas enemy.

(3) In response to this new threat, the United States Office of Civilian Defense mobilized millions of volunteers to participate in efforts to enhance the preparedness of the United States in case of attack, including fire protection, communication and logis-
ties, construction of bomb shelters, and air raid blackout drills.

(4) Thousands of Americans unable to serve in the United States Armed Forces volunteered their service as Air Raid Wardens in communities across the United States during World War II, contributing to America’s defense against potential enemy assault and the ultimate victory of the Allied nation.

(5) A training manual distributed to Air Raid Wardens during World War II noted that “In the system of civilian defense, the Air Raid Warden occupies the key position. He is the field officer under whose supervision the efforts of the civilian population are directed in the tremendous task of effective defense. Through the Air Raid Wardens, civilian activity is coordinated with that of the police and fire departments and other vital services.”.

(6) Training manuals distributed to Air Raid Wardens included “I am an Air Raid Warden”, by Frank W. Atherton, Chief Air Raid Warden, 1st District, United States Citizens’ Defense Corps of Michigan, which read, in part that “I am an Air Raid Warden. My country, my state and my community have given me many pleasant and fruitful years and now in time of trouble I feel that it is my duty
to do my part in the work assigned to me in helping
to reduce to a minimum any harm that may come
from without or within.”.

(7) Tony Pastor and His Orchestra released a
song in 1942, titled “Obey Your Air Raid Warden”,
which was widely distributed as a public service an-
nouncement and contained the following lyrics:
“One, be calm. Two, get under shelter. Three, don’t
run. Obey your air-raid warden. Four, stay home.
Five, keep off the highway. Six, don’t phone. Obey
your air-raid warden. There are rules that you
should know, What to do and where to go, When
you hear the sirens blow, Stop, look, and listen.
Seven, don’t smoke. Eight, help all the kiddies. Most
of all, obey your air-raid warden. Stop, look, and lis-
ten. Dim the lights, Wait for information, Most of
all, obey your air-raid warden. Stop the panic, Don’t
get in a huff, Our aim today is to call their bluff.
Follow these rules and that is enough. Obey your
air-raid warden.”.

(b) THE HOUSE OF REPRESENTATIVES HONORS.—
The House of Representatives encourages surviving Air
Raid Wardens and other volunteers of the United States
Office of Civilian Defense during the World War II to
record and permanently preserve stories of their service for future generations.

SEC. 1086. COST OF WARS.

The Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, shall post on the public Web site of the Department of Defense the costs, including the relevant legacy costs, to each American taxpayer of each of the wars in Afghanistan and Iraq.

SEC. 1087. INCREASE IN AUTHORIZED NUMBER OF WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.


(1) in paragraph (1), by striking “23” and inserting “a minimum of 25”; and

(2) by striking “55 teams” each place it appears and inserting “57 teams”.

(b) Funding.—

(1) Increase.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, Army, as specified in
the corresponding funding table in section 4301, for manufacturing the corresponding funding table in section 4301, for
Line 070, Force Readiness Operations Support is hereby increased by $5,000,000.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Defense-wide, as specified in the corresponding funding table in division D, is hereby reduced by $5,000,000, to be derived from Line 036, Program Element 0603384BP, Chemical and Biological Defense Program.

SEC. 1088. TRIAL OF FOREIGN TERRORISTS.

After the date of the enactment of this Act, any foreign national, who—

(1) engages or has engaged in conduct constituting an offense relating to a terrorist attack against persons or property in the United States or against any United States Government property or personnel outside the United States, and

(2) is subject to trial for that offense by a military commission under chapter 47A of title 10, United States Code,

shall be tried for that offense only by a military commission under that chapter.
SEC. 1089. RIALTO-COLTON BASIN, CALIFORNIA, WATER RESOURCES STUDY.

(a) In General.—Not later than 2 years after funds are made available to carry out this Act, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall complete a study of water resources in the Rialto-Colton Basin in the State of California (in this section referred to as the “Basin”), including—

(1) a survey of ground water resources in the Basin, including an analysis of—

(A) the delineation, either horizontally or vertically, of the aquifers in the Basin, including the quantity of water in the aquifers;

(B) the availability of ground water resources for human use;

(C) the salinity of ground water resources;

(D) the identification of a recent surge in perchlorate concentrations in ground water, whether significant sources are being flushed through the vadose zone, or if perchlorate is being remobilized;

(E) the identification of impacts and extents of all source areas that contribute to the regional plume to be fully characterized;
(F) the potential of the ground water resources to recharge;

(G) the interaction between ground water and surface water;

(H) the susceptibility of the aquifers to contamination, including identifying the extent of commingling of plume emanating within surrounding areas in San Bernardino County, California; and

(I) any other relevant criteria; and

(2) a characterization of surface and bedrock geology of the Basin, including the effect of the geology on ground water yield and quality.

(b) COORDINATION.—The Secretary shall carry out the study in coordination with the State of California and any other entities that the Secretary determines to be appropriate, including other Federal agencies and institutions of higher education.

(c) REPORT.—Upon completion of the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.
SEC. 1090. REPORT ON DESIGNATION OF BOKO HARAM AS A FOREIGN TERRORIST ORGANIZATION.

(a) Report.—

(1) In General.—Not later than 30 days after the date of the enactment of this section, the Secretary of State shall submit to the appropriate congressional committees—

(A) a detailed report on whether the Nigerian organization named “People Committed to the Propagation of the Prophet’s Teachings and Jihad” (commonly known as “Boko Haram”), meets the criteria for designation as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(B) if the Secretary of State determines that Boko Haram does not meet such criteria, a detailed justification as to which criteria have not been met.

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

(3) Appropriate Congressional Committees Defined.—In this subsection, the term “appropriate congressional committees” means—
(A) the Committee on Homeland Security, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(b) Rule of Construction.—Nothing in this section may be construed to infringe upon the sovereignty of Nigeria to combat militant or terrorist groups operating inside the boundaries of Nigeria.

SEC. 1091. SENSE OF CONGRESS ON RECOGNIZING AIR MOBILITY COMMAND ON ITS 20TH ANNIVERSARY.

(a) Findings.—Congress finds the following:

(1) On June 1, 1992, Air Mobility Command was established as the Air Force’s functional command for cargo and passenger delivery, air refueling, and aeromedical evacuation.

(2) As the lead Major Command for all Mobility Air Forces, Air Mobility Command ensures that the
Air Force’s core functions of global vigilance, power, and reach are fulfilled.

(3) The ability of the United States to rapidly respond to humanitarian disasters and the outbreak of hostilities anywhere in the world truly defines the United States as a global power.

(4) Mobility Air Forces Airmen are unified by one single purpose: to answer the call of others so they may prevail.

(5) The United States’ hand of friendship to the world many times takes the form of Mobility Air Forces aircraft delivering humanitarian relief. Since its inception, Air Mobility Command has provided forces for 43 humanitarian relief efforts at home and abroad, from New Orleans, Louisiana, to Bam, Iran.

(6) A Mobility Air Forces aircraft departs every 2 minutes, 365 days a year. Since September 11, 2001, Mobility Air Forces aircraft have flown 18.9 million passengers, 6.8 million tons of cargo, and offloaded 2.2 billion pounds of fuel. Many of these flights have assisted combat aircraft protection United States forces from overhead.

(7) The United States keeps its solemn promise to its men and women in uniform with Air Mobility
Command, accomplishing 186,940 patient movements since the beginning of Operation Iraqi Freedom.

(8) Mobility Air Forces Airmen reflect the best values of the Nation: delivering hope, saving lives, and fueling the fight.

(b) Sense of Congress.—It is the sense of Congress that, on the occasion of the 20th anniversary of the establishment of Air Mobility Command, the people of the United States should—

(1) recognize the critical role that Mobility Air Forces play in the Nation’s defense; and

(2) express appreciation for the leadership of Air Mobility Command and the more than 134,000 active-duty, Air National Guard, Air Force Reserve, and Department of Defense civilians that make up the command.

SEC. 1092. CONSOLIDATION OF DATA CENTERS.

Section 2867 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2223a note) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by inserting after “April 1, 2012,” the following: “and each year thereafter,”; and
(B) by adding at the end the following new paragraph:

“(C) ADDITIONAL ELEMENT.—The performance plan required under this paragraph, with respect to plans submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, shall be consistent with the July 2011 Government Accountability Office report to Congress, entitled ‘Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected Savings’ (GAO–11–565), as updated by quarterly consolidation progress reports submitted by the Department of Defense to the Office of Management and Budget’; and

(2) in subsection (d)(1), by adding at the end the following: “Beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, such report shall include progress updates on consolidation goals achieved during the preceding fiscal year consistent with the framework outlined by the July 2011 Government Accountability Office report to Congress, entitled ‘Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected
Savings’ (GAO–11–565), as updated by quarterly consolidation progress reports submitted by the Department of Defense to the Office of Management and Budget.

SEC. 1093. SENSE OF CONGRESS REGARDING PRESERVATION OF SECOND AMENDMENT RIGHTS OF ACTIVE DUTY MILITARY PERSONNEL STATIONED OR RESIDING IN THE DISTRICT OF COLUMBIA.

(a) FINDINGS.—Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) Approximately 40,000 servicemen and women across all branches of the Armed Forces either live in or are stationed on active duty within the Washington, DC metropolitan area. Unless these individuals are granted a waiver as serving in a law enforcement role, they are subject to the District of Columbia’s onerous and highly restrictive laws on the possession of firearms.

(3) Military personnel, despite being extensively trained in the proper and safe use of firearms, are therefore deprived by the laws of the District of Columbia of handguns, rifles, and shotguns that are
commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has one of the highest per capita murder rates in the Nation, which may be attributed in part to previous local laws prohibiting possession of firearms by law-abiding persons who would have otherwise been able to defend themselves and their loved ones in their own homes and businesses.

(5) The Gun Control Act of 1968, as amended by the Firearms Owners’ Protection Act, and the Brady Handgun Violence Prevention Act, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws that only affect and disarm law-abiding citizens.

(6) On June 26, 2008, the Supreme Court of the United States in the case of District of Columbia v. Heller held that the Second Amendment protects an individual’s right to possess a firearm for tradi-
tionally lawful purposes, and thus ruled that the
District of Columbia’s handgun ban and require-
ments that rifles and shotguns in the home be kept
unloaded and disassembled or outfitted with a trig-
ger lock to be unconstitutional.

(7) On July 16, 2008, the District of Columbia
enacted the Firearms Control Emergency Amend-
ment Act of 2008 (D.C. Act 17–422; 55 DCR
8237), which places onerous restrictions on the abil-
ity of law-abiding citizens from possessing firearms,
thus violating the spirit by which the Supreme Court
of the United States ruled in District of Columbia
v. Heller.

(8) On February 26, 2009, the United States
Senate adopted an amendment on a bipartisan vote
of 62-36 by Senator John Ensign to S. 160, the
District of Columbia House Voting Rights Act of
2009, which would fully restore Second Amendment
rights to the citizens of the District of Columbia.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that active duty military personnel who are stationed
or residing in the District of Columbia should be permitted
to exercise fully their rights under the Second Amendment
to the Constitution of the United States and therefore
should be exempt from the District of Columbia’s restrictions on the possession of firearms.

SEC. 1094. CONDITIONAL REPLACEMENT FOR FY 2013 SEQUESTER.

(a) CONTINGENT EFFECTIVE DATE.—This section and the amendments made by it shall take effect upon the enactment of—

(1) the Act contemplated in section 201 of H. Con. Res. 112 (112th Congress) that achieves at least the deficit reduction called for in such section for such periods; or

(2) similar legislation that at least offsets the outlay reductions flowing from the budget authority reductions mandated by section 251A(7)(A) and 251A(8) as it applies to direct spending in the defense function for fiscal year 2013 of the Balanced Budget and Emergency Deficit Control Act of 1985, as in force immediately before the date of enactment of this Act, combined with the outlay reductions flowing from the amendment to section 251A(7)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 made by subsection (c), within five years of enactment.

(b) REVISED 2013 DISCRETIONARY SPENDING LIMIT.—Paragraph (2) of section 251(c) of the Balanced
Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(2) with respect to fiscal year 2013, for the discretionary category, $1,047,000,000,000 in new budget authority;”.

(c) DISCRETIONARY SAVINGS.—Section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(A) FISCAL YEAR 2013.—

“(i) FISCAL YEAR 2013 ADJUSTMENT.—On January 2, 2013, the discretionary category set forth in section 251(c)(2) shall be decreased by $19,104,000,000 in budget authority.

“(ii) SUPPLEMENTAL SEQUESTRATION ORDER.—On January 15, 2013, OMB shall issue a supplemental sequestration report for fiscal year 2013 and take the form of a final sequestration report as set forth in section 254(f)(2) and using the procedures set forth in section 253(f), to eliminate any discretionary spending breach of the spending limit set forth in section 251(c)(2) as adjusted by clause (i),
and the President shall order a sequestration, if any, as required by such report.”.

(d) Elimination of the Fiscal Year 2013 Sequestration for Defense Direct Spending.—Any sequestration order issued by the President under the Balanced Budget and Emergency Deficit Control Act of 1985 to carry out reductions to direct spending for the defense function (050) for fiscal year 2013 pursuant to section 251A of such Act shall have no force or effect.

(e) Report.—

(1) In general.—Not later than August 15, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a detailed report on the impact of the sequestration of funds authorized and appropriated for Fiscal Year 2013 for the Department of Defense, if automatically triggered on January 2, 2013, as required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), as in effect immediately before the date of enactment of this Act.

(2) Contents of report.—The report required by this section shall include—

(A) an assessment of the potential impact of sequestration on the readiness of the Armed
Forces, including impacts to steaming hours, flying hours, full spectrum training miles, and all other readiness metrics;

(B) an assessment of the impact on ability of the Department of Defense to carry out the National Military Strategy of the United States and any changes to the most recent Chairman’s Risk Assessment required by section 153 of title 10, United States Code;

(C) a listing of the programs, projects, and activities across the military departments and components that would be reduced or terminated as a result of automatically triggered cuts;

(D) an estimate of the number and value of all contracts that will be terminated, restructured, or rescoped due to sequestration, including an estimate of potential termination costs and increased contracts costs due to renegotiation and reinstatement of the contract; and

(E) an estimate of the number of civilian, contract, and uniformed personnel whose employment would be terminated due to sequestration, including the estimated cost to the Department of executing such a drawdown.
SEC. 1095. REPORT ON DEFENSE FORENSIC DATA.

(a) REQUIREMENT.—The Director of the Defense Forensic Office within the Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics may evaluate opportunities to increase the matching success rate when forensic data is collected during site exploitation to match forensic data stored in DNA databases. Among other items, the Defense Forensic Office may evaluate opportunities to assist other countries with moving forward with DNA database programs that require a defined category of criminal offender to submit DNA to a foreign country’s national DNA database.

(b) REPORT.—The Defense Forensic Office shall submit to the congressional defense committees a report containing its findings and solutions no later than 120 days after the date of the enactment of this Act.

SEC. 1096. DISPLAY OF STATE, DISTRICT OF COLUMBIA, AND TERRITORIAL FLAGS BY ARMED FORCES.

Section 2249b of title 10, United States Code, is amended—

(1) by adding at the end the following new subsection:

“(c) DISPLAY OF DISTRICT OF COLUMBIA AND TERRITORIAL FLAGS BY ARMED FORCES.—The Secretary of Defense shall ensure that whenever the official flags of
all 50 States are displayed by the armed forces, such dis-
play shall include the flags of the District of Columbia,
Commonwealth of Puerto Rico, United States Virgin Is-
lands, Guam, American Samoa, and Commonwealth of the
Northern Mariana Islands.’’; and

(2) in the section heading, by striking the colon
and all that follows.

SEC. 1097. DISSEMINATION ABROAD OF INFORMATION
ABOUT THE UNITED STATES.

(a) United States Information and Edu-
cational Exchange Act of 1948.—Section 501 of the
United States Information and Educational Exchange Act
of 1948 (22 U.S.C. 1461) is amended to read as follows:

‘‘GENERAL AUTHORIZATION

‘‘Sec. 501. (a) The Secretary and the Broadcasting
Board of Governors are authorized to use funds appro-
priated or otherwise made available for public diplomacy
information programs to provide for the preparation, dis-
semination, and use of information intended for foreign
audiences abroad about the United States, its people, and
its policies, through press, publications, radio, motion pic-
tures, the Internet, and other information media, includ-
ing social media, and through information centers, in-
structors, and other direct or indirect means of commu-
nication.
“(b)(1) Except as provided in paragraph (2), the Secretary and the Broadcasting Board of Governors may, upon request and reimbursement of the reasonable costs incurred in fulfilling such a request, make available, in the United States, motion pictures, films, video, audio, and other materials prepared for dissemination abroad or disseminated abroad pursuant to this Act, the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.), or the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.). The Secretary and the Broadcasting Board of Governors shall issue necessary regulations—

“(A) to establish procedures to maintain such material;

“(B) for reimbursement of the reasonable costs incurred in fulfilling requests for such material; and

“(C) to ensure that the persons seeking release of such material have secured and paid for necessary United States rights and licenses.

“(2) With respect to material prepared for dissemination abroad or disseminated abroad before the effective date of the Smith-Mundt Modernization Act of 2012—

“(A) the Secretary and the Broadcasting Board of Governors shall make available to the Archivist of
the United States, for domestic distribution, motion
pictures, films, videotapes, and other material 12
years after the initial dissemination of the material
abroad; and

“(B) the Archivist shall be the official custodian
of the material and shall issue necessary regulations
to ensure that persons seeking its release in the
United States have secured and paid for necessary
United States rights and licenses and that all costs
associated with the provision of the material by the
Archivist shall be paid by the persons seeking its re-
lease, in accordance with paragraph (3).

“(3) The Archivist may charge fees to recover the
costs described in paragraph (2), in accordance with sec-
tion 2116 (c) of title 44. Such fees shall be paid into, ad-
ministered, and expended as part of the National Archives
Trust Fund.

“(c) Nothing in this section may be construed to re-
quire the Secretary or the Broadcasting Board of Gov-
ernors to make material disseminated abroad available in
any format other than in the format disseminated
abroad.”.

(b) Rule of Construction.—Nothing in this sec-
tion may be construed to affect the allocation of funds ap-
propriated or otherwise made specifically available for public diplomacy.

(c) Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.—Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended to read as follows:

“SEC. 208. CLARIFICATION ON DOMESTIC DISTRIBUTION OF PROGRAM MATERIAL.

“(a) In General.—No funds authorized to be appropriated to the Department of State or the Broadcasting Board of Governors shall be used to influence public opinion in the United States. This section shall apply only to programs carried out pursuant to the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.). This section shall not prohibit or delay the Department of State or the Broadcasting Board of Governors from providing information about its operations, policies, programs, or program material, or making such available, to the media, public, or Congress, in accordance with other applicable law.
“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Department of State or the Broadcasting Board of Governors from engaging in any medium or form of communication, either directly or indirectly, because a United States domestic audience is or may be thereby exposed to program material, or based on a presumption of such exposure. Such material may be made available within the United States and disseminated, when appropriate, pursuant to sections 502 and 1005 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462 and 1437), except that nothing in this section may be construed to authorize the Department of State or the Broadcasting Board of Governors to disseminate within the United States any program material prepared for dissemination abroad on or before the effective date of the Smith-Mundt Modernization Act of 2012.

“(c) APPLICATION.—The provisions of this section shall apply only to the Department of State and the Broadcasting Board of Governors and to no other department or agency of the Federal Government.”.

(d) CONFORMING AMENDMENTS.—The United States Information and Educational Exchange Act of 1948 is amended—

(1) in section 502 (22 U.S.C. 1462)—
(A) by inserting “and the Broadcasting Board of Governors” after “Secretary”; and

(B) by inserting “or the Broadcasting Board of Governors” after “Department”; and

(2) in section 1005 (22 U.S.C. 1437), by inserting “and the Broadcasting Board of Governors” after “Secretary” each place it appears.

(e) EFFECTIVE DATE.—This section shall take effect and apply on the date that is 180 days after the date of the enactment of this section.

SEC. 1098. IMPROVING ORGANIZATION FOR COMPUTER NETWORK OPERATIONS.

(a) CHARTER.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a charter to establish an interagency body or organization to coordinate and deconflict full-spectrum military cyber operations for the Federal Government.

(b) ELEMENTS.—The charter required under subsection (a) shall include—

(1) business rules and processes for the functioning of the body or organization established by such charter;
(2) interagency guidance clarifying roles and responsibilities for full-spectrum military cyber operations;

(3) clarification and defined membership for such body or organization; and

(4) accommodation for documentation of the activities of such body or organization, including minutes and historical archives.

(e) REPORT.—Not later than 240 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a report outlining the charter required under subsection (a), and plans to ensure the implementation of such charter.

(d) BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to the congressional defense committees dedicated budget documentation materials to accompany future budget submissions, including a single Department of Defense-wide budget estimate and detailed budget planning data for full-spectrum military cyberspace operations (computer network defense, attack, and exploitation) in both unclassified and classified funding data.

SEC. 1099. IMPROVING UNITED STATES FOREIGN POLICE ASSISTANCE ACTIVITIES.

(a) FINAL REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall
submit to the relevant congressional committees the final report from the National Security Council’s Interagency Policy Committee on Security Sector Assistance.

(b) Plan.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of Defense and State shall jointly submit to the relevant congressional committees a plan to institute mechanisms to better coordinate, document, disseminate, and share information analysis and assessments regarding United States foreign police assistance activities.

(c) Appropriate Congressional Committees Defined.—In this section, the term “relevant congressional committees” means—

(1) the Committee on Armed Services of the Senate and the House of Representatives;

(2) the Committee on Oversight and Government Reform of the House of Representatives;

(3) the Committee on Homeland Security and Governmental Affairs of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives; and

(5) the Committee on Foreign Relations of the Senate.
SEC. 1099A. SENSE OF CONGRESS REGARDING UNITED STATES NORTHERN COMMAND PREPAREDNESS.

It is the sense of the Congress that—

(1) the United States Northern Command plays a crucial role in providing additional response capability to State and local governments in domestic disaster relief and consequence management operations;

(2) the United States Northern Command must continue to build upon its current efforts to develop command strategies, leadership training, and response plans to effectively work with civil authorities when acting as the lead agency or a supporting agency; and

(3) the United States Northern Command should leverage whenever possible training and management expertise that resides within the Department of Defense, other Federal agencies, State and local governments, and private sector businesses and academic institutions to enhance—

(A) its defense support to civil authorities and incidence management missions;

(B) relationships with other entities involved in disaster response; and
(C) its ability to respond to unforeseen events.

SEC. 1099B. LIMITATION ON MILITARY MUSICAL UNITS.

Amounts authorized to be appropriated pursuant to this Act for military musical units (as such term is defined in section 974 of title 10, United States Code) may not exceed $200,000,000.

SEC. 1099C. REQUIREMENT FOR ATTORNEY GENERAL TO INVESTIGATE POSSIBLE VIOLATIONS OF FEDERAL LAW RELATED TO LEAKS OF SENSITIVE INFORMATION INVOLVING THE MILITARY, INTELLIGENCE, AND OPERATIONAL CAPABILITIES OF THE UNITED STATES AND ISRAEL.

(a) Investigation Required.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall initiate an investigation into possible violations of Federal law related to leaks of sensitive information involving the military, intelligence, and operational capabilities of the United States and Israel.

(b) Report.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report describing the status and progress of the investigation required under subsection (a).
TITLE XI—CIVILIAN PERSONNEL MATTERS
Subtitle A—General Provisions

SEC. 1101. EXPANSION OF PERSONNEL MANAGEMENT AUTHORITY UNDER EXPERIMENTAL PROGRAM WITH RESPECT TO CERTAIN SCIENTIFIC AND TECHNICAL POSITIONS.

Subparagraph (A) of section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note), as most recently amended by section 1110 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1615), is further amended by striking “40” and inserting “60”.

SEC. 1102. AUTHORITY TO PAY FOR THE TRANSPORT OF FAMILY HOUSEHOLD PETS FOR FEDERAL EMPLOYEES DURING CERTAIN EVACUATION OPERATIONS.

Section 5725 of title 5, United States Code, is amended—

(1) in subsection (a), in the matter following paragraph (2), by striking “and personal effects,” and inserting “, personal effects, and family household pets,”; and

(2) by adding at the end the following:
“(c)(1) The expenses authorized under subsection (a) shall, with respect to the transport of family household pets, include the expenses for the shipment of and the payment of any quarantine costs for such pets.

“(2) Any payment or reimbursement under this section in connection with the transport of family household pets shall be subject to terms and conditions which—

“(A) the head of the agency shall by regulation prescribe; and

“(B) shall, to the extent practicable, be the same as would apply under regulations prescribed under section 476(b)(1)(H)(iii) of title 37 in connection with the transport of family household pets of members of the uniformed services, including regulations relating to the types, size, and number of pets for which such payment or reimbursement may be provided.”.

SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE CATEGORY POSITIONS FOR CERTAIN FEDERAL ACQUISITION POSITIONS FOR CIVILIAN AGENCIES.

Section 1703(j) of title 41, United States Code, is amended—

(1) in paragraph (1)—
(A) by striking “sections 3304, 5333, and 5753” and inserting “section 3304”; and
(B) by striking “use the authorities in those sections to recruit and”; and
(2) in paragraph (2), by striking “September 30, 2012” and inserting “September 30, 2017”.

SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.


SEC. 1105. POLICY ON SENIOR MENTORS.

(a) In General.—The Secretary of Defense shall provide written notice to the congressional defense committees at least 60 days before implementing any change in the policy regarding senior mentors issued on or about April 1, 2010.
(b) APPLICABILITY.—Changes implemented before
the date of the enactment of this Act shall not be affected
by this section.

Subtitle B—Interagency Personnel
Rotations

SEC. 1111. INTERAGENCY PERSONNEL ROTATIONS.

(a) SHORT TITLE.—This subtitle may be cited as the
“Interagency Personnel Rotation Act of 2012”.

(b) DEFINITIONS.—In this subtitle:

(1) AGENCY.—The term “agency” has the
meaning given the term “Executive agency” under
section 105 of title 5, United States Code.

(2) COMMITTEE.—The term “Committee”
means the Committee on National Security Per-
sonnel established under subsection (c)(1).

(3) COVERED AGENCY.—The term “covered
agency” means an agency that is part of an ICI.

(4) ICI.—The term “ICI” means a National
Security Interagency Community of Interest identi-
fied by the Committee under subsection (d)(1).

(5) ICI POSITION.—The term “ICI position”—
(A) means—

(i) a position that—

(I) is identified by the head of a
covered agency as a position within
the covered agency that has significant responsibility for the subject area of the ICI in which the position is located and for activities that involve more than 1 agency;

(II) is in the civil service (as defined in section 2101(1) of title 5, United States Code) in the executive branch of the Government (including a position in the Foreign Service) at or above GS–11 of the General Schedule or at a level of responsibility comparable to a position at or above GS–11 of the General Schedule; and

(III) is within an ICI; or

(ii) a position in an interagency body identified as an ICI position under subsection (d)(3)(B)(i); and

(B) shall not include—

(i) any position described under paragraph (10)(A) or (C); or

(ii) any position filled by an employee described under paragraph (10)(B).

(6) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given
under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(7) INTERAGENCY BODY.—The term “interagency body” means an entity or component identified under subsection (d)(3)(A).

(8) INTERAGENCY ROTATIONAL SERVICE.—The term “interagency rotational service” means service by an employee in—

(A) an ICI position that is—

(i) in—

(I) a covered agency other than the covered agency employing the employee; or

(II) an interagency body, without regard to whether the employee is employed by the agency in which the interagency body is located; and

(ii) the same ICI as the position in which the employee serves or has served before serving in that ICI position; or

(B) a position in an interagency body identified under subsection (d)(3)(B)(ii).

(9) NATIONAL SECURITY INTERAGENCY COMMUNITY OF INTEREST.—The term “National Security Interagency Community of Interest” means the
positions in the executive branch of the Government that—

(A) as a group are positions within multiple agencies of the executive branch of the Government; and

(B) have significant responsibility for the same substantive, functional, or regional subject area related to national security or homeland security that requires integration of the positions and activities in that area across multiple agencies to ensure that the executive branch of the Government operates as a single, cohesive enterprise to maximize mission success and minimize cost.

(10) POLITICAL APPOINTEE.—The term “political appointee” means an individual who—

(A) is employed in a position described under sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(B) is a noncareer appointee in the Senior Executive Service, as defined under section 3132(a)(7) of title 5, United States Code; or

(C) is employed in a position in the executive branch of the Government of a confidential
or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(11) **Senior position.**—The term “senior position” means—

(A) a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

(B) a position in the Senior Foreign Service established under the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);

(C) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service established under section 3151 of title 5, United States Code;

(D) a position filled by a limited term appointee or limited emergency appointee in the Senior Executive Service, as defined under paragraphs (5) and (6), respectively, of section 3132(a) of title 5, United States Code; and

(E) any other equivalent position identified by the Committee.

(e) **Committee on National Security Personnel.**—
(1) ESTABLISHMENT.—There is established the Committee on National Security Personnel within the Executive Office of the President.

(2) MEMBERSHIP.—The members of the Committee shall be the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Assistant to the President for National Security Affairs.

(3) CHAIRPERSON.—The Director of the Office of Management and Budget shall be the Chairperson of the Committee.

(4) FUNCTIONS.—

(A) IN GENERAL.—The Committee shall perform the functions as provided under this subtitle to implement this subtitle and shall validate the actions taken by the heads of covered agencies to implement the directives issued and meet the standards established under subparagraph (B).

(B) DIRECTIVES AND STANDARDS.—

(i) IN GENERAL.—In consultation with the Director of the Office of Personnel Management and the Assistant to the President for National Security Affairs, the Director of the Office of Manage-
ment and Budget shall issue directives and
establish standards relating to the imple-
mentation of this subtitle.

(ii) USE BY COVERED AGENCIES.—
The head of each covered agency shall
carry out the responsibilities under this
subtitle in accordance with the directives
issued and standards established by the
Director of the Office of Management and
Budget.

(5) SUPPORT AND IMPLEMENTATION.—

(A) BOARD.—There is established to assist
the Committee a board, the members of which
shall be appointed—

(i) in accordance with subparagraph
(B); and

(ii) from among individuals holding an
office or position in level III of the Execu-
tive Schedule.

(B) APPOINTMENTS.—Members of the
board shall be appointed as follows:

(i) One by the Secretary of State.

(ii) One by the Secretary of Defense.

(iii) One by the Secretary of Home-
land Security.
(iv) One by the Attorney General.

(v) One by the Secretary of the Treasury.

(vi) One by the Secretary of Energy.

(vii) One by the Secretary of Health and Human Services.

(viii) One by the Secretary of Commerce.

(ix) One by the head of any other agency (or, if more than 1, by each of the respective heads of any other agencies) determined appropriate by the Committee.

As used in clause (ix), the term “agency” does not include any element of the intelligence community.

(C) CHIEF HUMAN CAPITAL OFFICERS COUNCIL.—The Chief Human Capital Officers Council shall provide advice to the Committee regarding technical human capital issues.

(D) COVERED AGENCY OFFICIALS.—

(i) IN GENERAL.—The head of each covered agency shall designate an officer and office within that covered agency with responsibility for the implementation of this subtitle.
(ii) **EXISTING OFFICES.**—If an officer or office of a covered agency is designated as the officer or office within the covered agency with responsibility for the implementation of Executive Order No. 13434 for the covered agency on the date of enactment of this Act, the head of the covered agency shall designate the officer or office as the officer or office within the covered agency with responsibility for the implementation of this subtitle.

(E) **STAFF.**—

(i) **IN GENERAL.**—Not more than 3 full-time employees (or the equivalent) may be hired to assist the Committee in the implementation of this subtitle. Each employee so hired shall be selected from among individuals serving in the Office of Management and Budget, the Office of Personnel Management, or any other agency.

(ii) **FUNDING.**—

(I) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for each of fiscal
years 2013 through 2017 to carry out
clause (i) an amount equal to the
amount expended for salaries and ex-
penses of the National Security Pro-
fessional Development Integration Of-
fice during fiscal year 2012.

(II) OFFSET.—

(aa) IN GENERAL.—Except
as provided in subparagraph
(D)(ii), effective on the date of
enactment of this Act, the Na-
tional Security Professional De-
velopment Integration Office of
the Department of Defense is
terminated and, on and after the
date of enactment of this Act,
the Secretary of Defense may not
establish a comparable office to
implement Executive Order No.
13434 or to design, administer,
or report on the creation of a na-
tional security professional devel-
opment system, cadre of national
security professionals, or any per-
sonnel rotations, education, or
training for individuals involved in interagency activities or who are national security professionals who are not employed by the Department of Defense. Nothing in this item shall be construed to prohibit the Secretary of Defense from establishing or designating an office to administer interagency rotations by, or the interagency activities of, employees of the Department of Defense.

(bb) TRANSFER OF FUNCTIONS.—Effective on the date of enactment of this Act, there are transferred to the Office of Management and Budget or the Office of Personnel Management, as determined appropriate by the Committee, the functions of the National Security Professional Development Integration Office of the Department of Defense.
(cc) FUNDS.—Effective on the date of enactment of this Act, all unobligated balances made available for the activities of the National Security Professional Development Integration Office of the Department of Defense are rescinded.

(d) NATIONAL SECURITY INTERAGENCY COMMUNITIES OF INTEREST.—

(1) IDENTIFICATION OF ICIS.—Subject to subsection (g), the Committee—

(A) shall identify ICIs on an ongoing basis for purposes of carrying out this subtitle; and

(B) may alter or discontinue an ICI identified under subparagraph (A).

(2) IDENTIFICATION OF ICI POSITIONS.—The head of each covered agency shall identify ICI positions within the covered agency.

(3) INTERAGENCY BODIES.—

(A) IDENTIFICATION.—

(i) IN GENERAL.—The Committee shall identify—

(I) entities in the executive branch of the Government that are
primarily involved in interagency activities relating to national security or homeland security; and

(II) components of agencies that are primarily involved in interagency activities relating to national security or homeland security and have a mission distinct from the agency within which the component is located.

(ii) Certain bodies.—

(I) In general.—The Committee shall identify the National Security Council as an interagency body under this subparagraph.

(II) FBI rotations.—Joint Terrorism Task Forces shall not be considered interagency bodies for purposes of service by employees of the Federal Bureau of Investigation.

(iii) Duties of head of covered agency.—The Committee shall designate the Federal officer who shall perform the duties of the head of a covered agency relating to ICI positions within an interagency body.
(B) Positions in Interagency Bodies.—The officials designated under subparagraph (A)(iii) shall identify—

(i) positions within their respective interagency bodies that are ICI positions;
and

(ii) positions within their respective interagency bodies—

(I) that are not a position described under subsection (b)(10)(A) or (C) or a position filled by an employee described under subsection (b)(10)(B); and

(II) for which service in the position shall constitute interagency rotational service.

(e) Interagency Community of Interest Rotational Service.—

(1) Exclusion of Senior Positions.—For purposes of this subsection, the term “ICI position” does not include a senior position.

(2) Rotations.—

(A) In General.—The Committee shall provide for employees serving in an ICI position
to be assigned on a rotational basis to another ICI position that is—

(i) within another covered agency or within an interagency body; and

(ii) within the same ICI.

(B) EXCEPTION.—An employee may be assigned to an ICI position in another covered agency or in an interagency body that is not in the ICI applicable to an ICI position in which the employee serves or has served if—

(i) the employee has particular non-governmental or other expertise or skills that are relevant to the assigned ICI position; and

(ii) the head of the covered agency employing the employee, the head of the covered agency to which the assignment is made, and the Committee approve the assignment.

(C) NONREIMBURSABLE BASIS.—Service by an employee in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed without reimbursement.
(D) Return to Prior Position.—Except as otherwise provided by the Committee, an employee performing service in an ICI position in another covered agency or interagency body or in a position designated under subsection (d)(3)(B)(ii) shall be entitled to return, within a reasonable period of time after the end of the period of service, to the position held by the employee, or a corresponding or higher position (or, in the case of an employee in the Foreign Service, as defined in section 102(11) of the Foreign Service Act of 1980 (22 U.S.C. 3902(11)), a position in the same or a higher personnel category), in the covered agency employing the employee.

(3) Selection of ICI Positions Open for Rotational Service.—

(A) In General.—The head of each covered agency shall determine which ICI positions in the covered agency shall be available for service by employees from another covered agency and may modify a determination under this subparagraph.

(B) List.—The Committee shall maintain a single, integrated list of ICI positions and of
positions available for service by employees from another covered agency under this sub-section and shall make the list available to Federal employees on an ongoing basis in order to facilitate applications for the positions and long-term career planning by employees of the executive branch of the Government, except to the extent that the Committee determines that the identity of certain positions should not be distributed in order to protect national security or homeland security.

(4) MINIMUM PERIOD OF SERVICE.—With respect to the period of service in an ICI position in another covered agency or interagency body, the Committee—

(A) shall, notwithstanding any other provision of law, ensure that the period of service is sufficient to gain an adequately detailed understanding and perspective of the covered agency or interagency body at which the employee is assigned;

(B) may provide for different periods of service, depending upon the nature of the position, including whether the position is in an area that is a combat zone for purposes of sec-
tion 112 of the Internal Revenue Code of 1986;
and

(C) shall require that an employee per-
forming service in an ICI position in another
covered agency or interagency body is informed
of the period of service for the position before
beginning such service.

(5) Voluntary nature of rotational serv-

ice.—

(A) In general.—Except as provided in
subparagraph (B), service in an ICI position in
another covered agency or interagency body
shall be voluntary on the part of the employee.

(B) Authority to assign involun-
tarily.—If the head of a covered agency has
the authority under another provision of law to
assign an employee involuntarily to a position
and the employee is serving in an ICI position,
the head of the covered agency may assign the
employee involuntarily to serve in an ICI posi-
tion in another covered agency or interagency
body.

(6) Training and education of personnel
performing interagency rotational serv-
ice.—Each employee performing interagency rota-
tional service shall participate in the training and
education, if any, that is regularly provided to new
employees by the covered agency or interagency body
in which the employee is serving in order to learn
how the covered agency or interagency body func-
tions.

(7) **Prevention of need for increased personnel levels.**—The Committee shall ensure
that employees are rotated across covered agencies
and interagency bodies within an ICI in a manner
that ensures that, for the original ICI positions of
all employees performing service in an ICI position
in another covered agency or interagency body—

(A) employees from another covered agen-
cy or interagency body who are performing
service in an ICI position in another covered
agency or interagency body, or other available
employees, begin service in such original posi-
tions within a reasonable period, at no addi-
tional cost to the covered agency or the inter-
agency body in which such original positions are
located; or

(B) other employees do not need to serve
in the positions in order to maintain the effec-
tiveness of or to prevent any costs being ac-
erred by the covered agency or interagency body in which such original positions are located.

(8) OPEN AND FAIR COMPETITION.—Each covered agency or interagency body that has an ICI position available for service by an employee from another covered agency shall coordinate with the Office of Personnel Management to ensure that employees of covered agencies selected to perform interagency rotational service shall be selected in a fully open and competitive manner that is consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, unless the ICI position is otherwise exempt under another provision of law.

(9) PERSONNEL LAW MATTERS.—

(A) NATIONAL SECURITY EXCLUSION.—
The identification of a position as available for service by an employee of another covered agency or as being within an ICI shall not be a basis for an order under section 7103(b) of title 5, United States Code, excluding the covered agency, or a subdivision thereof, in which the position is located from the applicability of chapter 71 of such title.
(B) ON ROTATION.—An employee performing interagency rotational service shall have all the rights that would be available to the employee if the employee were detailed or assigned under a provision of law other than this subtitle from the agency employing the employee to the agency in which the ICI position in which the employee is serving is located.

(10) CONSULTATION.—The Committee shall consult with relevant associations, unions, and other groups involved in collective bargaining or encouraging public service, organizational reform of the Government, or interagency activities (such as the Simons Center for the Study of Interagency Co-operation of the Command and General Staff College Foundation) in formulating and implementing policies under this subtitle.

(11) OFFICERS OF THE ARMED FORCES.—The policies, procedures, and practices for the management of officers of the Armed Forces may provide for the assignment of officers of the Armed Forces to ICI positions or positions designated under subsection (d)(3)(B)(ii).

(12) PERFORMANCE APPRAISALS.—The Committee shall—
(A) ensure that an employee receives performance evaluations that are based primarily on the contribution of the employee to the work of the covered agency in which the employee is performing service in an ICI position in another covered agency or interagency body and the functioning of the applicable ICI; and

(B) require that—

(i) officials at the covered agency employing the employee conduct the evaluations based on input from the supervisors of the employee during service in an ICI position in another covered agency or interagency body; and

(ii) the evaluations shall be provided the same weight in the receipt of promotions and other rewards by the employee from the covered agency employing the employee as performance evaluations receive for other employees of the covered agency.

(f) Selection of Senior Positions in an Interagency Community of Interest.—

(1) Selection of individuals to fill senior positions within an ICI.—In selecting individuals to fill senior positions within an ICI, the head
of a covered agency shall ensure that a strong preference is given to personnel who have performed interagency rotational service.

(2) Establishment by Heads of Covered Agencies of Minimum Thresholds.—

(A) In General.—On October 1 of the 2nd fiscal year after the fiscal year in which the Committee identifies an ICI, and October 1 of each fiscal year thereafter, the head of each covered agency within which 1 or more positions within that ICI are located shall establish the minimum number of that agency’s senior positions that are within that ICI that shall be filled by personnel who have performed inter-agency rotational service.

(B) Reporting Requirements.—

(i) Minimum Number of Positions.—Not later than 30 days after the date on which all heads of covered agencies have established the minimum number required under subparagraph (A) for a fiscal year, the Committee shall submit to Congress a consolidated list of the minimum numbers of senior positions that shall be
filled by personnel who have performed interagency rotational service.

(ii) **Failure to meet minimum number.**—Not later than 30 days after the end of any fiscal year in which a covered agency fails to meet the minimum number of senior positions to be filled by individuals who have performed interagency rotational service established by the head of the covered agency under subparagraph (A), the head of the covered agency shall submit to the Committee and Congress a report identifying the failure and indicating what actions the head of the covered agency has taken or plans to take in response to the failure.

(3) **Other rotational requirements.**—

(A) **Credit for service in another component within an agency.**—Service performed during the first 3 fiscal years after the fiscal year in which an ICI is identified by the Committee by an employee in a rotation to an ICI position in another component of the covered agency that employs the employee that is identified under subparagraph (B) shall con-
stitute interagency rotational service for purposes of this section.

(B) Identification of Components.—Subject to approval by the Committee, the head of a covered agency may identify the components of the covered agency that are sufficiently independent in functionality for service in a rotation in the component to qualify as service in another component of the covered agency for purposes of subparagraph (A).

(g) Implementation.—

(1) ICIS and ICI Positions.—

(A) In General.—During each of the first 4 fiscal years after the fiscal year in which this Act is enacted—

(i) there shall be 2 ICIs, which shall be an ICI for emergency management and an ICI for stabilization and reconstruction; and

(ii) not less than 20 employees and not more than 25 employees in the executive branch of the Government shall perform service in an ICI position in another covered agency or in an interagency body
that is not within the agency employing
the employee under this subtitle.

(B) LOCATION.—

(i) IN GENERAL.—The Committee
shall designate a metropolitan area in
which the ICI for emergency management
will be located and a metropolitan area in
which the ICI for stabilization and recon-
struction will be located.

(ii) SERVICE.—During the first 4 fis-
cal years after the fiscal year in which this
Act is enacted, any service in an ICI posi-
tion in another covered agency or in an
interagency body that is not within the
agency employing the employee shall be
performed—

(I) by an employee who is located
in a metropolitan area for the ICI
designated under clause (i) before be-
ginning service in the ICI position;

and

(II) at a location in a metropoli-
tan area for the ICI designated under
clause (i).
(2) **Priority for Details.**—During the first 4 fiscal years after the fiscal year in which this Act is enacted, a covered agency shall give priority in using amounts available to the covered agency for details to assigning employees on a rotational basis under this subtitle.

(h) **Strategy and Performance Evaluation.**—

(1) **Issuing of Strategy.**—

(A) *In general.*—Not later than October 1 of the 3rd fiscal year after the fiscal year in which this Act is enacted, and every 4 fiscal years thereafter through the 11th fiscal year after the fiscal year in which this Act is enacted, the Committee shall issue a National Security Human Capital Strategy to develop the national security and homeland security personnel necessary for accomplishing national security and homeland security objectives that require integration of personnel and activities from multiple agencies of the executive branch of the Government.

(B) **Consultations with Congress.**—In developing or making adjustments to the National Security Human Capital Strategy issued under subparagraph (A), the Committee—
(i) shall consult at least annually with Congress, including majority and minority views from all appropriate authorizing, appropriations, and oversight committees; and

(ii) as the Committee determines appropriate, shall solicit and consider the views and suggestions of entities potentially affected by or interested in the strategy.

(C) CONTENTS OF STRATEGY.—Each National Security Human Capital Strategy issued under subparagraph (A) shall—

(i) provide for the implementation of this subtitle;

(ii) identify best practices from ICIs already in operation;

(iii) identify any additional ICIs to be identified by the Committee;

(iv) include a schedule for the issuance of directives and establishment of standards relating to the requirements under this subtitle by the Committee;

(v) include a description of how the strategy incorporates views and sugges-
tions obtained through the consultations with Congress required under subpara-
graph (B);

(vi) include an assessment of perform-
ance measures over a multi-year period, such as—

(I) the percentage of ICI posi-
tions available for service by employ-
ees from another covered agency for which such employees performed such service;

(II) the number of personnel par-
ticipating in interagency rotational service in each covered agency and interagency body;

(III) the length of interagency rotational service under this subtitle;

(IV) reports by the heads of cov-
ered agencies submitted under sub-
section (f)(2)(B)(ii);

(V) the training and education of personnel who perform interagency ro-
tational service, and the evaluation by the Committee of the training and education;
(VI) the positions (including grade level) held by employees who perform interagency rotational service during the period beginning on the date on which the interagency rotational service terminates and ending on the date of the assessment; and

(VII) to the extent possible, the evaluation of the Committee of the utility of interagency rotational service in improving interagency integration.

(2) REPORTS.—Not later than October 1 of the 2nd fiscal year after a fiscal year in which the Committee issues a National Security Human Capital Strategy under paragraph (1), the Committee shall assess the performance measures described in paragraph (1)(C)(vi).

(3) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Committee issues a National Security Human Capital Strategy under paragraph (1) or assesses performance measures under paragraph (2), the Committee shall submit the strategy or assessment to Congress.

(i) GAO STUDY OF INTERAGENCY ROTATIONAL SERVICE.—Not later than the end of the 2nd fiscal year
after the fiscal year in which this Act is enacted, the
Comptroller General of the United States shall submit to
Congress a report regarding—

(1) the extent to which performing service in an
ICI position in another covered agency or an inter-
agency body under this subtitle enabled the employ-
eses performing the service to gain an adequately de-
tailed understanding of and perspective on the cov-
ered agency or interagency body, including an as-
essment of the effect of—

(A) the period of service; and

(B) the duties performed by the employees
during the service;

(2) the effectiveness of the Committee and the
staff of the Committee funded under subsection
(e)(5)(E)(ii) in overseeing and managing interagency
rotational service under this subtitle, including an
evaluation of any directives or standards issued by
the Committee;

(3) the participation of covered agencies in
interagency rotational service under this subtitle, in-
cluding whether each covered agency that performs
a mission relating to an ICI in effect—

(A) identified positions within the covered
agency as ICI positions;
(B) had 1 or more employees from another covered agency perform service in an ICI position in the covered agency; or

(C) had 1 or more employees of the covered agency perform service in an ICI position in another covered agency;

(4) the positions (including grade level) held by employees after completing interagency rotational service under this subtitle, and the extent to which the employees were rewarded for the service; and

(5) the extent to which or likelihood that interagency rotational service under this subtitle has improved or is expected to improve interagency integration.

(j) PROHIBITION OF PRINTED REPORTS.—Each strategy, plan, report, or other submission required under this subtitle—

(1) shall be made available by the agency issuing the strategy, plan, report, or other submission only in electronic form; and

(2) shall not be made available by the agency in printed form.

(k) EXCLUSION.—This subtitle shall not apply to any element of the intelligence community.
TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. COMMANDERS’ EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.

(a) Authority for Fiscal Year 2013.—Subsection (a) of section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619) is amended—

(1) in the heading, by striking “FISCAL YEAR 2012” and inserting “FISCAL YEAR 2013”; and

(2) by striking “fiscal year 2012” and inserting “fiscal year 2013”.

(b) Quarterly Reports.—Subsection (b)(1) of such section is amended by striking “fiscal year 2012” and inserting “fiscal year 2013”.

(c) Extension of Authority to Accept Contributions.—Subsection (f) of such section is amended by striking “in fiscal year 2012” and inserting “during any period during which the authority of subsection (a) is in effect”.

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SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.


(b) Use of Funds for Fiscal Year 2013.—Subsection (c) of such section, as most recently amended by section 1204(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1621), is further amended by adding at the end the following:

“(6) Use of Funds for Fiscal Year 2013.—

“(A) Limitation on Small-Scale Military Construction Activities.—Of amounts available under this subsection for the authority in subsection (a) for fiscal year 2013—

“(i) not more than $750,000 may be obligated or expended for small-scale military construction activities (as described in
subsection (b)(1)) under a program au-

thorized under subsection (a); and

“(ii) not more than $25,000,000 may

be obligated or expended for small-scale

military construction activities (as de-

scribed in subsection (b)(1)) under all pro-

grams authorized under subsection (a).

“(B) AVAILABILITY OF FUNDS FOR PRO-

GRAMS DURING FISCAL YEAR 2014.—

“(i) IN GENERAL.—Subject to clause

(ii), not more than 20 percent of amounts

available under this subsection for the au-

thority in subsection (a) for fiscal year

2013 may be obligated and expended to

conduct or support a program authorized

under subsection (a) during fiscal year

2014.

“(ii) NOTIFICATION.—Whenever the

Secretary of Defense decides, with the con-

currence of the Secretary of State, to con-

duct or support a program authorized

under subsection (a) during fiscal year

2014 using amounts described in clause

(i), the Secretary of Defense shall submit

to the congressional committees specified
in paragraph (3) of subsection (e) a notifi-
cation in writing of that decision in accord-
ance with such subsection by not later
than September 30, 2013.”.

SEC. 1203. THREE-YEAR EXTENSION OF AUTHORITY FOR
NON-RECIPROCAL EXCHANGES OF DEFENSE
PERSONNEL BETWEEN THE UNITED STATES
AND FOREIGN COUNTRIES.

Section 1207(f) of the National Defense Authoriza-
tion Act for Fiscal Year 2010 (Public Law 111–84; 123
Stat. 2514; 10 U.S.C. 168 note) is amended by striking
“September 30, 2012” and inserting “September 30,
2015”.

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

SEC. 1211. ONE-YEAR EXTENSION OF AUTHORITY FOR RE-
IMBURSEMENT OF CERTAIN COALITION NA-
TIONS FOR SUPPORT PROVIDED TO UNITED
STATES MILITARY OPERATIONS.

(a) Extension.—Subsection (a) of section 1233 of
the National Defense Authorization Act for Fiscal Year
2008 (Public Law 110–181; 122 Stat. 393), as most re-
cently amended by section 1213 of the National Defense
Authorization Act for Fiscal Year 2012 (Public Law 112–
81; 125 Stat. 1630), is further amended—
(1) by striking “fiscal year 2012” and inserting “fiscal year 2013”; and

(2) by striking “Operation Iraqi Freedom or”.

(b) LIMITATION ON AMOUNT AVAILABLE.—Subsection (d)(1) of such section, as so amended, is further amended—

(1) by striking “fiscal year 2012” and inserting “fiscal year 2013”; and

(2) by striking “$1,690,000,000” and inserting “$1,650,000,000”; and

(3) by adding at the end the following: “Of the aggregate amount specified in the preceding sentence, the total amount of reimbursements made under subsection (a) and support provided under subsection (b) to Pakistan during fiscal year 2013 may not exceed $650,000,000.”.

(c) ADDITIONAL LIMITATION ON REIMBURSEMENT OF THE GOVERNMENT OF PAKISTAN.—Such section, as so amended, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) ADDITIONAL LIMITATION ON REIMBURSEMENT OF THE GOVERNMENT OF PAKISTAN.—In addition to the
other requirements of this section, reimbursements authorized by subsection (a) and the support authorized by subsection (b) may be made to the Government of Pakistan for support of United States military operations for fiscal year 2013 only if the Secretary of Defense submits to the congressional defense committees the following:

“(1) A report that contains a description of—

“(A) a model for reimbursement, including how claims are proposed and adjudicated;

“(B) new conditions or caveats that the Government of Pakistan places on the use of its supply routes; and

“(C) the estimated differences in costs associated with transit through supply routes in Pakistan for fiscal year 2011 as compared to fiscal year 2013.

“(2) A certification of the Secretary of Defense that the Government of Pakistan is taking demonstrable steps to—

“(A) supporting counterterrorism operations against Al Qaeda, its associated movements, the Haqqani Network, and other domestic and foreign terrorist organizations;
“(B) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

“(C) preventing the proliferation of nuclear-related material and expertise; and

“(D) issuing visas in a timely manner for United States Government personnel supporting counterterrorism efforts and assistance programs in Pakistan.

“(3) A certification of the Secretary of Defense that the Government of Pakistan—

“(A) has opened the Ground Lines of Communication;

“(B) is allowing the transit of NATO supplies through Pakistan into Afghanistan; and

“(C) is supporting retrograde of United States equipment out of Afghanistan.”.

SEC. 1212. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY CO-OPERATION IN IRAQ.

(a) Types of Support.—Subsection (b) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631) is amended—
(1) by striking “The operations” and inserting the following:

“(1) IN GENERAL.—The operations”; and

(2) by adding at the end the following:

“(2) TRAIN AND ASSIST.—The operations and activities that may be carried out by the Office of Security Cooperation in Iraq using funds provided under subsection (a) may, with the concurrence of the Secretary of State, include training and assisting Iraqi Ministry of Defense personnel.”.

(b) LIMITATION ON AMOUNT.—Subsection (c) of such section is amended by inserting at the end before the period the following: “and in fiscal year 2013 may not exceed $508,000,000”.

(c) SOURCE OF FUNDS.—Subsection (d) of such section is amended—

(1) by inserting “or fiscal year 2013” after “fiscal year 2012”; and

(2) by striking “that fiscal year” and inserting “fiscal year 2012 or 2013, as the case may be,”.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congres-
sional committees a report on the Office of Security Cooperation in Iraq.

(2) MATTERS TO BE INCLUDED.—The report shall include the following:

(A) The plan to consolidate Office sites.

(B) The status of any pending requests for additional United States military forces for the Office.

(C) The legal status and legal protections provided to Office personnel, the operational impact of such status and protections, and the associated constraints on the operational capacity of such personnel by reason of their legal status.

(D) The operational and functional limitations and authorities of Office personnel.

(E) A description of potential direct threats to Office personnel and their capacity to provide adequate force protection to thwart those threats.

(3) FORM.—The report shall be submitted in unclassified form, but may contain a classified annex if necessary.

(4) DEFINITION.—In this section, the term “appropriate congressional committees” means—
(A) the congressional defense committees;

and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1213. ONE-YEAR EXTENSION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.


(1) in subsection (a)—

(A) by striking "$50,000,000" and inserting "$35,000,000"; and

(B) by striking "in each of fiscal years 2011 and 2012" and inserting "for fiscal year 2013"; and

(2) in subsection (e)—

(A) by striking "utilize funds" and inserting "obligate funds"; and

(B) by striking "December 31, 2012" and inserting "December 31, 2013".
SEC. 1214. PROHIBITION ON USE OF PRIVATE SECURITY CONTRACTORS AND MEMBERS OF THE AFGHAN PUBLIC PROTECTION FORCE TO PROVIDE SECURITY FOR MEMBERS OF THE ARMED FORCES AND MILITARY INSTALLATIONS AND FACILITIES IN AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense, as of February 1, 2012, there had been 42 insider attacks on coalition forces since 2007 by the Afghan National Army, Afghan National Police, or Afghan nationals hired by private security contractors to guard United States bases and facilities in Afghanistan.

(2) The Department of Defense data shows that the trend of insider attacks is increasing.

(3) Members of the Armed Forces of the United States continue to be garrisoned and housed in facilities and installations in Afghanistan that are guarded by private security contractors and not by United States or coalition forces.

(4) President Karzai has prohibited the use of private security contractors in Afghanistan and determined that beginning in March, 2012, the Afghan Ministry of Interior will provide Afghan Public Pro-
tection Forces on a reimbursable basis to those de-
siring to contract for additional security.

(5) The Afghan Ministry of Interior will have
the primary responsibility for screening and vetting
the Afghan nationals who will comprise the Afghan
Public Protection Force.

(6) The current force levels in Afghanistan are
necessary to accomplish the International Security
Assistance Force mission and force protection for
members of the Armed Forces garrisoned and
housed in Afghanistan should not come at the ex-
 pense of mission success.

(7) The President of the United States has
begun to draw down United States military forces in
Afghanistan and has committed to continue this
drawdown through 2014.

(8) The redeployment phase of any military op-
eration brings increasing vulnerabilities to members
of the Armed Forces.

(9) It is the responsibility of the Commander in
Chief to provide for the security for members of the
Armed Forces deployed to Afghanistan and to miti-
gate internal threats to such forces to the greatest
extent possible, while continuing to meet the objec-
tives of the International Security Assistance Force
mission in Afghanistan, including the training and
equipping of the Afghan National Security Forces in
order that they may provide for their own security.

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

(1) the best security and force protection for
members of the Armed Forces garrisoned and
housed in Afghanistan should be provided;

(2) better security and force protection for
members of the Armed Forces garrisoned and
housed in Afghanistan can be provided by United
States military personnel than private security con-
tractors or members of the Afghan Public Protection
Force;

(3) the President should take action in light of
the increased risk to members of the Armed Forces
during this transitional period in Afghanistan and
the increasing number of insider attacks; and

(4) the United States remains committed to
mission success in Afghanistan in light of the na-
tional security interests in the region and the sac-
rifice and commitment of the United States Armed
Forces over the last ten years.

(c) PROHIBITION.—Notwithstanding section 2465 of
title 10, United States Code, funds appropriated to the
Department of Defense may not be obligated or expended for the purpose of—

(1) entering into a contract for the performance of security-guard functions at a military installation or facility in Afghanistan at which members of the Armed Forces deployed to Afghanistan are garrisoned or housed;

(2) otherwise employing private security contractors to provide security for members of the Armed Forces deployed to Afghanistan; or

(3) employing the Afghan Public Protection Force to provide security for such members or to perform such security-guard functions at such a military installation or facility.

(d) REQUIREMENT.—

(1) IN GENERAL.—The President shall ensure that as many appropriately trained members of the Armed Forces of the United States as are necessary are available to—

(A) perform security-guard functions at all military installations and facilities in Afghanistan at which members of the Armed Forces deployed to Afghanistan are garrisoned or housed;
(B) provide security for members of the Armed Forces deployed to Afghanistan; and

(C) provide adequate counterintelligence support for such members.

(2) RELATIONSHIP TO OTHER REQUIREMENTS AND LIMITATIONS.—The members of the Armed Forces required to be made available under paragraph (1) shall be in addition to—

(A) the number of such members who are deployed to Afghanistan to support the requirements of the North Atlantic Treaty Organization mission in Afghanistan and the military campaign plan of the Commander of the International Security and Assistance Force; and

(B) any limitation on force levels that may be in effect.

(e) WAIVER.—The President may waive the prohibition under subsection (e) and the requirement under subsection (d) if the President submits to Congress a certification in writing that—

(1) the use of private security contractors or the Afghan Public Protection Force can provide a level of security and force protection for members of the Armed Forces deployed to Afghanistan that is at least equal to the security and force protection that
can be provided by members of the Armed Forces;

and

(2) the Secretary of Defense has ensured that all employees of private security contractors and members of the Afghan Public Protection Force providing security or force protection for members of the Armed Forces deployed to Afghanistan are independently screened and vetted by members of the Armed Forces of the United States.

(f) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the end of each quarter of fiscal years 2013 and 2014, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(A) Data on attempted and successful attacks by the Afghan National Security Forces, the Afghan Public Protection Force, and private security contractors on United States Armed Forces and civilian personnel of the Department of Defense.

(B) The number of members of the United States Armed Forces and civilian personnel of the Department of Defense wounded or killed due to such attacks.
(C) A description of tactical or covert methods used in such attacks and a description of motivations for such attacks.

(2) ADDITIONAL INFORMATION.—The first report submitted following the date of the enactment of this Act and the report submitted for the first quarter of fiscal year 2014 shall also include the following:

(A) Actions the Department of Defense is taking to monitor indicators and early warning signs of infiltration or co-option of the Afghan National Security Forces, the Afghan Public Protection Force, and private security contractors.

(B) The methodology and systematic approach to resolving disputes between the Afghan National Security Forces and United States Armed Forces and civilian personnel of the Department of Defense when such disputes arise.

(g) DEFINITION.—In this section, the term “members of the Armed Forces deployed to Afghanistan” means members of the Armed Forces deployed to Afghanistan in support of the International Security Assistance Force in Afghanistan and members of the Armed Forces of the
United States deployed to Afghanistan in support of Operation Enduring Freedom.

SEC. 1215. REPORT ON UPDATES AND MODIFICATIONS TO CAMPAIGN PLAN FOR AFGHANISTAN.

(a) Report Required.—Not later than 180 days after the date on which any substantial update or modification is made to the campaign plan for Afghanistan (including the supporting and implementing documents for such plan), the Comptroller General of the United States shall submit to the congressional defense committees a report on the updated or modified plan, including an assessment of the updated or modified plan.

(b) Exception.—The requirement to submit a report under subsection (a) on any substantial update or modification to the campaign plan for Afghanistan shall not apply if the Comptroller General—

(1) determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirement to submit the report under subsection (a); and

(2) notifies the congressional defense committees in writing of the determination under paragraph (1).
(c) TERMINATION.—The requirement to submit a report under subsection (a) on any substantial update or modification to the campaign plan for Afghanistan shall terminate on September 30, 2014.

(d) REPEAL.—Section 1226 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525) is repealed.

SEC. 1216. UNITED STATES MILITARY SUPPORT IN AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) following Al Qaeda’s attacks on the United States on September 11, 2001, United States and coalition forces have achieved significant progress toward security and stability in Afghanistan;

(2) as the United States completes transfer of the lead for security to the Afghan National Security Forces by the end of 2014, the United States should ensure that the gains in security are maintained;

(3) the United States mission in Afghanistan continues to be to disrupt, dismantle, and defeat al Qaeda, as well as to prevent its return to either Afghanistan or Pakistan;

(4) the specific objectives in Afghanistan are to deny safe haven to Al Qaeda and to deny the
Taliban the ability to overthrow the Afghan Government;

(5) the Taliban, Haqqanis, and associated insurgents continue to enjoy safe havens in Pakistan, but are unlikely to be capable of overthrowing the Afghan Government unless the United States withdraws forces precipitously from Afghanistan;

(6) the Haqqani Network provides unique capabilities and capacity to the Afghan Taliban, and additionally, serves as a combat multiplier to the Afghan insurgency due to its geographic primacy over the key terrain of the Paktika, Paktia, and Khost provinces, as well as North and South Waziristan, and willingness to introduce international weaponry and technology into the battle space and serve as the reception point and integrator of international foreign fighters into the Afghan insurgency;

(7) the Haqqani Network has been the most important Afghan-based protector of Al Qaeda;

(8) the unique capabilities and effects brought to the battle space by the Haqqani Network necessitate that the Government of Afghanistan should have superior operational capacity in order to maintain the security of Afghanistan over time;
(9) the United States military should not maintain an indefinite combat mission in Afghanistan and should transition to a counter-terrorism and advise and assist mission at the earliest practicable date, consistent with conditions on the ground;

(10) significant uncertainty exists within Afghanistan regarding the level of future United States military support; and

(11) in order to reduce this uncertainty, and to promote further stability and security in Afghanistan, the President should—

(A) fully consider the International Security Assistance Force Commander’s assessment regarding the need for the United States to maintain a “significant combat presence through 2013”;

(B) maintain a force of at least 68,000 troops through December 31, 2014, unless fewer forces can achieve United States objectives;

(C) maintain a credible troop presence after December 31, 2014, sufficient to conduct counter-terrorism and train and advise the Afghan National Security Forces, consistent with
the Strategic Partnership Agreement (signed on May 2, 2012); and

(D) maintain sufficient funding for the Afghan National Security Forces to accomplish the objectives described in paragraphs (3), (4), and (8).

(b) NOTIFICATION.—The President shall notify the congressional defense committees of any decision to reduce the number of United States Armed Forces deployed in Afghanistan below the number of such Armed Forces deployed in Afghanistan on—

(1) December 31, 2012;

(2) December 31, 2013; and

(3) December 31, 2014,

prior to any public announcement of any such decision to reduce the number of United States Armed Forces deployed in Afghanistan.

(c) MATTERS TO INCLUDE IN NOTIFICATION.—As part of a notification required by subsection (b), the President shall—

(1) provide an assessment of the relevant security risk metrics associated with the marginal reduction in force levels; and

(2) provide a by-unit assessment of the operational capability of the Afghan National Security
Forces to independently conduct the required operations to maintain security in Afghanistan.

SEC. 1217. EXTENSION AND MODIFICATION OF PAKISTAN COUNTERINSURGENCY FUND.

(a) In General.—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521), as most recently amended by section 1220 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633), is further amended by striking “September 30, 2012” both places it appears and inserting “September 30, 2013”.

(b) Limitation on Funds Subject to Report and Updates.—Section 1220(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633) is amended—

(1) in the heading of paragraph (1), by inserting “FOR FISCAL YEAR 2012” after “FUNDS”;

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

(3) by inserting after paragraph (1) the following:

“(2) Limitation on Funds for Fiscal Year 2013; Report Required.—Of the amounts appropriated or transferred to the Fund for fiscal year
2013, not more than 10 percent of such amounts
may be obligated or expended until 30 days after the
date on which the Secretary of Defense, with the
concurrence of the Secretary of State, submits to the
appropriate congressional committees an update of
the report required under paragraph (1).”;

(4) in paragraph (3) (as redesignated)—

(A) by inserting “after fiscal year 2013”
after “any fiscal year”;

(B) by striking “requested to be”; and

(C) by striking “at the same time that the
President’s budget is submitted pursuant to
section 1105(a) of title 31, United States
Code” and inserting “not later than 45 days be-
fore amounts in the Fund are made available to
the Secretary of Defense”; and

(5) in paragraph (4) (as redesignated), by strik-
ing “the update required under paragraph (2)” and
inserting “the updates required under paragraphs
(2) and (3)”.

SEC. 1218. MODIFICATION OF REPORT ON PROGRESS TO-
WARD SECURITY AND STABILITY IN AFGHAN-
ISTAN.

(a) IN GENERAL.—Section 1230 of the National De-
fense Authorization Act for Fiscal Year 2008 (Public Law
110–181; 122 Stat. 385), as most recently amended by section 1218(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

“(e) ADDITIONAL MATTERS TO BE INCLUDED ON AFGHANISTAN NATIONAL SECURITY FORCES.—In reporting on performance indicators and measures of progress required under subsection (d)(2)(D), the report required under subsection (a) shall assess the following:

“(1) For overall Afghanistan National Security Forces (ANSF):

“(A) Overall Afghan National Army (ANA) and Afghan National Police (ANP) literacy rate; ANA and ANP literacy rate by region; ANSF literacy rate by Kandak, Brigade, and Corps; trends over time; and how literacy improvements have enhanced associated mission essential competencies and professionalization of the ANSF.

“(B) An assessment of the ANA and the ANP interaction with the Afghan civilian popu-
lation, respect for human rights, and associated professional education.

“(C) By fiscal year (current and one-year projected) budget requirements.

“(D) A by-country outline of contributions for the current fiscal year and one-year projected fiscal year.

“(E) By-Kandak Mission Essential Task List proficiency.

“(2) For recruitment:

“(A) Outline of screening criteria.

“(B) Literacy rate of all recruits.

“(C) Outline of the security vetting procedures.

“(D) Percentage screened that are not eligible to serve.

“(E) Percentage screened that report for entry level training.

“(F) Percentage attained of the required ANA end strength, of the ANP end strength, and overall ANSF end strength.

“(G) Trends in each above mentioned category from the prior fiscal year through the current report deadline.

“(3) For entry-level training:
“(A) Percentage that entered and successfully complete training.

“(B) A by-specialty list of all recruits that fail to graduate entry level training for the ANA and ANP.

“(C) Percentage of recruits that become unaccounted (UA) for or are ‘Absent Without Leave’ (AWOL) during training.

“(D) Trends in each above mentioned category from the prior fiscal year through the current report deadline.

“(4) For personnel administration:

“(A) Percentage of the ANSF that was paid on time.

“(B) UA/AWOL rate by Kandak, Brigade, and Corps.

“(C) Trends in each above mentioned category from the prior fiscal year through the current report deadline.

“(5) For professionalization of the ANSF:

“(A) Percentage of noncommissioned officer corps personnel as compared to noncommissioned officer corps end-strength requirements.
“(B) Number of enlisted, noncommissioned 
officer corps, and officers that complete con-
tinuing education.

“(C) An assessment of the noncommis-
sioned officer corps continuing education pro-
gram.

“(6) For retention:

“(A) On average time ANA and ANP per-
sonnel remain in their respective units.

“(B) By-fiscal year, by-Kandak percentage 
of personnel retained and personnel attrition 
from the prior fiscal year through the current 
report deadline.

“(7) For logistics:

“(A) On average percentage shortfall, by 
Kandak, of Class I-IX supplies, which includes 
Class I - Food, rations, and water; Class II – 
Clothing; Class III - Petroleum, oils, and lubric-
cants; Class IV - Fortification and barrier ma-
terials; Class V – Ammunition; Class VII - 
Major End Items; Class VIII - Medical sup-
plies; and Class IX - Repair Parts.

“(B) On average number of days to fill 
supply requests to address operational short-
falls.
“(C) Operational readiness rate for all mission essential equipment by Kandak, Brigade, and Corps.

“(8) For transition:

“(A) Provide the framework that ISAF, in conjunction with the Afghan government, uses to synthesize ANSF performance metrics and adjudicate transition of ANSF units through proficiency levels.

“(B) A by-Kandak analysis of the on average time to transition between proficiency levels since inception of the ANSF transition.

“(C) A by-region overview of the force structure mix that is correlated with the evolution of threat picture in the region.”.

(b) Effective Date.—The amendments made this section apply with respect to any report required to be submitted under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) on or after the date of the enactment of this Act.

SEC. 1219. LIMITATION ON USE OF FUNDS UNDER THE PAKISTAN COUNTERINSURGENCY FUND.

(a) Limitation.—None of the funds authorized to be appropriated by this Act for the Pakistan Counter-
insurgency Fund may be used to provide assistance to the
Government of Pakistan until the Secretary of Defense,
in consultation with the Secretary of State, certifies to the
appropriate congressional committees that the Govern-
ment of Pakistan is demonstrating a continuing commit-
tment to and is making significant efforts toward the im-
plementation of a strategy to counter improvised explosive
devices (IEDs), including—

(1) attacking IED networks;
(2) monitoring known precursors used in IEDs;

and
(3) developing a strict protocol for the manufac-
ture of explosive materials, including calcium ammo-
nium nitrate, and accessories and their supply to le-
gitimate end users.

(b) WAIVER.—The Secretary of Defense, in consulta-
tion with the Secretary of State, may waive the require-
ments of subsection (a) if the Secretary determines it is
in the national security interest of the United States to
do so.

(c) DEFINITION.—In this section, the term “appro-
priate congressional committees” means—

(1) the congressional defense committees; and
(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Subtitle C—Matters Relating to Iran

SEC. 1221. DECLARATION OF POLICY.

(a) Findings.—Congress makes the following findings:

(1) Iran, which has long sought to foment instability and promote extremism in the Middle East, is now seeking to exploit the dramatic political transition underway in the region to undermine governments traditionally aligned with the United States and support extremist political movements in these countries.

(2) At the same time, Iran may soon attain a nuclear weapons capability, a development that would threaten United States interests, destabilize the region, encourage regional nuclear proliferation, further empower and embolden Iran, the world’s leading state sponsor of terrorism, and provide it the tools to threaten its neighbors, including Israel.

(3) With the assistance of Iran over the past several years, Syria, Hezbollah, and Hamas have increased their stockpiles of rockets, with more than
60,000 rockets now ready to be fired at Israel. Iran continues to add to its arsenal of ballistic missiles and cruise missiles, which threaten Iran’s neighbors, Israel, and United States Armed Forces in the region.

(4) Preventing Iran from acquiring a nuclear weapon is among the most urgent national security challenges facing the United States.

(5) Successive United States administrations have stated that an Iran armed with a nuclear weapon is unacceptable.

(6) President Obama stated on January 24, 2012, “Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal.”

(7) In order to prevent Iran from developing nuclear weapons, the United States, in cooperation with its allies, must utilize all elements of national power including diplomacy, robust economic sanctions, and credible, visible preparations for a military option.

(8) Nevertheless, to date, diplomatic overtures, sanctions, and other non-kinetic actions toward Iran
have not caused the Government of Iran to abandon its nuclear weapons program.

(9) With the impact of additional sanctions uncertain, additional pressure on the Government of Iran could come from the credible threat of military action against Iran’s nuclear program.

(b) DECLARATION OF POLICY.—It shall be the policy of the United States to take all necessary measures, including military action if required, to prevent Iran from threatening the United States, its allies, or Iran’s neighbors with a nuclear weapon.

SEC. 1222. UNITED STATES MILITARY PREPAREDNESS IN THE MIDDLE EAST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) military exercises conducted in the Persian Gulf and Gulf of Oman emphasize the United States resolve and the policy of the United States described in section 1221(b) by enhancing the readiness of the United States military and allied forces, as well as signaling to the Government of Iran the commitment of the United States to defend its vital national security interests; and

(2) the President, as Commander in Chief, should augment the presence of the United States
Fifth Fleet in the Middle East and to conduct military deployments, exercises, or other visible, concrete military readiness activities to underscore the policy of the United States described in section 1221(b).

(b) PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall prepare a plan to augment the presence of the United States Fifth Fleet in the Middle East and to conduct military deployments, exercises, or other visible, concrete military readiness activities to underscore the policy of the United States described in section 1221(b).

(2) MATTERS TO BE INCLUDED.—The plan required under paragraph (1) shall include, at a minimum, steps necessary for the Armed Forces to support the policy of the United States described in section 1221(b), including—

(A) pre-positioning sufficient supplies of aircraft, munitions, fuel, and other materials for both air- and sea-based missions at key forward locations in the Middle East and Indian Ocean;

(B) maintaining sufficient naval assets in the region necessary to signal United States resolve and to bolster United States capabilities
to launch a sustained sea and air campaign against a range of Iranian nuclear and military targets, to protect seaborne shipping, and to deny Iranian retaliation against United States interests in the region;

(C) discussing the viability of deploying at least two United States aircraft carriers, an additional large deck amphibious ship, and a Mine Countermeasures Squadron in the region on a continual basis, in support of the actions described in subparagraph (B); and

(D) conducting naval fleet exercises similar to the United States Fifth Fleet's major exercise in the region in March 2007 to demonstrate ability to keep the Strait of Hormuz open and to counter the use of anti-ship missiles and swarming high-speed boats.

(3) Submission to Congress.—The plan required under paragraph (1) shall be submitted to the congressional defense committees not later than 120 days after the date of enactment of this Act.

SEC. 1223. ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) In General.—Section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542) is amended—
(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) COMBATANT COMMANDER ASSESSMENT.—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an identification and assessment of the Commander of the United States Central Command on the following:

“(1) Any critical gaps in intelligence that limit the ability of the Commander to counter threats emanating from Iran.

“(2) Any gaps in the capabilities, capacity, and authorities of the Commander to counter Iranian threats to United States Armed Forces and United States interests in the region.

“(3) Any gaps in the capabilities and capacity of the Commander to take military action against Iran to prevent Iran from developing a nuclear weapon.

“(4) Any other matters the Commander considers to be relevant.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to each report required
to be submitted under section 1245 of the National De-
defense Authorization Act for Fiscal Year 2010 on or after such date of enactment.

SEC. 1224. ENHANCING THE DEFENSE OF ISRAEL AND UNITED STATES INTERESTS IN THE MIDDLE EAST.

(a) Sense of Congress.—It is the sense of Con-
gress that the United States should take the following ac-
tions to assist in the defense of Israel:

(1) Provide Israel such support as may be nec-
essary to increase development and production of joint missile defense systems, particularly such sys-
tems that defend the urgent threat posed to Israel and United States forces in the region.

(2) Provide Israel defense articles, intelligence, and defense services through such mechanisms as appropriate, to include air refueling tankers, missile defense capabilities, and specialized munitions.

(3) Allocate additional weaponry and munitions for the forward-deployed United States stockpile in Israel.

(4) Provide Israel additional surplus defense ar-
ticles and defense services, as appropriate, in the wake of the withdrawal of United States forces from Iraq.
(5) Offer the Israeli Air Force additional training and exercise opportunities in the United States to compensate for Israel’s limited air space.

(6) Expand Israel’s authority to make purchases under section 23 of the Arms Export Control Act (relating to the “Foreign Military Financing” program) on a commercial basis.

(7) Seek to enhance the capabilities of the United States and Israel to address emerging common threats, increase security cooperation, and expand joint military exercises.

(8) Encourage an expanded role for Israel within the North Atlantic Treaty Organization (NATO), including an enhanced presence at NATO headquarters and exercises.

(9) Support extension of the long-standing loan guarantee program for Israel, recognizing Israel’s unbroken record of repaying its loans on time and in full.

(10) Expand already-close intelligence cooperation, including satellite intelligence, with Israel.

(b) REPORT ON ISRAEL’S QUALITATIVE MILITARY EDGE.—

(1) STATEMENT OF POLICY.—It is the policy of the United States—
(A) to help Israel preserve its qualitative military edge amid rapid and uncertain regional political transformation; and

(B) to encourage further development of advanced technology programs between the United States and Israel in light of current trends and instability in the region.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the status of Israel’s qualitative military edge in light of current trends and instability in the region.

(c) REPORT ON OTHER MATTERS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on each of the following:

(1) Taking into account Israel’s urgent requirement for F-35 aircraft, actions to improve the process relating to Israel’s purchase of F-35 aircraft to improve cost efficiency and timely delivery.

(2) Efforts to expand cooperation between the United States and Israel in homeland defense, counter-terrorism, maritime security, cybersecurity, and other appropriate areas.
(3) Actions to integrate Israel into the defense of the Eastern Mediterranean.

SEC. 1225. PLAN TO ENHANCE MILITARY CAPABILITIES OF PERSIAN GULF ALLIES.

(a) PLAN.—The Secretary of Defense, in consultation with the Secretary of State, shall develop a plan to enhance the military capabilities of Persian Gulf allies to bolster the posture of such allies in relation to Iran.

(b) MATTERS TO BE INCLUDED.—The plan required under subsection (a) shall include the following:

(1) A description of the means to augment the offensive strike capabilities of key Gulf Cooperation Council allies, including the potential sale or upgrades of strike attack aircraft and bunker buster munitions, to augment the viability of a credible military option and to strengthen such allies’ self-defense capabilities against retaliation or military aggression by Iran.

(2) A needs-based assessment, or an update to an existing needs-based assessment, of the military requirements of Persian Gulf allies to support a credible military option and to defend against potential military aggression by Iran.

(3) A detailed summary of any arms sales and training requests by Persian Gulf allies and a de-
scription and justification for United States actions taken.

(c) **RULE OF CONSTRUCTION.**—Nothing in the plan required under subsection (a) shall be construed to alter Israel’s qualitative military edge.

(d) **SUBMISSION TO CONGRESS.**—The plan required under subsection (a) shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act.

(e) **FORM.**—The plan required under subsection (a) shall be submitted in an unclassified form, but may contain a classified annex.

**SEC. 1226. PLAN TO INCREASE STRATEGIC REGIONAL PARTNERSHIPS.**

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

(1) The United States should ensure that it has the broadest set of geographic approaches to militarily access Iran.

(2) United States Armed Forces and support staff currently have access from the eastern, southern, and western borders of Iran.

(3) Azerbaijan borders the northern frontier of Iran closest to nuclear sites near Tehran and the Government of Azerbaijan cooperates with the
United States on Caspian Sea security and energy issues.

(b) Policy.—It shall be the policy of the United States to—

(1) increase pressure on Iran by providing United States Armed Forces with the broadest set of geographic approaches to militarily access Iran; and

(2) explore means to enhance access to military facilities on the northern border of Iran.

c) Plan.—

(1) In General.—The Secretary of Defense, in consultation with the Secretary of State, shall develop a plan to increase the strategic partnership with regional allies to provide United States Armed Forces with the broadest set of geographic approaches to militarily access Iran.

(2) Matters to Be Included.—The plan required under paragraph (1) shall include the following information:

(A) Mechanisms to broaden the geographical approaches to militarily access Iran.

(B) The need, if any, to strengthen the self-defense capabilities of regional allies as a result of such partnerships.
(C) The viability of increasing access for United States Armed Forces to bases in Azerbaijan to augment the viability of a credible military option.

(3) Submission to Congress.—The plan required under paragraph (1) shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act.

SEC. 1227. DEFINITIONS.

In this subtitle:

(1) Appropriate congressional committees.—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) Qualitative military edge.—The term “qualitative military edge” has the meaning given the term in section 36(h)(2) of the Arms Export Control Act (22 U.S.C. 2776(h)(2)).
SEC. 1228. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as authorizing the use of force against Iran.

Subtitle D—Reports and Other Matters

SEC. 1231. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE’S REPUBLIC OF CHINA.

(a) In General.—Subsection (b) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note), as most recently amended by section 1238 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1642), is further amended—

(1) by redesignating paragraphs (10), (11), and (12) as paragraphs (12), (13), and (14), respectively; and

(2) by inserting after paragraph (9) the following:

“(10) The strategy, goals, and capabilities of Chinese space programs, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities, and efforts to develop, acquire, or gain access
to advanced technologies that would enhance Chinese military capabilities.

“(11) The strategy, goals, and capabilities of Chinese cyber activities, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities. Relevant analyses and forecasts shall consider—

“(A) Chinese cyber activities directed against the Department of Defense;

“(B) potential harms that may affect Department of Defense communications, computers, networks, systems, or other military assets as a result of a cyber attack; and

“(C) any other developments regarding Chinese cyber activities that the Secretary of Defense determines are relevant to the national security of the United States.”.

(b) COMBATANT COMMANDER ASSESSMENT.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:
“(c) Combatant Commander Assessment.—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an identification and assessment of the Commander of the United States Pacific Command on the following:

“(1) Any gaps in intelligence that limit the ability of the Commander to address challenges posed by the People’s Republic of China.

“(2) Any gaps in the capabilities, capacity, and authorities of the Commander to address challenges posed by the People’s Republic of China to United States Armed Forces and United States interests in the region.

“(3) Any other matters the Commander considers to be relevant.”.

(e) Effective Date.—The amendments made by subsections (a) and (b) take effect on the date of the enactment of this Act and apply with respect to each report required to be submitted under section 1202 of the National Defense Authorization Act for Fiscal Year 2000 on or after such date of enactment.
SEC. 1232. REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) ADDITIONAL REPORT.—Subsection (a) of section 1236 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1641) is amended by inserting after “November 1, 2012,” the following: “and November 1, 2013,”.

(b) COMBATANT COMMANDER ASSESSMENT.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) COMBATANT COMMANDER ASSESSMENT.—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an identification and assessment of the Commander of the United States Pacific Command on the following:

“(1) Any gaps in intelligence that limit the ability of the Commander to counter threats emanating from North Korea.

“(2) Any gaps in the capabilities, capacity, and authorities of the Commander to counter North Korean threats to United States Armed Forces and United States interests in the region.
“(3) Any other matters the Commander considers to be relevant.”.

SEC. 1233. REPORT ON HOST NATION SUPPORT FOR OVERSEAS UNITED STATES MILITARY INSTALLATIONS AND UNITED STATES ARMED FORCES DEPLOYED IN COUNTRY.

(a) Report Required.—

(1) In general.—Not later than March 1 of each year from 2013 through 2015, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the direct, indirect, and burden-sharing contributions made by host nations to support United States Armed Forces deployed in country.

(2) Elements.—The report required by paragraph (1) shall include at least the following:

(A) The methodology and accounting procedures used to measure and track direct, indirect, and burden-sharing contributions made by host nations.

(B) The stationing costs, paid by the host nation, associated with United States Armed Forces stationed outside the territory of the United States in that nation.
(C) A description of direct, indirect, and burden-sharing contributions by host nation, including the following:

(i) Contributions accepted for the following costs:

(I) Compensation for local national employees of the Department of Defense.

(II) Military construction projects of the Department of Defense, including design, procurement, construction management costs, rents on privately-owned land, facilities, labor, utilities and vicinity improvements.

(III) Other costs such as loan guarantees on public-private venture housing and payment-in-kind for facilities returned to the host nation.

(ii) Contributions accepted for any other purpose.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex if necessary.

(c) DEFINITIONS.—In this section:
(1) **Appropriate Congressional Committees.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) **Host Nation.**—The term “host nation” means any country that hosts a permanent or temporary United States military installation or a permanent or rotational deployment of United States Armed Forces located outside of the borders of the United States.

(3) **Contributions.**—The term “contributions” means cash and in-kind contributions made by a host nation that replace expenditures that would otherwise be made by the Secretary of Defense using funds appropriated or otherwise made available in defense appropriations Acts.

**SEC. 1234. NATO SPECIAL OPERATIONS HEADQUARTERS.**

(a) **In General.**—Section 1244(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541), as amended by section 1242 of the Ike Skelton National Defense Authorization
Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4405), is further amended by striking “fiscal year 2011” and inserting “fiscal year 2013”.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the NATO Special Operations Headquarters, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Defense finalizes and formalizes United States Special Operations Command as the executive agent and lead component for the NATO Special Operations Headquarters.

SEC. 1235. REPORTS ON EXPORTS OF MISSILE DEFENSE TECHNOLOGY TO CERTAIN COUNTRIES.

(a) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and each year thereafter through 2015, the Secretary of Defense shall submit to the appropriate congressional committees a report on the following:

(1) A description of the types of assistance, including assistance relating to missile defense, provided by the Department of Defense to foreign countries that export space, counter-space, and ballistic missile equipment, material, and technologies that
could be used in other countries’ space, counter-
space, and ballistic missile programs.

(2) A description of such exports to countries
with space, counter-space, and ballistic missile pro-
grams, including a description of specific tech-
nologies that are exported to such countries.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES

DEFINED.—In this section, the term “appropriate con-
gressional committees” means—

(1) the congressional defense committees; and

(2) the Committee of Foreign Relations of the
Senate and the Committee on Foreign Affairs of the
House of Representatives.

SEC. 1236. LIMITATION ON FUNDS TO PROVIDE THE RUSSIAN FEDERATION WITH ACCESS TO MISSILE
DEFENSE TECHNOLOGY.

(a) LIMITATION ON FUNDS FOR CLASSIFIED TECHNOLOGY AND DATA.—

(1) IN GENERAL.—None of the funds made
available for fiscal years 2012 or 2013 for the De-
partment of Defense may be used to provide the
Russian Federation with access to information that
is classified or was classified as of January 2, 2012,
(A) missile defense technology of the United States, including hit-to-kill technology; or

(B) data, including sensitive technical data, warning, detection, tracking, targeting, telemetry, command and control, and battle management data, that support the missile defense capabilities of the United States.

(2) Applicability.—The limitation in paragraph (1) shall apply with respect to the use of funds on or after the date of the enactment of this Act.

(b) Limitation on Funds for Other Technology and Data.—

(1) In General.—None of the funds made available for fiscal years 2012 or 2013 for the Department of Defense may be used to provide the Russian Federation with access to missile defense technology or technical data not described in subsection (a) unless—

(A) the President submits to the appropriate congressional committees—

(i) a report that contains a description of—
(I) the specific missile defense technology or technical data to be provided to the Russian Federation, the reasons for providing such technology or data, and how the technology or technical data is intended to be used;

(II) the measures necessary to protect the technology or technical data;

(III) the specific missile defense technology or technical data of the Russian Federation that the Russian Federation is providing the United States with access to; and

(IV) the status and substance of discussions between the United States and the Russian Federation on missile defense matters; and

(ii) written certification by the President that providing the Russian Federation with access to such missile defense technology or technical data—

(I) includes an agreement on prohibiting access to such technology or data by any other country or entity;
(II) will not enable the development of countermeasures to any missile defense system of the United States or otherwise undermine the effectiveness of any such missile defense system; and

(III) will correspond to equitable access by the United States to missile defense technology or technical data of the Russian Federation; and

(B) a period of 30 days has elapsed following the date on which the President submits to the appropriate congressional committees the report and written certification under subparagraph (A).

(2) APPLICABILITY.—The limitation in paragraph (1) shall apply with respect to the use of funds on or after the date of the enactment of this Act.

(e) FORM.—The report described in clause (i) of subsection (b)(1)(A) and the certification described in clause (ii) of such subsection shall be submitted in unclassified form, but may contain a classified annex, if necessary.
(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1237. INTERNATIONAL AGREEMENTS RELATING TO MISSILE DEFENSE.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that an agreement regarding missile defense cooperation between the United States and the Russian Federation that is negotiated with the Russian Federation through the North Atlantic Treaty Organization (“NATO”) or a provision to amend the charter of the NATO–Russia Council, should not be considered legally or politically binding unless the agreement is—

(1) specifically approved with the advice and consent of the Senate pursuant to article II, section 2, clause 2 of the Constitution; or

(2) specifically authorized by an Act of Congress.

(b) **MISSILE DEFENSE AGREEMENTS.**—
(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 130f. International agreements relating to missile defense

“(a) IN GENERAL.—In accordance with the understanding under subsection (b)(1)(B) of the Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate, any agreement with a country or international organization or amendment to the New START Treaty (including an agreement made by the Bilateral Consultative Commission established by the New START Treaty) concerning the limitation of the missile defense capabilities of the United States shall not be binding on the United States, and shall not enter into force with respect to the United States, unless after the date of the enactment of this section, such agreement or amendment is—

“(1) specifically approved with the advice and consent of the Senate pursuant to article II, section 2, clause 2 of the Constitution; or

“(2) specifically authorized by an Act of Congress.

“(b) ANNUAL NOTIFICATION.—Not later than January 31 of each year, beginning in 2013, the President shall
submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification of—

“(1) whether the Russian Federation has recognized during the previous year the sovereign right of the United States to pursue quantitative and qualitative improvements in missile defense capabilities; and

“(2) whether during any treaty negotiations or other Government-to-Government contacts between the United States and the Russian Federation (including under the auspices of the Bilateral Consultative Commission established by the New START Treaty) during the previous year a representative of the Russian Federation suggested that a treaty or other international agreement include, with respect to the United States—

“(A) restricting missile defense capabilities, military capabilities in space, or conventional prompt global strike capabilities; or

“(B) reducing the number of non-strategic nuclear weapons deployed in Europe.

“(c) New START Treaty Defined.—In this section, the term ‘New START Treaty’ means the Treaty be-
between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.”.

(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130e the following new item:

“130f. International agreements relating to missile defense.”.

(c) Defense Technology Cooperation Agreements.—

(1) In General.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2350n. Defense technology cooperation agreements between the United States and the Russian Federation

“(a) In General.—None of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to implement a defense technology cooperation agreement entered into between the United States and the Russian Federation until a period of 60 days has elapsed following the date on which the President transmits such agreement to the congressional defense committees.
“(b) Defense Technology Cooperation Agreement Defined.—In this section, the term ‘defense technology cooperation agreement’ means a cooperative agreement related to research and development entered into under section 2358 of this title or any other provision of this title.”.

(2) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2350m the following new item:

“2350n. Defense technology cooperation agreement between the United States and the Russian Federation.”.

(d) Limitation on Missile Defense Negotiation.—

(1) In general.—None of the funds made available for fiscal years 2012 or 2013 for the Department of Defense may be used to implement an agreement regarding missile defense entered into with the Russian Federation until the date that is 30 days after the date on which the President transmits to the appropriate congressional committees the draft agreement discussed between the United States and the Russian Federation at Deauville, France, in May 2011.

(2) Applicability.—The limitation in paragraph (1) shall apply with respect to the use of
funds on or after the date of the enactment of this
Act.

(3) Appropriately Congressional Committee Defined.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1238. LIMITATION ON ASSISTANCE TO PROVIDE TEAR GAS OR OTHER RIOT CONTROL ITEMS.

None of the funds authorized to be appropriated by this Act may be used to provide tear gas or other riot control items to the government of a country undergoing a transition to democracy in the Middle East or North Africa unless the Secretary of Defense certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that the security forces of such government are not using excessive force to repress peaceful, lawful, and organized dissent.
SEC. 1239. REQUIREMENT TO SUBMIT TO CONGRESS A PLAN FOR A FOREIGN INFRASTRUCTURE PROJECT USING FUNDS MADE AVAILABLE FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) Plan Required.—Not later than 60 days prior to the commencement of a covered infrastructure project, the head of the Federal department or agency with primary responsibility for carrying out the project shall submit to Congress a plan to carry out and sustain the project.

(b) Matters to Be Included.—The plan shall include a description of the following:

(1) The total amount of funds to be obligated and expended under the project, including the total amount of funds to be contributed from other sources.

(2) How the project will be maintained after its completion, who will be responsible for maintaining the project, and who will contribute funds for maintaining the project.

(3) How the project will be protected after its completion.

(c) Covered Infrastructure Project.—In this section, the term “covered infrastructure project” or “project” means a project to improve the infrastructure of a foreign country under which the United States con-
tributes not less than $1,000,000 from funds made available for overseas contingency operations.

(d) Effective Date.—This section takes effect on the date of the enactment of this Act and applies with respect covered infrastructure projects commenced on or after 60 days after such date of enactment.

SEC. 1240. SALE OF F–16 AIRCRAFT TO TAIWAN.

The President shall carry out the sale of no fewer than 66 F–16C/D multirole fighter aircraft to Taiwan.

SEC. 1240A. LIMITATION ON FUNDS FOR INSTITUTIONS ORGANIZATIONS ESTABLISHED BY THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.

None of the funds authorized to be appropriated by this Act may be made available for any institution or organization established by the United Nations Convention on the Law of the Sea, including the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf.

SEC. 1240B. REMOVAL OF BRIGADE COMBAT TEAMS FROM EUROPE.

(a) Finding.—Congress finds that, because defense spending among European NATO countries fell 12% since 2008, from $314 billion to $275 billion, so that currently
only 4 out of the 28 NATO allies of the United States are spending the widely agreed-to standard of 2% of their GDP on defense, the United States must look to more wisely allocate scarce resources to provide for the national defense.

(b) Removal Authorized.—The President is authorized and requested to end the permanent basing of units of the United States Armed Forces in European member nations of the North Atlantic Treaty Organization and return the four Brigade Combat Teams currently stationed in Europe to the United States.

(c) Use of Rotational Forces to Satisfy Security Needs.—It is the policy of the United States that the deployment of units of the United States Armed Forces on a rotational basis at military installations in European member nations of the North Atlantic Treaty Organization pursuant to the Army Force Generation (ARFORGEN) process is a force-structure arrangement sufficient to permit the United States—

(1) to satisfy the commitments undertaken by United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);
(2) to address the current security environment in Europe; and

(3) to contribute to peace and stability in Europe.

SEC. 1240C. LIMITATION ON FUNDS FOR UNITED STATES PARTICIPATION IN JOINT MILITARY EXERCISES WITH EGYPT.

None of the funds authorized to be appropriated by this Act may be made available for United States participation in joint military exercises with Egypt if the Government of Egypt terminates or withdraws from the 1979 Israeli-Egypt peace treaty.

Subtitle E—Authority to Remove Satellites and Related Components and Technology From the United States Munitions List

SEC. 1241. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY FROM THE UNITED STATES MUNITIONS LIST.

(a) AUTHORITY.—Subject to subsection (b), the President is authorized to remove commercial satellites and related components and technology from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).
(b) **DETERMINATION.**—The President may exercise the authority provided in subsection (a) only if the President submits to the appropriate congressional committees a determination that the transfer of commercial satellites and related components and technology from the United States Munitions List does not pose an unacceptable risk to the national security of the United States. Such determination shall include a description of the risk-mitigating controls, procedures, and safeguards the President will put in place to reduce such risk to an absolute minimum.

(c) **PROHIBITION.**—No license or other authorization for export shall be granted for the transfer, retransfer, or reexport of any commercial satellite or related component or technology contained on the Commerce Control List to any person or entity of the following:

(1) The People’s Republic of China.

(2) Cuba.

(3) Iran.

(4) North Korea.

(5) Sudan.

(6) Syria.

(7) Any other country with respect to which the United States would deny the application for licenses and other approvals for exports and imports of de-
fense articles under section 126.1 of the International Traffic in Arms Regulations.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees on efforts of state sponsors of terrorism, other foreign countries, or entities to illicitly acquire commercial satellites and related components and technology.

(2) FORM.—Such report shall be submitted in unclassified form, but may contain a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.
SEC. 1242. REPORT ON LICENSES AND OTHER AUTHORIZATIONS TO EXPORT COMMERCIAL SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY CONTAINED ON THE COMMERCE CONTROL LIST.

(a) IN GENERAL.—Not later than 60 days after the end of each calendar quarter, the President shall transmit to the Committee on Banking, Finance, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report containing a listing of all licenses and other authorizations to export commercial satellites and related components and technology contained on the Commerce Control List.

(b) FORM.—Such report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1243. REVIEW OF UNITED STATES MUNITIONS LIST.

Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)) is amended by striking the last sentence and inserting the following: “Such notice shall include, to the extent practicable, an enumeration of the item or items to be removed and describe the nature of any controls to be imposed on the item or items under any other provision of law.”
SEC. 1244. REPORT ON COUNTRY EXEMPTIONS FOR LICENSING OF EXPORTS OF MUNITIONS AND RELATED TECHNICAL DATA.

(a) In General.—Not later than 120 days after the date of the enactment of this Act, the Attorney General and Secretary of Homeland Security shall submit to the appropriate congressional committees a report that contains an assessment of the extent to which the terms and conditions of an exemption for foreign countries from the licensing requirements of the Commerce Munitions List (or analogous controls for commercial satellites and related components and technology) contain strong safeguards.

(b) Matters to Be Included.—The report shall include a compilation of sufficient documentation relating to the export of munitions, commercial spacecraft, and related technical data to facilitate law enforcement efforts to effectively detect, investigate, deter, and enforce criminal violations of any provision of the Export Administration Regulations, including efforts on the part of state sponsors of terrorism, other foreign countries, or entities to illicitly acquire such controlled United States technology.

(c) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1245. END-USE MONITORING OF MUNITIONS AND RELATED TECHNICAL DATA.

(a) Establishment of Monitoring Program.—In order to ensure accountability with respect to the export of munitions and related technical data on the Commerce Munitions List, the President shall establish a program to provide for the end-use monitoring of such munitions and related technical data.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report describing the actions taken to implement this section, including a detailed accounting of the costs and number of personnel associated with the program established under subsection (a).
SEC. 1246. INTERAGENCY PROCESS FOR MODIFICATION OF CATEGORY XV OF THE UNITED STATES MUNITIONS LIST.

(a) INTERAGENCY REVIEW.—Subject to the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), the President shall ensure that, through interagency procedures or regulations, the Secretary of State, the Secretary of Defense, the Secretary of Commerce, and as appropriate the Director of National Intelligence concur on all subsequent modifications to Category XV of the United States Munitions List (relating to spacecraft systems and associated equipment).

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on the results of the interagency reviews required by subsection (a).

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following matters:

(A) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.
(B) An assessment of the national security risks of removing certain space and space-related technologies identified under subparagraph (A) from the United States Munitions List.

(C) An examination of the degree to which other nations’ export control policies control or limit the export of space and space-related technologies for national security reasons.

(D) Recommendations for—

(i) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security review required under subsection (a);

(ii) the safeguards and verifications necessary to—

(I) prevent the proliferation and diversion of such space and space-related technologies;

(II) confirm appropriate end use and end users; and

(III) minimize the risk that such space and space-related technologies
could be use in foreign missile, space, or other applications that could pose a threat to the security of the United States; and

(iii) improvements to the space export control policy and processes of the United States that do not adversely affect United States national security.

(E) A description of and recommendations regarding how the United States industrial base and United States national security could be enhanced and strengthened through reforms to and amendments of export control laws and regulations.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.
SEC. 1247. DEFINITIONS.

In this subtitle:

(1) Commerce Munitions List.—The term “Commerce Munitions List” means items transferred from the United States Munitions List to the Commerce Control List and designated as “600 series” items on the Commerce Control List under the Export Administration Regulations, as proposed by the Bureau of Industry and Security of the Department of Commerce on July 15, 2011 (76 Fed. Reg. 41958), or any successor regulations.

(2) Commercial satellites and related components and technology.—The term “commercial satellites and related components and technology” means—

(A) communications satellites that do not contain classified components, including remote sensing satellites with performance parameters below thresholds identified on the United States Munitions List; and

(B) systems, subsystems, parts, and components associated with such satellites and with performance parameters below thresholds specified for items that would remain on the United States Munitions List.
(3) **Export Administration Regulations.**—The term “Export Administration Regulations” means the Export Administration Regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or any successor regulations.

(4) **State Sponsor of Terrorism.**—The term “state sponsor of terrorism” means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.

(5) **United States Munitions List.**—The term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

**TITLE XIII—COOPERATIVE THREAT REDUCTION**

**SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) **Specification of Cooperative Threat Reduction Programs.**—For purposes of section 301 and
other provisions of this Act, Cooperative Threat Reduction
programs are the programs specified in section 1501 of
the National Defense Authorization Act for Fiscal Year

(b) Fiscal Year 2013 Cooperative Threat Reduction Funds Defined.—As used in this title, the
term “fiscal year 2013 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the au-
thorization of appropriations in section 301 and made
available by the funding table in section 4301 for Cooper-
tive Threat Reduction programs.

c) Availability of Funds.—Funds appropriated
pursuant to the authorization of appropriations in section
301 and made available by the funding table in section
4301 for Cooperative Threat Reduction programs shall be
available for obligation for fiscal years 2013, 2014, and
2015.

SEC. 1302. FUNDING ALLOCATIONS.

(a) Funding for Specific Purposes.—Of the
$519,111,000 authorized to be appropriated to the De-
partment of Defense for fiscal year 2013 in section 301
and made available by the funding table in section 4301
for Cooperative Threat Reduction programs, the following
amounts may be obligated for the purposes specified:
(1) For strategic offensive arms elimination, $68,271,000.

(2) For chemical weapons destruction, $14,630,000.

(3) For global nuclear security, $99,789,000.

(4) For cooperative biological engagement, $276,399,000.

(5) For proliferation prevention, $32,402,000.

(6) For threat reduction engagement, $2,375,000.

(7) For activities designated as Other Assessments/Administrative Costs, $25,245,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2013 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2013 Cooperative Threat Reduction funds for a purpose for which the obligation or expendi-
ture of such funds is specifically prohibited under this title
or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—**

(1) **IN GENERAL.—** Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2013 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) **NOTICE-AND-WAIT REQUIRED.—** An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.
SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION ACTIVITIES WITH RUSSIAN FEDERATION.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for Cooperative Threat Reduction may be obligated or expended for cooperative threat reduction activities with the Russian Federation until the date that is 30 days after the date on which the Secretary of Defense certifies, in coordination with the Secretary of State, to the appropriate congressional committees that—

(1) Russia is no longer—

(A) providing direct or indirect support to the government of Syria’s suppression of the Syrian people; and

(B) transferring to Iran, North Korea, or Syria equipment and technology that have the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems controlled under multilateral control lists; or

(2) funds planned to be obligated or expended for cooperative threat reduction activities with the Russian Federation are strictly for project closeout activities and will not be used for new activities or activities that will extend beyond fiscal year 2013.
(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary determines that such waiver is in the national security interests of the United States;

(2) the Secretary briefs, in an unclassified form, the appropriate congressional committees on the justifications of such waiver; and

(3) a period of 90 days has elapsed following the date on which such briefing is held.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for
providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2013 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) Use.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.
SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

SEC. 1407. CEMETERIAL EXPENSES.

Funds are hereby authorized to be appropriated for the Department of the Army for fiscal year 2013 for cemeterial expenses, not otherwise provided for, as specified in the funding table in section 4501.
Subtitle B—National Defense

Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) Obligation of Stockpile Funds.—During fiscal year 2013, the National Defense Stockpile Manager may obligate up to $44,899,227 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) Additional Obligations.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) Limitations.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.
SEC. 1412. ADDITIONAL SECURITY OF STRATEGIC MATERIALS SUPPLY CHAINS.

Section 2(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a) is amended by inserting “or a single point of failure” after “foreign sources”.

Subtitle C—Other Matters

SEC. 1421. REDUCTION OF UNOBLIGATED BALANCES WITHIN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $26,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

SEC. 1422. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) Authority for Transfer of Funds.—Of the funds authorized to be appropriated for section 1406 and available for the Defense Health Program for operation and maintenance, $139,204,000 may be transferred by the Secretary of Defense to the Joint Department of Defense—
Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1423. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund the sum of $67,590,000 for the operation of the Armed Forces Retirement Home.
TITLE XV—AUTHORIZATION OF
ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
Subtitle A—Authorization of Additional Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2013 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.
SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1507. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.
SEC. 1508. DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2013 between any such authorizations for that fiscal year.
(or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1523. LIMITATION ON USE OF FUNDS IN OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND.

Amounts appropriated to the Overseas Contingency Operations Transfer Fund pursuant to the authorizations of appropriations contained in this title and available for use or transfer to cover expenses directly relating to overseas contingency operations by the United States Armed Forces may be used only for an item or activity specified in the overseas contingency operations portion of the budget submitted to Congress by the President under sec-
tion 1105 of title 31, United States Code, for fiscal year 2013.

Subtitle C—Limitations and Other Matters

SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) Use and Transfer of Funds.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013. In providing prior notice to the congressional defense committees of the obligation of funds from the Joint Improvised Explosive Device Defeat Fund for such fiscal year, as required by paragraph (4) of such subsection (c), the Secretary of Defense shall include the market research or associated analysis of alternatives conducted in the process of taking action to initiate any project for which the total obligation of funds from the Fund will exceed $10,000,000.
(b) Monthly Obligations and Expenditure Reports.—Not later than 15 days after the end of each month of fiscal year 2013, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

(c) Additional Authorized Use of Funds in JIEDDF.—Funds in the Joint Improvised Explosive Device Defeat Fund shall be available, with the concurrence of the Secretary of State, for the purpose of monitoring, disrupting, and interdicting the movement of explosive device precursors from a country that borders Afghanistan to a location within Afghanistan. For a country in which the actions and activities described in the preceding sentence are carried out, such funds may, with the concurrence of the Secretary of State, also be used to train and equip the security forces of that country that support missions to monitor, disrupt, and interdict the movement of explosive device precursors into Afghanistan.
SEC. 1532. ONE-YEAR EXTENSION OF PROJECT AUTHORITY
AND RELATED REQUIREMENTS OF TASK
FORCE FOR BUSINESS AND STABILITY OPER-
ATIONS IN AFGHANISTAN.

(a) Extension.—Subsection (a) of section 1535 of
the Ike Skelton National Defense Authorization Act for
Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426),
as amended by section 1534 of the National Defense Au-
thorization Act for Fiscal Year 2012 (Public Law 112–
81; 125 Stat. 1658), is further amended—

(1) in paragraph (6), by striking “October 31,
2011, and October 31, 2012” and inserting “Octo-
ber 31, 2011, October 31, 2012, and October 31,
2013”; and

(2) in paragraph (7), by striking “September
30, 2012” and inserting “September 30, 2013”.

(b) Scope of Projects.—Paragraph (3) of such
subsection, as so amended, is further amended—

(1) by striking “private investment, mining sec-
tor development, industrial development, and other
projects” and inserting “mining and natural re-
source industry development”; and

(2) by striking “focus on improving the com-
cmercial viability of” and inserting “complement”.

(c) Funding.—Paragraph (4) of such subsection, as
so amended, is further amended—
(1) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”.

(2) by striking “The amount” and all that follows through “appropriate congressional committees.” and inserting the following:

“(B) LIMITATION.—The amount of funds used under authority of subparagraph (A)—

“(i) may not exceed $150,000,000 for fiscal year 2012, except that not more than 50 percent of such amount may be obligated until the plan required by subsection (b) is submitted to the appropriate congressional committees; and

“(ii) may not exceed $50,000,000 for fiscal year 2013, except that no such funds may be obligated until the Secretary notifies the appropriate congressional committees that the activities of the Task Force for Business and Stability Operations in Afghanistan will be transitioned to the Department of State by September 30, 2013.”; and

(3) by striking “The funds” and inserting the following:
“(C) AVAILABILITY.—The funds”.

SEC. 1533. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF EXISTING LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2013 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) AFGHAN PUBLIC PROTECTION FORCE.—

(1) LIMITATION.—None of the funds available to the Department of Defense for fiscal year 2013 for the Afghanistan Security Forces Fund may be obligated or expended for the Afghan Public Protection Force (in this subsection referred to as the “APPF”) until the Secretary of Defense certifies in writing to the congressional defense committees the following:

(A) Each subcontract, task order, or delivery order entered into with the APPF under a
contract of the Department of Defense, or any agreement between the United States and Afghanistan for services of the APPF for the Department of Defense, will include—

(i) standard format, content, and liability clauses to ensure consistent levels of security and dispute resolution mechanisms;

(ii) a requirement for members of the APPF to adhere to the APPF Code of Conduct, including principles of conduct for such personnel, minimum vetting requirements, and management and oversight commitments;

(iii) authority for the prime contractor or, in the case of an agreement, the United States, to independently conduct biometric screening;

(iv) authority for the prime contractor or, in the case of an agreement, the United States—

(I) to direct the APPF, at its own expense, to remove or replace any personnel performing on a subcontract or such agreement who fail to meet
the APPF Code of Conduct or terms
of such subcontract or agreement; and

(II) to terminate the subcontract
or such agreement, if the failure to
comply is a gross violation or is re-
peated; and

(v) authority for the Commander,
International Security Assistance Force (or
his designee)—

(I) to provide an arming author-
ization for APPF personnel author-
ized to perform activities at a military
installation or facility in Afghanistan
at which members of the Armed
Forces deployed to Afghanistan are
garrisoned or housed;

(II) to account for and keep ap-
propriate records of APPF personnel
authorized to perform activities at a
military installation or facility in Af-
ghanistan at which members of the
Armed Forces deployed to Afghani-
stan are garrisoned or housed, includ-
ing on a database referred to as the
Synchronized Predeployment and Operational Tracker; and

(III) to consult with the Minister of Interior of Afghanistan regarding rules on the use of force for APPF personnel.

(B) The Minister of Interior of Afghanistan is committed to ensuring that sufficient numbers of APPF personnel are trained to match demand and attrition.

(C) Sufficient clarity exists with regard to command and control of APPF personnel and the role of risk management consultants.

(D) The program established pursuant to section 1225 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 22 U.S.C. 2785 note) is sufficient to—

(i) account for the transfer of any contractor-acquired, United States Government-owned defense articles to the APPF; and

(ii) conduct end-use monitoring, including an inventory of the existence and completeness of any such defense articles;
(E) Mechanisms are in place to ensure that there is no additional cost to the United States for—

(i) a weapon used in the performance of APPF services under a subcontract of a contract of the Department of Defense, or through an agreement between the United States and Afghanistan, if such a weapon is a United States Government-owned weapon; and

(ii) any assistance also provided through the Afghan Security Forces Fund for support to APPF.

(F) The Minister of Interior of Afghanistan has established the elements required by subparagraphs (A) through (F) of section 862(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). For purposes of the preceding sentence, the terms “personnel performing private security functions in an area of combat operations or other significant military operations”, “contractor”, and “contractor personnel”, as used in section 862 of such Act, mean members of the APPF.
(G) The Secretary is confident the security provided to supply convoys, to Department of Defense construction projects, and to Armed Forces deployed to Afghanistan will not be degraded.

(2) ADDITIONAL LIMITATION.—None of the funds available to the Department of Defense for fiscal year 2013 for the Afghanistan Security Forces Fund may be obligated or expended for infrastructure improvements at a APPF training center.

(3) QUARTERLY REPORTS.—

(A) ASSESSMENT REQUIRED.—Each fiscal year quarter during fiscal years 2013 and 2014, the Secretary of Defense shall conduct an assessment of the APPF.

(B) REPORTS.—Thirty days following the end of each quarter of fiscal years 2013 and 2014, the Secretary shall submit a report to the congressional defense committees of each assessment conducted under subparagraph (A).

(C) MATTERS COVERED.—Each such report shall include—

(i) a detailed assessment of the ability of the APPF to perform the essential tasks identified by the assessment team;
(ii) an identification and evaluation of measures of effectiveness;

(iii) a description of the size of the APPF and an assessment of the sufficiency of its recruiting and training; and

(iv) a discussion of the issues the Secretary considers significant, and any recommendations to address those issues or other recommendations to improve future performance of the APPF, as the Secretary considers appropriate.

(D) First report.—The first quarterly report submitted after the date of the enactment of this Act shall include an estimate of the cost to the Department of Defense of the APPF, including funds within the Afghan Security Forces Fund and estimated contractual costs for fiscal years 2013 and 2014.

(E) A report submitted following the end of the second and fourth quarter of a fiscal year shall include a comparison of the cost to the Department of Defense (both direct and to contractors of the Department of Defense) for the preceding six months of—

(i) the use of the APPF; and
(ii) the historical use of private secu-

ity contractors for a similar six-month pe-

riod.

(4) AGREEMENTS.—The Secretary shall submit
to the congressional defense committees a copy of
each agreement signed by the United States and Af-
ghanistan for services of the APPF for the Depart-
ment of Defense during the first six months fol-
lowing the date of the enactment of this Act.

**TITLE XVI—INDUSTRIAL BASE**

**MATTERS**

**Subtitle A—Defense Industrial**

**Base Matters**

**SEC. 1601. DISESTABLISHMENT OF DEFENSE MATERIEL**

**READINESS BOARD.**

(a) DISESTABLISHMENT OF BOARD.—The Defense
Materiel Readiness Board established pursuant to section
871 of the National Defense Authorization Act for Fiscal
Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is
hereby disestablished.

(b) TERMINATION OF DEFENSE STRATEGIC READ-
NESS FUND.—The Defense Strategic Readiness Fund es-
tablished by section 872(d) of the National Defense Au-
thorization Act for Fiscal Year 2008 (Public Law 110–
181; 10 U.S.C. 117 note) is hereby closed.

SEC. 1602. ASSESSMENT OF EFFECTS OF FOREIGN BOYCOTTS.

Section 2505 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ASSESSMENT OF EXTENT OF EFFECTS OF FOREIGN BOYCOTTS.—Each assessment under subsection (a) shall include a separate discussion and presentation regarding the extent to which the national technology and industrial base is affected by foreign boycotts. The discussion and presentation regarding foreign boycotts shall—

“(1) identify sectors of the national technology and industrial base being affected by foreign boycotts;

“(2) assess the harm to the national technology and industrial base as a result of such boycotts; and

“(3) identify actions necessary to minimize the effects of foreign boycotts on the national technology and industrial base.”.
SEC. 1603. ADVANCING INNOVATION PILOT PROGRAM.

(a) PILOT PROGRAM.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering, may establish and implement a pilot program, to be known as the “Advancing Innovation Pilot Program”, in furtherance of the national security objectives in section 2501(a) of title 10, United States Code.

(b) PURPOSE.—The purpose of the pilot program is to accelerate development and fielding of research innovations from qualifying institutions.

(c) AVAILABILITY OF FUNDS.—Of the funds authorized and appropriated, or otherwise made available, for research, development, test and evaluation, the Secretary may allocate funding to qualifying institutions in accordance with this subsection. Such funding shall be used to evaluate the potential of fielding or commercialization of existing discoveries, including—

(1) proof of concept research or prototype development; and

(2) activities that contribute to determining a project’s path to fielding or commercialization of dual-use technologies, including technical validations, market research, determination of intellectual property rights, and investigating military or commercial opportunities.
(d) IMPLEMENTATION.—Prior to obligation or execution of funding under the pilot program, the Secretary shall develop and issue guidance to implement the pilot program. Such guidance shall, at a minimum—

(1) require that funding allocated under the pilot program shall be done using a competitive, merit-based process;

(2) ensure that qualifying institutions establish a rigorous, diverse review board for program execution that shall be comprised of experts in translational and proof of concept research, including representatives that provide expertise in transitioning technology, financing mechanisms, intellectual property rights, and advancement of small business concerns;

(3) ensure that technology validation milestones are established; and

(4) enable the Assistant Secretary to reallocate funding with the pilot program from poor performing projects to those with more potential.

(e) LIMITATION.—Funding made available under the pilot program shall not be used for basic research, or to fund the acquisition of research equipment or supplies not directly related to fielding activities to meet military requirements or commercialization of dual-use technologies.
(f) REPORT.—Not later than 90 days after the completion of the pilot program, the Secretary shall submit to the congressional defense committees a report evaluating the effectiveness of the activities of the pilot program. The report shall include—

(1) a detailed description of the execution of the pilot program, including incentives and activities undertaken by review board experts;

(2) an accounting of the funds used in the pilot program;

(3) a detailed description of the institutional and proposal selection process;

(4) a detailed compilation of results achieved by the pilot program;

(5) an analysis of the program’s effectiveness, with data supporting the analysis; and

(6) recommendations for advancing innovation and otherwise improving the transition of technology to meet Department of Defense requirements.

(g) DEFINITIONS.—In this section:

(1) QUALIFYING INSTITUTION.—The term “qualifying institution” means any entity at which research and development activities are conducted and that has past performance in technology transi-
tion or commercialization of third-party research, including—

(A) an institution of higher education or other nonprofit entity; and

(B) a for-profit entity.

(2) RESEARCHER.—The term “researcher” means a university or Federal laboratory that conducts basic research.

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965.

(4) DUAL-USE.—The term “dual-use” has the meaning provided in section 2500(2) of title 10, United States Code.

(h) TERMINATION.—The pilot program conducted under this section shall terminate on September 30, 2017.

SEC. 1604. NATIONAL SECURITY STRATEGY FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) REQUIREMENT FOR STRATEGY.—

(1) IN GENERAL.—Section 2501 of title 10, United States Code, is amended as follows:

(A) The section heading is amended by striking “objectives concerning” and inserting “strategy for”.

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(B) Subsection (a) is amended—

(i) in the subsection heading, by striking “OBJECTIVES” and inserting “STRATEGY”;  

(ii) by striking “It is the policy of” and all that follows through “objectives:” and inserting the following: “The Secretary of Defense shall develop a national security strategy for the national technology and industrial base. Such strategy shall be based on a prioritized assessment of risks and challenges to the defense supply chain and shall ensure that the national technology and industrial base is capable of achieving the following national security objectives:”; and

(iii) by adding at the end the following new paragraphs:

“(9) Ensuring reliable sources of materials that are critical to national security, such as specialty metals, armor plate and rare earth elements.

“(10) Reducing, to the maximum extent prac-
ticable, the presence of counterfeit parts in the sup-
ply chain and the risk associated with such parts.”.
(2) **CLERICAL AMENDMENT.**—The item relating to section 2501 in the table of sections at the beginning of subchapter II of chapter 148 of such title is amended to read as follows:

“2501. National security strategy for national technology and industrial base.”.

(b) **AMENDMENT TO ANNUAL REPORT RELATING TO DEFENSE INDUSTRIAL BASE.**—Section 2504 of such title is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by inserting after paragraph (2) (as so redesignated) the following new paragraph (3):

“(3) Based on the assessments prepared pursuant to section 2505 of this title—

“(A) a description of any mitigation strategies necessary to address any gaps or vulnerabilities in the national technology and industrial base; and

“(B) any other steps necessary to foster and safeguard the national technology and industrial base.”.

(c) **REQUIREMENT FOR CONSIDERATION OF STRATEGY IN ACQUISITION PLANS.**—Section 2440 of such title is amended by inserting after “base” the following: “, in
accordance with the strategy required by section 2501 of this title,

(d) CONFORMING AMENDMENTS.—Section 852 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1517; 10 U.S.C. 2504 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c), and in that subsection by striking “subsection (c).” in the first sentence and inserting “section 2501 of title 10, United States Code.”.

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

SEC. 1611. PILOT PROGRAM TO ASSIST IN THE GROWTH AND DEVELOPMENT OF ADVANCED SMALL BUSINESS CONCERNS.

(a) Establishment of Pilot Program.—The Secretary of Defense shall establish a pilot program within the Department of Defense to assist in the growth and development of advanced small business concerns in accordance with this section.

(b) Requirements of Pilot Program.—

(1) Restricted competition for certain contracts.—Under the pilot program and except
as provided under paragraph (2)(B), competition for contract awards may be restricted to advanced small business concerns if—

(A) the anticipated award price of the contract (including options) is reasonably expected to exceed $25,000,000;

(B) the Procurement Center Representative of the Small Business Administration or the Director of Small Business Programs of the Department of Defense determines that, if the contract were not awarded under the pilot program, the contract would likely be awarded to an entity other than a small business concern;

(C) there is a reasonable expectation that at least two advanced small business concerns will submit offers with respect to the contract;

(D) such advanced small business concerns agree to the requirements specified in section 15(o) of the Small Business Act (15 U.S.C. 644(o)) (relating to percentage of work under the contract to be performed by the concern), except that work performed by other advanced small business concerns or by small business concerns shall be considered as work performed
by the prime contractor for purposes of such re-
quirements; and

(E) the contract award can be made at a
fair market price.

(2) Eligibility.—

(A) Advanced Small Business Con-
cern.—An entity shall be considered an ad-
vanced small business concern and eligible for
participation in the pilot program if the enti-
ty—

(i) is independently owned and oper-
ated and is not dominant in its field of op-
eration; and

(ii) has fewer than—

(I) twice the number of employ-
ees the Small Business Administration
has assigned as a size standard to the
North American Industrial Classifica-
tion Standard code in which the entity
is operating; or

(II) three times the average an-
ual receipts the Small Business Ad-
ministration has assigned as a size
standard to the North American In-
dustrial Classification Standard code

in which the entity is operating.

(B) Small Business Concern.—Notwithstanding paragraph (1), a small business

concern may submit an offer for any contract

under the pilot program.

(3) Consideration and Notice to Public.—With respect to a contract opportunity determined to

meet the criteria specified in paragraph (1), a contracting officer for the Department of Defense

shall—

(A) consider awarding a contract under the

pilot program before using full and open com-

petition for such contract; and

(B) provide notice of the contract oppor-

tunity (including the eligibility requirements of

the contract opportunity) in accordance with

the Federal Acquisition Regulation and other

applicable guidelines.

(4) Relationship to Small Business Act

Programs.—

(A) An advanced small business concern

shall not be eligible for any assistance provided

to small businesses by the Small Business Act

(15 U.S.C. 637 et seq.) or the Small Business
Investment Act of 1958 (15 U.S.C. 661 et seq.), unless eligibility is expressly provided through the pilot program established by this Act, and contracts awarded pursuant to the pilot program shall not be counted toward the achievement of the small business prime or subcontracting goals established by the Small Business Act (15 U.S.C. 644).

(B) An advanced small business concern shall enter into a subcontracting plan in accordance with section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(C) Nothing in this section authorizes a Procurement Center Representative or an employee of the Office of Small Business Programs to provide assistance to advanced small business concerns or to advocate for the restriction of competition to advanced small business concerns.

(e) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Small Business Administration, shall develop and issue guidance to implement the pilot program. The guidance shall—
(1) identify criteria under which the pilot program is evaluated, including a methodology to collect data during the course of the pilot program to facilitate an assessment at the conclusion of the pilot program;

(2) permit a self-certification for eligibility for participation in the pilot program;

(3) ensure that any self-certification requires the concern involved to meet the requirements of the Small Business Administration regarding ownership, control, and affiliation (as set forth in section 121.103 of title 13 of the Code of Federal Regulations);

(4) establish an appeals process to handle challenges to self-certifications of advanced small business concerns, with the certification of eligibility residing with the Small Business Administration’s Office of Hearings and Appeals;

(5) identify a method to reimburse the Small Business Administration for additional costs to the Administration relating to such self-certifications;

(6) establish a methodology for identifying and tracking program participants, including reporting on contracts awarded to program participants using the Federal Procurement Data System; and
(7) ensure that the pilot program does not superecede goals or programs authorized by the Small Business Act (15 U.S.C. 637 et seq.) or the Small Business Investment Act of 1958 22 (15 U.S.C. 661 et seq.) or count toward the achievement of the small business prime or subcontracting goals established by the Small Business Act (15 U.S.C. 644).

(d) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the duration of the pilot program, the Secretary of Defense shall submit to the appropriate congressional committees a report on the pilot program that includes each of the following:

(1) The number of contracts awarded in the prior year under the pilot program.

(2) The value of the contracts awarded under the pilot program and a description of the work carried out under such contracts.

(3) The number of program participants under the pilot program.

(4) An assessment of the success of the pilot program based on the criteria described in subsection (e)(1).

(5) Such recommendations as the Secretary considers appropriate, including a recommendation
regarding whether to extend the pilot program or terminate it early.

(e) TERMINATION.—The pilot program shall terminate on the date that is three years after the date on which the guidance for the pilot program is issued pursuant to subsection (c).

(f) DEFINITIONS.—In this section:

(1) ADVANCED SMALL BUSINESS CONCERN.—The term “advanced small business concern” means an entity that meets the requirements specified in subsection (b)(2)(A).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means each of the following:

(A) The Committees on Armed Services and on Small Business and Entrepreneurship of the Senate.

(B) The Committees on Armed Services and on Small Business of the House of Representatives.

(3) OFFICE OF SMALL BUSINESS PROGRAMS.—The term “Office of Small Business Programs” means the Office of Small Business Programs described in section 144(b) of title 10, United States Code.
(4) **Pilot Program.**—The term “pilot program” means the program established by the Secretary of Defense under subsection (a).

(5) **Procurement Center Representative.**—The term “Procurement Center Representative” has the meaning provided in section 15 of the Small Business Act (15 U.S.C. 644).

(6) **Small Business Concern.**—The term “small business concern” has the meaning provided under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

**SEC. 1612. ROLE OF THE DIRECTORS OF SMALL BUSINESS PROGRAMS IN REQUIREMENTS DEVELOPMENT AND ACQUISITION DECISION PROCESSES OF THE DEPARTMENT OF DEFENSE.**

(a) **Guidance Required.**—The Secretary of Defense shall develop and issue guidance to ensure that the head of each Office of Small Business Programs in the Department of Defense is a participant in requirements development and acquisition decision processes—

(1) of the Department, in the case of the Director of Small Business Programs in the Department of Defense; and

(2) of the military department concerned, in the case of the Director of Small Business Programs in...
the Department of the Army, in the Department of
the Navy, and in the Department of the Air Force.
(b) MATTERS TO BE INCLUDED.—Such guidance
shall, at a minimum—

(1) require the Director of Small Business Pro-
grams in the Department of Defense—

(A) to serve as an advisor to the Defense
 Acquisition Board; and

(B) to serve as an advisor to the Informa-
tion Technology Acquisition Board; and

(2) require coordination between the chiefs of
the Armed Forces and the service acquisition execu-
tives, as appropriate (or their designees), and the
Director of Small Business Programs in each mili-
tary department during the process for approval
of—

(A) a requirements document, as defined
in section 2547 of title 10, United States Code;
and

(B) acquisition strategies or plans.

SEC. 1613. SMALL BUSINESS ADVOCATE FOR DEFENSE
AUDIT AGENCIES.

(a) SMALL BUSINESS ADVOCATE.—Subchapter II of
chapter 8 of title 10, United States Code, is amended by
adding at the end the following new section:
§ 204. Small Business Advocate for defense audit agencies

(a) SMALL BUSINESS ADVOCATE.—The Secretary of Defense shall designate within each defense audit agency an official as the Small Business Advocate to have the duties described in subsection (b) and such other responsibilities as may be determined by the Secretary.

(b) DUTIES.—The Small Business Advocate at a defense audit agency shall—

(1) advise the Director of the defense audit agency on all issues related to small business concerns;

(2) serve as the defense audit agency’s primary point of contact and source of information for small business concerns; and

(3) collect relevant data and monitor the defense audit agency’s conduct of audits of small business concerns, including—

(A) monitoring the timeliness of audit closeouts for small business concerns; and

(B) monitoring the responsiveness of the agency to issues or other matters raised by small business concerns; and

(4) develop and implement processes and procedures to improve the performance of the defense audit agency related to the timeliness of audits of
small business concerns and the responsiveness of the agency to issues or other matters raised by small business concerns.

“(c) DEFENSE AUDIT AGENCY DEFINED.—In this section, the term ‘defense audit agency’ means the Defense Contract Audit Agency and the Defense Contract Management Agency.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of such title is amended by inserting after the item relating to section 203 the following new item:

“204. Small Business Advocate for defense audit agencies.”.

SEC. 1614. INDEPENDENT ASSESSMENT OF FEDERAL PROCUREMENT CONTRACTING PERFORMANCE OF THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct an independent assessment of the Department’s procurement performance related to small business concerns.

(b) MATTERS COVERED.—The assessment under subsection (a) shall, at a minimum, include—

(1) a description of the industrial composition of companies receiving subcontracts pursuant to the test program for the negotiation of comprehensive
small business subcontracting plans pursuant to sec-

tion 834 of the National Defense Authorization Act

for Fiscal Years 1990 and 1991 (Public Law 101–

189; 15 U.S.C. 637 note);

(2) a comparison of the industrial composition

of prime contractors participating in such test pro-

gram and the industrial composition of all prime

contractors of the Department of Defense;

(3) a determination of barriers to accurately

capturing data on small business prime contracting

and subcontracting, including an examination of the

reliability of the information technology systems of

the Department that are used to track such data;

(4) recommendations for improving the quality

and availability of data regarding small business

prime contracting and subcontracting performance;

(5) recommendations to improve and inform ne-

gotiations regarding small business contract goals

for the Department;

(6) an examination of the execution of small

business subcontracting plans, including an assess-

ment of the degree to which initial teaming agree-

ments are not maintained through the performance

of contracts;
(7) an examination of the extent to which the Department adheres to current policies and guidelines relating to small business prime contracting and subcontracting goals;

(8) recommendations for increasing opportunities for small business concerns owned and controlled by service-disabled veterans (as defined by section 3(q) of the Small Business Act (15 U.S.C. 632(q)) to do business with the Department of Defense;

(9) an examination of the extent to which the Department bundles, consolidates, or otherwise groups requirements into contracts that are unsuitable for award to small businesses, and the effects that such practices have on small business participation;

(10) recommendations for increasing small business prime contracting and subcontracting opportunities with the Department; and

(11) recommendations for steps that can be taken to prevent abuses and ensuring that small business contracts are in fact going to small businesses.

(c) REPORT.—Not later than January 1, 2014, the Secretary shall submit to the congressional defense com-
mittees a report on the independent assessment conducted under this section.

SEC. 1615. ASSESSMENT OF SMALL BUSINESS PROGRAMS TRANSITION.

(a) INDEPENDENT REVIEW AND ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall select an appropriate entity outside the Department of Defense to conduct an independent review and assessment of the transition of technologies developed by small business, such as those developed under the Small Business Innovation Research Program, into major weapon systems and major automated information systems for the Department of Defense.

(b) ELEMENTS.—The review and assessment required by subsection (a) shall include the following:

(1) An analysis of a representative sample of major weapon systems and major automated information systems to determine the content of the systems from small businesses, including components transitioned from the Small Business Innovation Research Program.

(2) An analysis of established or ad hoc processes to allow program offices to monitor, evaluate,
and transition small business-developed technologies into their program.

(3) Recommendations for developing a systematic and sustained process for monitoring, evaluating, and transitioning small business-developed technologies for use by the entire defense acquisition system of the Department of Defense, including data collection and measures of effectiveness and performance.

(c) Report.—

(1) Report required.—Not later than 120 days after the date of the enactment of this Act, the entity conducting the review and assessment under subsection (a) shall submit to the Secretary and the congressional defense committees a report containing—

(A) the results of the review and assessment; and

(B) recommendations for improving the process for managing the transition and integration of technologies developed by small business (including under the Small Business Innovation Research Program) into major weapons systems and major automated information systems.
(2) ADDITIONAL EVALUATION REQUIRED.—Not later than 30 days after the date on which the congressional defense committees receive the report required by paragraph (1), the Secretary shall submit to such committees an evaluation by the Secretary of the results and recommendations contained in such report.

(d) SBIR PROGRAM DEFINED.—In this section, the term “Small Business Innovation Research Program” has the meaning provided such term by section 2500(11) of title 10, United States Code.

SEC. 1616. ADDITIONAL RESPONSIBILITIES OF INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT FOR PEER REVIEWS.—Section 8(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking “and” at the end of paragraph (8); and

(2) by striking the period and inserting “; and” at the end of paragraph (9); and

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

“(10) conduct peer reviews of Department of Defense audit agencies in accordance with and in
such frequency as provided by Government auditing
standards as established by the Comptroller General
of the United States.”.

(b) Requirement for Additional Information
in Semiannual Reports.—Section 8(f) of such Act is
amended by striking paragraph (1) and inserting the fol-
lowing:

“(1) Each semiannual report prepared by the Inspector
General of the Department of Defense under section
5(a) shall be transmitted by the Secretary of Defense to
the Committees on Armed Services and on Homeland Se-
curity and Governmental Affairs of the Senate and the
Committees on Armed Services and on Oversight and Gov-
ernment Reform of the House of Representatives and to
other appropriate committees or subcommittees of Con-
gress. Each such report shall include—

“(A) information concerning the numbers and
types of contract audits conducted by the Depart-
ment during the reporting period; and

“(B) information concerning any Department of
Defense audit agency that, during the reporting pe-
riod, has either failed an audit or is overdue for a
peer review required to be conducted in accordance
with subsection (c)(10).”.
SEC. 1617. RESTORATION OF 1 PERCENT FUNDING FOR ADMINISTRATIVE EXPENSES OF COMMERCIALIZATION READINESS PROGRAM OF DEPARTMENT OF DEFENSE.

(a) Restoration.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)), as amended by section 5141(b)(1)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1853) is amended—

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

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) Funding.—For payment of expenses incurred to administer the Commercialization Readiness Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds shall not be used to make Phase III awards.”.

(b) Technical Amendment.—Section 5141(b)(3)(B) of the National Defense Authorization Act
for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1854) is amended—

(1) by striking “subsection (y)—” and all that follows through “the following:” and inserting “subsection (y), by amending paragraph (4) to read as follows:”

d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of January 1, 2012.

Subtitle C—Matters Relating to Small Business Concerns

PART I—PROCUREMENT CENTER REPRESENTATIVES

SEC. 1621. PROCUREMENT CENTER REPRESENTATIVES.

(a) In General.—Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended by striking the subsection enumerator and inserting the following:

“(l) PROCUREMENT CENTER REPRESENTATIVES.—

(b) Assignment and Role.—Paragraph (1) of section 15(l) of such Act (15 U.S.C. 644(l)) is amended to read as follows:

“(1) ASSIGNMENT AND ROLE.—The Administrator shall assign to each major procurement center a procurement center representative with such assistance as may be appropriate.”.
(c) Activities.—Section 15(l)(2) of such Act (15 U.S.C. 644(l)(2)) is amended—

(1) in the matter preceding subparagraph (A) by striking ``(2) In addition to carrying out the responsibilities assigned by the Administration, a breakout'' and inserting the following:

``(2) Activities.—A'';

(2) by striking subparagraph (A) and inserting the following:

``(A) attend any provisioning conference or similar evaluation session during which a determination may be made with respect to the procurement method to be used to satisfy a requirement, review any acquisition plan with respect to a requirement, and make recommendations regarding procurement method determinations and acquisition plans;'';

(3) in subparagraph (B)—

(A) by striking ``(B) review, at any time, restrictions on competition'' and inserting the following:

``(B) review, at any time, barriers to small business participation in Federal contracting'';

(B) by striking ``items'' and inserting ``goods and services''; and
(C) by striking “limitations” and inserting

“barriers”;

(4) in subparagraph (C) by striking “(C) review
restrictions on competition” and inserting the fol-
lowing:

“(C) review barriers to small business par-
ticipation in Federal contracting”;

(5) by striking subparagraph (D) and inserting
the following:

“(D) review any bundled or consolidated
solicitation or contract in accordance with this
Act;”;

(6) by striking subparagraph (E) and inserting
the following:

“(E) have electronic access to procurement
records, acquisition plans developed or in devel-
opment, and other data of the procurement cen-
ter commensurate with the level of such rep-
resentative’s approve security clearance classi-
fication;”; and

(7) by striking subparagraphs (F) and (G) and
inserting the following:

“(F) receive, from personnel responsible
for reviewing unsolicited proposals, copies of
unsolicited proposals from small business con-
cerns and any information on outcomes relating to such proposals;

“(G) participate in any session or planning process and review any documents with respect to a decision to convert an activity performed by a small business concern to an activity performed by a Federal employee;

“(H) be an advocate for the maximum practicable utilization of small business concerns in Federal contracting, including by advocating against the bundling of contract requirements when not justified; and

“(I) carry out any other responsibility assigned by the Administrator.”.

(d) APPEALS.—Section 15(l)(3) of such Act (15 U.S.C. 644(l)(3)) is amended by striking “(3) A breakout procurement center representative” and inserting the following:

“(3) APPEALS.—A procurement center representative”.

(e) NOTIFICATION AND INCLUSION.—Paragraph (4) of section 15(l) of such Act (15 U.S.C. 644(l)) is amended to read as follows:

“(4) NOTIFICATION AND INCLUSION.—Agency heads shall ensure that procurement center rep-
resentatives are included in applicable acquisition planning processes.’’.

(f) POSITION REQUIREMENTS.—Section 15(l)(5) of such Act (15 U.S.C. 644(l)(5)) is amended—

(1) by striking the paragraph enumerator and inserting the following:

“(5) POSITION REQUIREMENTS.—”;

(2) by striking subparagraphs (A) and (B) and inserting the following:

“(A) IN GENERAL.—A procurement center representative assigned under this subsection shall—

“(i) be a full-time employee of the Administration;

“(ii) be fully qualified, technically trained, and familiar with the goods and services procured by the major procurement center to which that representative is assigned; and

“(iii) have a Level III Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification, except that any person serving in such a position on the date of enactment of this
clause may continue to serve in that position for a period of 5 years without the required certification.”; and

(3) in subparagraph (C) by striking “(C) The Administration shall establish personnel positions for breakout procurement representatives and advisers assigned pursuant to” and inserting the following:

“(B) COMPENSATION.—The Administrator shall establish personnel positions for procurement center representatives assigned under”.

(g) MAJOR PROCUREMENT CENTER DEFINED.—Section 15(l)(6) of such Act (15 U.S.C. 644(l)(6)) is amended—

(1) by striking “(6) For purposes” and inserting the following:

“(6) MAJOR PROCUREMENT CENTER DEFINED.—For purposes”; and

(2) by striking “other than commercial items and which has the potential to incur significant savings as the result of the placement of a breakout procurement center representative” and inserting “goods or services, including goods or services that are commercially available”.

(h) TRAINING.—Section 15(l)(7) of such Act (15 U.S.C. 644(l)(7)) is amended—
(1) by striking the paragraph enumerator and inserting the following:

“(7) TRAINING.—”;

(2) by striking subparagraph (A) and inserting the following:

“(A) AUTHORIZATION.—At such times as the Administrator deems appropriate, a procurement center representative shall provide training for contracting officers, other appropriate personnel of the procurement center to which such representative is assigned, and small businesses groups seeking to do business with such procurement center. Such training shall acquaint the participants with the provisions of this subsection and shall instruct the participants in methods designed to further the purposes of this subsection.

“(B) LIMITATION.—A procurement center representative may provide training under subparagraph (A) only to the extent that the training does not interfere with the representative carrying out other activities under this subsection.”; and

(3) in subparagraph (B)—
(A) by striking “(B) The breakout procurement center representative” and inserting the following:

“(8) ANNUAL BRIEFING AND REPORT.—A procurement center representative”; and

(B) by striking “sixty” and inserting “60”.

SEC. 1622. SMALL BUSINESS ACT CONTRACTING REQUIREMENTS TRAINING.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this part, the Defense Acquisition University and the Federal Acquisition Institute shall each provide a course on contracting requirements under the Small Business Act, including the requirements for small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(b) COURSE REQUIRED.—To have a Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification an individual shall be required to complete the course established under subsection (a).

(c) REQUIREMENT THAT BUSINESS OPPORTUNITY SPECIALISTS BE CERTIFIED.—Section 7(j)(10)(D)(i) of
the Small Business Act (15 U.S.C. 636(j)(10)(D)(i)) is amended by inserting after “to assist such Program Participant.” the following: “The Business Opportunity Specialist shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification, except that a Business Opportunity Specialist serving at the time of the date of enactment of the Small Business Opportunity Act of 2012 may continue to serve as a Business Opportunity Specialist for a period of 5 years beginning on that date of enactment without such a certification.”.

(d) GAO REPORT.—Not later than 365 days after the date of enactment of this part, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate on the relationship between the size and quality of the acquisition workforce and the Federal government’s ability to maximize the utilization of small businesses in Federal procurement. The report shall specifically address the following:

(1) The extent to which training on small business contracting laws affects a contracting officer’s determination to use one of the contracting authorities provided in the Small Business Act.
(2) The relationship between a robust Federal acquisition workforce and small business success in obtaining Federal contracting opportunities.

(3) The effect on economic growth if small businesses experienced a significant reduction in small business procurement activities.

(4) The effect of the anticipated acceleration of retirements by the acquisition workforce on small business procurement opportunities.

**SEC. 1623. ACQUISITION PLANNING.**

Section 15(e)(1) of the Small Business Act (15 U.S.C. 644(e)(1)) is amended—

(1) by striking “the various agencies” and inserting “a Federal department or agency”; and

(2) by striking the period and inserting “and each such Federal department or agency shall—

“(A) enumerate opportunities for the participation of small business concerns during all acquisition planning processes and in all acquisition plans;

“(B) invite the participation of the appropriate Director of Small and Disadvantaged Business Utilization in all acquisition planning processes and provide that Director access to all acquisition plans in development; and
“(C) invite the participation of the appropriate procurement center representative in all acquisition planning processes and provide that representative access to all acquisition plans in development.”.

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

SEC. 1631. GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking the subsection enumerator and inserting the following:

“(g) GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.—”.

(b) GOVERNMENTWIDE GOALS.—Paragraph (1) of section 15(g) of such Act (15 U.S.C. 644(g)) is amended to read as follows:

“(1) GOVERNMENTWIDE GOALS.—The President shall annually establish Governmentwide goals for procurement contracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and eco-
nomically disadvantaged individuals, and small business concerns owned and controlled by women in accordance with the following:

“(A) The Governmentwide goal for participation by small business concerns shall be established at not less than 25 percent of the total value of all prime contract awards for each fiscal year and 40 percent of the total value of all subcontract awards for each fiscal year.

“(B) The Governmentwide goal for participation by small business concerns owned and controlled by service-disabled veterans shall be established at not less than 3 percent of the total value of all prime contract and at not less than 3 percent of the total value of all subcontract awards for each fiscal year.

“(C) The Governmentwide goal for participation by qualified HUBZone small business concerns shall be established at not less than 3 percent of the total value of all prime contract and at not less than 3 percent of the total value of all subcontract awards for each fiscal year.

“(D) The Governmentwide goal for participation by small business concerns owned and controlled by socially and economically dis-
advantaged individuals shall be established at not less than 5 percent of the total value of all prime contract and at not less than 5 percent of the total value of all subcontract awards for each fiscal year.

“(E) The Governmentwide goal for participation by small business concerns owned and controlled by women shall be established at not less than 5 percent of the total value of all prime contract and at not less than 5 percent of the total value of all subcontract awards for each fiscal year.”.

(c) AGENCY GOALS.—Paragraph (2) of section 15(g) of such Act (15 U.S.C. 644(g)) is amended to read as follows:

“(2) AGENCY GOALS.—

“(A) ESTABLISHMENT.—The head of each Federal agency shall annually establish, for the agency that individual heads, goals for procurement contracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and
small business concerns owned and controlled by women.

“(B) RELATIONSHIP TO GOVERNMENT-WIDE GOALS.—

“(i) SCOPE.—The goals established by the head of a Federal agency under subparagraph (A) shall be in the same format as the goals established by the President under paragraph (1) and shall address both prime contract and subcontract awards.

“(ii) REQUIREMENT PERTAINING TO AGENCY GOALS.—With respect to each goal for a fiscal year established under subparagraph (A) for a category of small business concern, the participation percentage applicable to such goal may not be less than the participation percentage applicable to the Governmentwide goal for such fiscal year established under paragraph (1) for such category.

“(C) CONSULTATION REQUIRED.—

“(i) IN GENERAL.—In establishing goals under subparagraph (A), the head of
each Federal agency shall consult with the Administrator.

“(ii) Disagreements.—Except as provided by clause (iii), if the Administrator and the head of a Federal agency fail to agree on a goal established under subparagraph (A), the disagreement shall be submitted to the Administrator for Federal Procurement Policy for final determination.

“(iii) Agency goals of the Department of Defense.—In the case of a goal proposed by the Secretary of Defense that is lower than a goal established during the preceding fiscal year for the Department of the Defense and for which the Administrator does not agree, the disagreement shall be submitted to the Administrator for Federal Procurement Policy for final determination.

“(D) Plan for achieving goals.—After establishing goals under subparagraph (A) for a fiscal year, the head of each Federal agency shall develop a plan for achieving such goals,
which shall apportion responsibilities among the
agency’s acquisition executives and officials.

“(E) EXPANDED PARTICIPATION.—In es-
establishing goals under subparagraph (A), the
head of each Federal agency shall make a con-
sistent effort to annually expand participation
by small business concerns from each industry
category in procurement contracts of such agen-
cy, including participation by small business
concerns owned and controlled by service-dis-
abled veterans, qualified HUBZone small busi-
ness concerns, small business concerns owned
and controlled by socially and economically dis-
advantaged individuals, and small business con-
cerns owned and controlled by women.

“(F) CONSIDERATION.—The head of each
Federal agency, in attempting to attain ex-
panded participation under subparagraph (E),
shall consider—

“(i) contracts awarded as the result of
unrestricted competition; and

“(ii) contracts awarded after competi-
tion restricted to eligible small business
concerns under this section and under the
program established under section 8(a).
“(G) Communication regarding goals.—

“(i) Importance of achieving goals.—Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving goals established under subparagraph (A).

“(ii) Procurement employees or program managers described.—A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.”.

(d) Enforcement; determinations of the total value of contract awards.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)), as amended by this part, is further amended by adding at the end the following:

“(3) Enforcement.—If the Administrator does not issue the report required in subsection (h)(2) on or before the date that is 120 days after
the end of the prior fiscal year, the Administrator may not carry out or establish any pilot program until the date on which the Administrator issues the report.

“(4) Determinations of the Total Value of Contract Awards.—For purposes of the goals established under paragraphs (1) and (2), the total value of contract awards for a fiscal year may not be determined in a manner that excludes the value of a contract based on—

“(A) where the contract is awarded;
“(B) where the contract is performed;
“(C) whether the contract is mandated by Federal law to be performed by an entity other than a small business concern;
“(D) whether funding for the contract is made available in an appropriations Act, if the contract is subject to competitive procedures under chapter 33 of title 41, United States Code; or
“(E) whether the contract is subject to the Federal Acquisition Regulation.”.
SEC. 1632. REPORTING ON GOALS FOR PROCUREMENT

CONTRACTS AWARDED TO SMALL BUSINESS

CONCERNS.

Subsection (h) of section 15 of the Small Business Act (15 U.S.C. 644) is amended to read as follows:

“(h) REPORTING ON GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.—

“(1) AGENCY REPORTS.—At the conclusion of each fiscal year, the head of each Federal agency shall submit to the Administrator a report describing—

“(A) the extent of the participation by small business concerns, small business concerns owned and controlled by veterans (including service-disabled veterans), qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women in the procurement contracts of such agency during such fiscal year;

“(B) whether the agency achieved the goals established for the agency under subsection (g)(2)(A) with respect to such fiscal year; and
“(C) any justifications for a failure to achieve such goals.

“(2) REPORTS BY ADMINISTRATOR.—Not later than 60 days after receiving a report from each Federal agency under paragraph (1) with respect to a fiscal year, the Administrator shall submit to the President and Congress, and to make available on a public website, a report that includes—

“(A) a copy of each report submitted to the Administrator under paragraph (1);

“(B) a determination of whether each goal established by the President under subsection (g)(1) for such fiscal year was achieved;

“(C) a determination of whether each goal established by the head of a Federal agency under subsection (g)(2)(A) for such fiscal year was achieved;

“(D) the reasons for any failure to achieve a goal established under paragraph (1) or (2)(A) of subsection (g) for such fiscal year and a description of actions planned by the applicable agency to address such failure, including the Administrator’s comments and recommendations on the proposed remediation plan;
“(E) for the Federal Government and each Federal agency, an analysis of the number and dollar amount of prime contracts awarded during such fiscal year to—

“(i) small business concerns—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns; and

“(IV) through unrestricted competition;

“(ii) small business concerns owned and controlled by service-disabled veterans—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns;

“(IV) through competitions restricted to small business concerns owned and controlled by service-disabled veterans; and
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“(V) through unrestricted competition;

“(iii) qualified HUBZone small business concerns—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns;

“(IV) through competitions restricted to qualified HUBZone small business concerns;

“(V) through unrestricted competition where a price evaluation preference was used; and

“(VI) through unrestricted competition where a price evaluation preference was not used;

“(iv) small business concerns owned and controlled by socially and economically disadvantaged individuals—

“(I) in the aggregate;

“(II) through sole source contracts;
“(III) through competitions restricted to small business concerns;

“(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals;

“(V) through unrestricted competition; and

“(VI) by reason of that concern’s certification as a small business owned and controlled by socially and economically disadvantaged individuals;

“(v) small business concerns owned by an Indian tribe other than an Alaska Native Corporation—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns;

“(IV) through competitions restricted to small business concerns owned and controlled by socially and
economically disadvantaged individuals; and

“(V) through unrestricted competition; and

“(vi) small business concerns owned by Native Hawaiian Organization—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns;

“(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

“(V) through unrestricted competition; and

“(vii) small business concerns owned by an Alaska Native Corporation—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns;
“(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

“(V) through unrestricted competition; and

“(viii) small business concerns owned and controlled by women—

“(I) in the aggregate;

“(II) through competitions restricted to small business concerns;

“(III) through competitions restricted using the authority under section 8(m)(2);

“(IV) through competitions restricted using the authority under section 8(m)(2) and in which the waiver authority under section 8(m)(3) was used; and

“(V) through unrestricted competition; and

“(F) for the Federal Government and each Federal agency, the number, dollar amount, and distribution with respect to the North
American Industry Classification System of subcontracts awarded during such fiscal year to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.”

SEC. 1633. SENIOR EXECUTIVES.

(a) TRAINING.—Programs established for the development of senior executives under section 3396(a) of title 5, United States Code, shall include training with respect to Federal procurement requirements, including contracting requirements under the Small Business Act (15 U.S.C. 631 et seq.).

(b) EVALUATION OF EXECUTIVES.—The head of an agency shall ensure that evaluations of members of the senior executive service, as defined under section 3396(a) of title 5, United States Code, responsible for acquisition, other senior officials responsible for acquisition, and other members of the senior executive service, as appropriate, include consideration of the agency’s success in achieving small business contracting goals and percentages. Such
evaluations shall, as a minimum, consider the extent to which the executive—

(1) promotes a climate or environment that is responsive to small business concerns;

(2) communicates the importance of achieving the agency’s small business contracting goals; and

(3) encourages small business awareness, outreach, and support.

(e) DEFINITIONS.—In this section the term “responsible for acquisition”, with respect to a member of the senior executive service or other senior official, means such a member or official who acquires services or supplies, directs agency organizations to acquire services or supplies, oversees acquisition officials, including program managers, contracting officers, and other acquisition workforce personnel responsible for formulating and approving acquisition strategies and plans.

PART III—MENTOR-PROTEGE PROGRAM

SEC. 1641. MENTOR-PROTEGE PROGRAMS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 45 as section 46;

and

(2) by inserting after section 44 the following:
“SEC. 45. MENTOR-PROTEGE PROGRAMS.

“(a) Administration Program.—

“(1) Authority.—The Administrator is authorized to establish a mentor-protege program for all small business concerns.

“(2) Model for Program.—The mentor-protege program established under paragraph (1) shall be identical to the mentor-protege program of the Administration for small business concerns that participate in the program under section 8(a) of this Act (as in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2013), except that the Administrator may modify the program to the extent necessary given the types of small business concerns included as proteges.

“(b) Programs of Other Agencies.—

“(1) Approval Required.—Except as provided in paragraph (4), a Federal department or agency may not carry out a mentor-protege program for small business concerns unless—

“(A) the head of the department or agency submits a plan to the Administrator for the program; and

“(B) the Administrator approves such plan.
“(2) Basis for approval.—The Administrator shall approve or disapprove a plan submitted under paragraph (1) based on whether the program proposed—

“(A) will assist proteges to compete for Federal prime contracts and subcontracts; and

“(B) complies with the regulations issued under paragraph (3).

“(3) Regulations.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2013, the Administrator shall issue, subject to notice and comment, regulations with respect to mentor-protege programs, which shall ensure that such programs improve the ability of proteges to compete for Federal prime contracts and subcontracts and which shall address, at a minimum, the following:

“(A) Eligibility criteria for program participants, including any restrictions on the number of mentor-protege relationships permitted for each participant.

“(B) The types of developmental assistance to be provided by mentors, including how the assistance provided shall improve the competitive viability of the proteges.
“(C) Whether any developmental assistance provided by a mentor may affect the status of a program participant as a small business concern due to affiliation.

“(D) The length of mentor-protege relationships.

“(E) The effect of mentor-protege relationships on contracting.

“(F) Benefits that may accrue to a mentor as a result of program participation.

“(G) Reporting requirements during program participation.

“(H) Postparticipation reporting requirements.

“(I) The need for a mentor-protege pair, if accepted to participate as a pair in a mentor-protege program of any Federal department or agency, to be accepted to participate as a pair in all Federal mentor-protege programs.

“(J) Actions to be taken to ensure benefits for proteges and to protect proteges against actions by the mentor that—

“(i) may adversely affect the proteges status as a small business; or
“(ii) provide disproportionate economic benefits to the mentor relative to those provided the protege.

“(4) LIMITATION ON APPLICABILITY.—Paragraph (1) does not apply to the following:

“(A) Any mentor-protege program of the Department of Defense.

“(B) Any mentoring assistance provided under a Small Business Innovation Research Program or a Small Business Technology Transfer Program.

“(C) Until the date that is 1 year after the date on which the Administrator issues regulations under paragraph (3), any Federal department or agency operating a mentor-protege program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(c) REPORTING.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter, the Administrator shall submit to the Committee on Small Business of the House of Rep-
resentatives and the Committee on Small Business and Entrepreneurship of the Senate a report that—

“(A) identifies each Federal mentor-protege program;

“(B) specifies the number of participants in each such program, including the number of participants that are—

“(i) small business concerns;

“(ii) small business concerns owned and controlled by service-disabled veterans;

“(iii) qualified HUBZone small business concerns;

“(iv) small business concerns owned and controlled by socially and economically disadvantaged individuals; or

“(v) small business concerns owned and controlled by women;

“(C) describes the type of assistance provided to proteges under each such program;

“(D) describes the benefits provided to mentors under each such program; and

“(E) describes the progress of proteges under each such program with respect to competing for Federal prime contracts and subcontracts.
“(2) Provision of Information.—The head of each Federal department or agency carrying out a mentor-protege program shall provide to the Administrator, on an annual basis, the information necessary for the Administrator to submit a report required under paragraph (1).

“(d) Definitions.—In this section, the following definitions apply:

“(1) Mentor.—The term ‘mentor’ means a for-profit business concern, of any size, that—

“(A) has the ability to assist and commits to assisting a protege to compete for Federal prime contracts and subcontracts; and

“(B) satisfies any other requirements imposed by the Administrator.

“(2) Mentor-Protege Program.—The term ‘mentor-protege program’ means a program that pairs a mentor with a protege for the purpose of assisting the protege to compete for Federal prime contracts and subcontracts.

“(3) Protege.—The term ‘protege’ means a small business concern that—

“(A) is eligible to enter into Federal prime contracts and subcontracts; and
“(B) satisfies any other requirements imposed by the Administrator.

“(e) CURRENT MENTOR PROTEGE AGREEMENTS.—Mentors and proteges with approved agreement in a program operating pursuant to subsection (b)(4)(C) shall be permitted to continue their relationship according to the terms specified in their agreement until the expiration date specified in the agreement.

“(f) SUBMISSION OF AGENCY PLANS.—Agencies operating mentor protege programs pursuant to subsection (b)(4)(C) must submit the plans specified in subsection (b)(1)(A) to the Administrator within 6 months of the promulgation of rules required by subsection (b)(3). The Administrator shall provide initial comments on each plan within 60 days of receipt, and final approval or denial of each plan with 180 days of receipt.”.

SEC. 1642. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than the date that is 2 years after the agencies operating subject to section 45(b)(4)(C) of the Small Business Act have their plans approved or denied by the Administrator, the Comptroller General of the United States shall conduct a study to—
(1) update the study required by section 1345 of the Small Business Jobs Act of 2010 (Pub. Law 111–240);

(2) examine whether potential affiliation issues between mentors and proteges under the prior pro- grams have been resolved by enactment of this Act; and

(3) examine whether the regulations issued pur- suant to section 45(b)(3)(I) of the Small Business Act have increased opportunities for mentor-protege pairs, and if they have decreased the paperwork re- quired for such pairs participating in programs at multiple agencies.

PART IV—TRANSPARENCY IN SUBCONTRACTING

Subpart A—Limitations on Subcontracting

SEC. 1651. LIMITATIONS ON SUBCONTRACTING.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 45 as section 47;

and

(2) by inserting after section 44 the following:

“SEC. 45. LIMITATIONS ON SUBCONTRACTING.

“(a) IN GENERAL.—If awarded a contract under sec- tion 8(a), 8(m), 15(a), 31, or 36, a covered small business concern—

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“(1) in the case of a contract for services, may not expend on subcontractors more than 50 percent of the amount paid to the concern under the contract;

“(2) in the case of a contract for supplies (other than from a regular dealer in such supplies), may not expend on subcontractors more than 50 percent of the amount, less the cost of materials, paid to the concern under the contract;

“(3) in the case of a contract described in more than 1 of paragraphs (1) through (2)—

“(A) shall determine for which category of services or supplies, described in 1 of paragraphs (1) through (4), the greatest percentage of the contract amount is awarded;

“(B) shall determine the amount awarded under the contract for that category of services or supplies; and

“(C) may not expend on subcontractors, with respect to the amount determined under subparagraph (B), more than—

“(i) 50 percent of that amount, if the category of services or supplies applicable under subparagraph (A) is described in paragraph (1); and
“(ii) 50 percent of that amount, if the

category of services or supplies applicable

under subparagraph (A) is described in

paragraph (2); and

“(4) in the case of a contract for supplies from

a regular dealer in such supplies, shall supply the

product of a domestic small business manufacturer

or processor, unless a waiver of such requirement is

granted—

“(A) by the Administrator, after reviewing

a determination by the applicable contracting

officer that no small business manufacturer or

processor can reasonably be expected to offer a

product meeting the specifications (including

period for performance) required by the con-

tract; or

“(B) by the Administrator for a product

(or class of products), after determining that no

small business manufacturer or processor is

available to participate in the Federal procure-

ment market.

“(b) SIMILARLY SITUATED ENTITIES.—Contract

amounts expended by a covered small business concern on

a subcontractor that is a similarly situated entity shall not

be considered subcontracted for purposes of determining
whether the covered small business concern has violated a requirement established under subsection (a) or (d).

“(c) Modifications of Percentages.—

“(1) In general.—The Administrator may change, by rule (after providing notice and an opportunity for public comment), a percentage specified in paragraphs (1) through (4) of subsection (a) if the Administrator determines that such change is necessary to reflect conventional industry practices among business concerns that are below the numerical size standard for businesses in that industry category.

“(2) Uniformity.—A change to a percentage under paragraph (1) shall apply to all covered small business concerns.

“(d) Other Contracts.—

“(1) In general.—With respect to a category of contracts to which a requirement under subsection (a) does not apply, the Administrator is authorized to establish, by rule (after providing notice and an opportunity for public comment), a requirement that a covered small business concern may not expend on subcontractors more than a specified percentage of the amount paid to the concern under a contract in that category.
“(2) Uniformity.—A requirement established under paragraph (1) shall apply to all covered small business concerns.

“(3) Construction Projects.—The Administrator shall establish, through public rulemaking, requirements similar to those specified in paragraph (1) to be applicable to contracts for general and specialty construction and to contracts for any other industry category not otherwise subject to the requirements of such paragraph. The percentage applicable to any such requirement shall be determined in accordance with paragraph (2).

“(e) Definitions.—In this section, the following definitions apply:

“(1) Covered small business concern.—The term ‘covered small business concern’ means a business concern that—

“(A) with respect to a contract awarded under section 8(a), is a small business concern eligible to receive contracts under that section;

“(B) with respect to a contract awarded under section 8(m)—

“(i) is a small business concern owned and controlled by women (as defined in that section); or
“(ii) is a small business concern owned and controlled by women (as defined in that section) that is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law);

“(C) with respect to a contract awarded under section 15(a), is a small business concern;

“(D) with respect to a contract awarded under section 31, is a qualified HUBZone small business concern; or

“(E) with respect to a contract awarded under section 36, is a small business concern owned and controlled by service-disabled veterans.

“(2) SIMILARLY SITUATED ENTITY.—The term ‘similarly situated entity’ means a subcontractor that—

“(A) if a subcontractor for a small business concern, is a small business concern;

“(B) if a subcontractor for a small business concern eligible to receive contracts under section 8(a), is such a concern;
“(C) if a subcontractor for a small business concern owned and controlled by women (as defined in section 8(m)), is such a concern;

“(D) if a subcontractor for a small business concern owned and controlled by women (as defined in section 8(m)) that is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law), is such a concern;

“(E) if a subcontractor for a qualified HUBZone small business concern, is such a concern; or

“(F) if a subcontractor for a small business concern owned and controlled by service-disabled veterans, is such a concern.”.

SEC. 1652. PENALTIES.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended by adding at the end the following:

“(g) SUBCONTRACTING LIMITATIONS.—

“(1) IN GENERAL.—Whoever violates a requirement established under section 45 shall be subject to the penalties prescribed in subsection (d), except that, for an entity that exceeded a limitation on subcontracting under such section, the fine described in
subsection (d)(2)(A) shall be treated as the greater of—

“(A) $500,000; or

“(B) the dollar amount expended, in excess of permitted levels, by the entity on subcontractors.

“(2) MONITORING.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall take such actions as are necessary to ensure that an existing Federal subcontracting reporting system is modified to notify the Administrator, the appropriate Director of the Office of Small and Disadvantaged Business Utilization, and the appropriate contracting officer if a requirement established under section 45 is violated.”.

SEC. 1653. CONFORMING AMENDMENTS.

(a) HUBZONES.—Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended—

(1) in subparagraph (A)(i) by striking subclause (III) and inserting the following:

“(III) with respect to any subcontract entered into by the small business concern pursuant to a contract awarded to the small business concern under section 31, the small
business concern will ensure that the requirements of section 45 are satisfied; and’’;
(2) by striking subparagraphs (B) and (C); and
(3) by redesignating subparagraph (D) as subparagraph (B).

(b) ENTITIES ELIGIBLE FOR CONTRACTS UNDER SECTION 8(a).—Section 8(a) of such Act (15 U.S.C. 637(a)) is amended by striking paragraph (14) and inserting the following:

“(14) LIMITATIONS ON SUBCONTRACTING.—A concern may not be awarded a contract under this subsection as a small business concern unless the concern agrees to satisfy the requirements of section 45.”.

e) SMALL BUSINESS CONCERNS.—Section 15 of such Act (15 U.S.C. 644) is amended by striking subsection (o) and inserting the following:

“(o) LIMITATIONS ON SUBCONTRACTING.—A concern may not be awarded a contract under subsection (a) as a small business concern unless the concern agrees to satisfy the requirements of section 45.”.

SEC. 1654. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Ad-
ministration shall issue guidance with respect to compliance with the changes made to the Small Business Act by the amendments in this part, with opportunities for notice and comment.

**Subpart B—Subcontracting Plans**

**SEC. 1655. SUBCONTRACTING PLANS.**

(a) **Subcontracting Reporting Requirements.**—

(1) **In general.**—Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(A) by striking “(6) Each subcontracting plan” and inserting the following:

“(6) **Subcontracting Plan Requirements.**—Each subcontracting plan”;

(B) by amending subparagraph (E) to read as follows:

“(E) assurances that the offeror or bidder will—

“(i) submit—

“(I) not later than 180 days after the date on which performance under the applicable contract begins, and every 180 days thereafter until contract performance ends, a report that describes all subcontracting ac-
tivities under the contract during the preceding 180-day period;

“(II) not later than 1 year after the date on which performance under the applicable contract begins, and annually thereafter until contract performance ends, a report that describes all subcontracting activities under the contract that have occurred before the date on which the report is submitted; and

“(III) not later than 30 days after the date on which performance under the applicable contract ends, a report that describes all subcontracting activities under the contract; and

“(ii) cooperate with any study or survey required by the applicable Federal agency or the Administration to determine the extent of compliance by the offeror or bidder with the subcontracting plan;”;

(C) by moving the margins for subparagraphs (A), (B), (C), (D), and (F) 2 ems to the right (so that the align with subparagraph (E),
as amended by subparagraph (B) of this paragraph).

(2) REPORTING SYSTEM MODIFICATION.—

    (A) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the Administrator of the Small Business Administration shall take such actions as are necessary to ensure that the Federal subcontracting reporting system to which covered reports are submitted is modified to notify the Administrator, the appropriate contracting officer, and the appropriate Director of Small and Disadvantaged Business Utilization if an entity fails to submit a required covered report. If the Administrator does not modify the subcontracting reporting system on or before the date that is 1 year after the date of enactment of this part, the Administrator may not carry out or establish any pilot program until the date the Administrator modifies the reporting system.

    (B) COVERED REPORT DEFINED.—In this paragraph, the term “covered report” means a report submitted in accordance with assurances
provided under section 8(d)(6)(E) of the Small Business Act (15 U.S.C. 637(d)(6)(E)).

(b) Failure To Submit Subcontracting Reports as Breach of Contract.—Section 8(d)(8) of such Act (15 U.S.C. 637(d)(8)) is amended—

(1) by striking “(8) The failure” and inserting the following:

“(8) MATERIAL BREACH.—The failure”;

(2) in subparagraph (A) by striking “subsection, or” and inserting “subsection,”;

(3) in subparagraph (B) by striking “subcontract,” and inserting “subcontract, or”;

(4) by inserting after subparagraph (B) the follow-

“(C) assurances provided under paragraph

(6)(E),”; and

(5) by moving the margins of subparagraphs (A), (B), and the matter following subparagraph (B) 2 ems to the right.

(c) Authority of Small Business Administration.—Section 8(d)(10) of such Act (15 U.S.C. 637(d)(10)) is amended—

(1) by striking “(10) In the case of” and insert-

ing the following:
“(10) Authority of Administration.—In
the case of”;

(2) in subparagraph (B) by striking “, which
shall be advisory in nature,”;

(3) in subparagraph (C) by striking “, either on
a contract-by-contract basis, or in the case contrac-
tors” and inserting “as a supplement to evaluations
performed by the contracting agency, either on a
contract-by-contract basis or, in the case of contrac-
tors”; and

(4) by moving the margins of subparagraphs
(A) through (C) 2 ems to the right.

(d) Appeals.—Section 8(d) of such Act (15 U.S.C.
637(d)) is amended by adding at the end the following:

“(13) Review and Acceptance of Subcon-
tracting Plans.—

“(A) In general.—Except as provided in
subparagraph (E), if a procurement center rep-
resentative or commercial market representative
determines that a subcontracting plan required
under paragraph (4) or (5) fails to provide the
maximum practicable opportunity for covered
small business concerns to participate in the
performance of the contract to which the plan
applies, such representative may delay accept-
ance of the plan in accordance with subpara-
graph (B).

“(B) PROCESS.—

“(i) IN GENERAL.—Except as pro-
vided in clause (ii), a procurement center
representative or commercial market rep-
resentative who makes the determination
under subparagraph (A) with respect to a
subcontracting plan may delay acceptance
of the plan for a 30-day period by pro-
viding written notice of such determination
to head of the procuring activity of the
contracting agency. Such notice shall in-
clude recommendations for altering the
plan to provide the maximum practicable
opportunity described in that subpara-
graph.

“(ii) EXCEPTION.—In the case of the
Department of Defense, a procurement
center representative or commercial market
representative who makes the determina-
tion under subparagraph (A) with respect
to a subcontracting plan may delay accept-
ance of the plan for a 15-day period by
providing written notice of such determina-
tion to appropriate personnel of the Department of Defense. Such notice shall include recommendations for altering the plan to provide the maximum practicable opportunity described in that subparagraph. The authority of a procurement center representative or commercial market representative to delay acceptance of a subcontracting plan as provided in subparagraph (A), does not include the authority to delay the award or performance of the contract concerned.

“(C) DISAGREEMENTS.—If a procurement center representative or commercial market representative delays the acceptance of a subcontracting plan under subparagraph (B) and does not reach agreement with head of the procuring activity of the contracting agency to alter the plan to provide the maximum practicable opportunity described in subparagraph (A) not later than 30 days from the date written notice was provided, the disagreement shall be submitted to the head of the contracting agency by the Administrator for a final determination.
“(D) COVERED SMALL BUSINESS CON-
cerns defined.—In this paragraph, the term
‘covered small business concerns’ means small
business concerns, qualified HUBZone small
business concerns, small business concerns
owned and controlled by veterans, small busi-
ness concerns owned and controlled by service-
disabled veterans, small business concerns
owned and controlled by socially and economi-
cally disadvantaged individuals, and small busi-
ness concerns owned and controlled by women.

“(E) EXCEPTION.—The procurement cen-
ter representative or commercial market rep-
resentative may not delay the acceptance of a
subcontracting plan if the appropriate personnel
of the contracting agency certify that the agen-
cy’s need for the property or services is of such
an unusual and compelling urgency that the
United States would be seriously injured unless
the agency is permitted to accept the subcon-
tracting plan.”.

SEC. 1656. NOTICES OF SUBCONTRACTING OPPORTUNI-
ties.

Section 8(k)(1) of the Small Business Act (15 U.S.C.
637(k)(1)) is amended by striking “in the Commerce
Business Daily” and inserting “on the appropriate Federal Web site (as determined by the Administrator)”.

SEC. 1657. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidance with respect to the changes made to the Small Business Act, with opportunity for notice and comment.

Subpart C—Publication of Certain Documents

SEC. 1658. PUBLICATION OF CERTAIN DOCUMENTS.

The Small Business Act (15 U.S.C. 631 et seq.), as amended by this part, is further amended by inserting after section 45 the following:

“SEC. 46. PUBLICATION OF CERTAIN DOCUMENTS.

“A Federal agency, other than the Department of Defense, may only convert a function that is being performed by a small business concern to performance by a Federal employee if the agency has made publicly available the procedures and methodologies of the agency with respect to decisions to convert a function being performed by a small business concern to performance by a Federal employee, including procedures and methodologies for determining which contracts will be studied for potential conversion; procedures and methodologies by which a contract is evaluated as inherently governmental or as a crit-
ical agency function; and procedures and methodologies for estimating and comparing costs.”.

PART V—SMALL BUSINESS CONCERN SIZE STANDARDS

SEC. 1661. SMALL BUSINESS CONCERN SIZE STANDARDS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended—

(1) by striking “Sec. 3.” and inserting the following:

“SEC. 3. DEFINITIONS.”;

and

(2) in subsection (a)—

(A) by striking the subsection enumerator and inserting the following:

“(a) SMALL BUSINESS CONCERNS.—”;

(B) in paragraph (1) by striking “(1) For the purposes” and inserting the following:

“(1) IN GENERAL.—For the purposes”;

(C) in paragraph (3) by striking “(3) When establishing” and inserting the following:

“(3) VARIATION BY INDUSTRY AND CONSIDERATION OF OTHER FACTORS.—When establishing”;

(D) by moving paragraph (5), including each subparagraph and clause therein, 2 ems to the right; and
(E) by adding at the end the following:

“(6) PROPOSED RULE MAKING.—In conducting
rulemaking to revise, modify or establish size stand-
ards pursuant to this section, the Administrator
shall consider, and address, and make publicly avail-
able as part of the notice of proposed rule making
and notice of final rule each of the following:

“(A) a detailed description of the industry
for which the new size standard is proposed;

“(B) an analysis of the competitive envi-
ronment for that industry;

“(C) the approach the Administrator used
to develop the proposed standard including the
source of all data used to develop the proposed
rulemaking; and

“(D) the anticipated effect of the proposed
rulemaking on the industry, including the num-
ber of concerns not currently considered small
that would be considered small under the pro-
posed rulemaking and the number of concerns
currently considered small that would be
deemed other than small under the proposed
rulemaking.

“(7) COMMON SIZE STANDARDS.—In carrying
out this subsection, the Administrator may establish
or approve a single size standard for a grouping of four digit North American Industrial Classification codes only if the Administrator makes publicly available, not later than the date on which such size standard is established or approved, a justification demonstrating that such size standard is appropriate for each individual industry classification included in the grouping.

“(8) Number of size standards.—The Administrator shall not limit the number of size standards it creates pursuant to paragraph (2), and shall assign the appropriate size standard to each North American Industrial Classification System Code”.

PART VI—CONTRACT BUNDLING

SEC. 1671. CONSOLIDATION OF PROVISIONS RELATING TO CONTRACT BUNDLING.

Section 44 of the Small Business Act (15 U.S.C. 657q) is amended to read as follows:

“SEC. 44. CONTRACT BUNDLING.

“(a) Definitions.—In this Act:

“(1) Bundled contract.—The term ‘bundled contract’—

“(A) means a contract that is entered into to meet procurement requirements that are combined in a bundling of contract require-
ments, without regard to whether a study of the effects of the solicitation on Federal officers or employees has been made; and

“(B) does not include—

“(i) a contract with an aggregate dollar value below the dollar threshold; or

“(ii) a single award contract for the acquisition of a weapons system acquired through a major defense acquisition.

“(2) Bundling Methodology.—The term ‘bundling methodology’ means—

“(A) a solicitation to obtain offers for a single contract or a multiple award contract;

“(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract; or

“(C) the creation of any new procurement requirements that permits a combination of contract requirements, including any combination of contract requirements or order requirements.

“(3) Bundling of Contract Requirements.—The term ‘bundling of contract requirements’, with respect to the contract requirements of a Federal agency—
“(A) means the use of any bundling methodology to satisfy 2 or more procurement requirements for new or existing goods or services provided to or performed for the Federal agency, including any construction services, that is likely to be unsuitable for award to a small-business concern due to—

“(i) the diversity, size, or specialized nature of the elements of the performance specified;

“(ii) the aggregate dollar value of the anticipated award;

“(iii) the geographical dispersion of the contract performance sites; or

“(iv) any combination of the factors described in clauses (i), (ii), and (iii); and

“(B) does not include the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold.

“(4) CHIEF ACQUISITION OFFICER.—The term ‘Chief Acquisition Officer’ means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 1702(a) of title 41, United States Code.
“(5) CONTRACT.—The term ‘contract’ includes, for purposes of this section, any task order made pursuant to an indefinite quantity, indefinite delivery contract.

“(6) CONTRACT BUNDLING.—The term ‘contract bundling’ means the process by which a bundled contract is created.

“(7) DOLLAR THRESHOLD.—The term ‘dollar threshold’ means—

“(A) in the case of a contract for construction, $5,000,000; and

“(B) in any other case, $2,000,000.

“(8) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ‘major defense acquisition program’ has the meaning given in section 2430(a) of title 10, United States Code.

“(9) PREVIOUSLY BUNDLED CONTRACT.—The term ‘previously bundled contract’ means a contract that is the successor to a contract that required a bundling analysis, contract for which any of the successor contract were designated as a consolidated contract or bundled contract in the Federal procurement database, or a contract for which the Administrator designated the prior contract as a bundled contract.
“(10) PROCUREMENT ACTIVITY.—The term ‘procurement activity’ means the Federal agency or office thereof acquiring goods or services.

“(11) PROCUREMENT REQUIREMENT.—The term ‘procurement requirement’ means a determination by an agency that the acquisition of a specified good or service is needed to satisfy the mission of the agency.

“(12) SENIOR PROCUREMENT EXECUTIVE.—The term ‘senior procurement executive’ means an official designated under section 1702(c) of title 41, United States Code, as the senior procurement executive for a Federal agency.

“(13) TRADE ASSOCIATION.—The term ‘trade association’ means any entity that is described in paragraph (3), (6), (12), or (19) of section 501(c) of the Internal Revenue Code of 1986 and which is exempt from tax under section 501(a) of such Code.

“(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding contract bundling are made with a view to providing small business concerns with the maximum practicable opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.
“(c) CONTRACT BUNDLING.—

“(1) PROPOSED PROCUREMENTS.—Paragraphs (2) through (4) shall apply to a proposed procurement if the proposed procurement—

“(A) one or more small business concerns would suffer economic harm or disruption of its business operations, including the potential loss of an existing contract, as a direct or indirect result of the contract bundling;

“(B) includes, in its statement of work, goods or services—

“(i)(I) currently being performed by a small business; and

“(II) if the proposed procurement is in a quantity or estimated dollar value the magnitude of which renders small business prime contract participation unlikely; or

“(ii)(I) that are of a type that the Administrator through market research can demonstrate that two or more small businesses are capable of performing; and

“(II) if the statement of work proposes combining the goods or services identified in subclause (I) with other require-
ments for goods or services into the solicitation of offers;

“(C) is for construction and—

“(i) seeks to package or combine discrete construction projects; or

“(ii) the value of the goods or services subject to the contract exceeds the dollar threshold; or

“(D) is determined by the Administrator to have a solicitation that involves an unnecessary or unjustified bundling of contract requirements.

“(2) **Responsibility of the Procurement Activity.**—At least 45 days prior to the issuance of a solicitation, the Procurement Activity shall notify and provide a copy of the proposed procurement to the procurement center representative assigned to the Procurement Activity. The 45-day notification process under this paragraph shall occur concurrently with other processing steps required prior to issuance of the solicitation. The notice shall include a statement as to why the agency has determined that contract bundling is necessary and justified and shall also describe why the proposed acquisition can-
not be offered so as to make small business participation likely. Such statement shall address—

“(A) why the proposed acquisition cannot be further divided into reasonably small lots or discrete tasks in order to permit offers by small business concerns;

“(B) if applicable, a list of the incumbent contractors disaggregated by and including names, addresses, and whether or not the contractor is a small business concern;

“(C) a description of the industries that might be interested in bidding on the contract requirements;

“(D) an assessment of the impact on small businesses that had bid on previous procurement requirements that are included in the bundling of contract requirements;

“(E) delineating the number of existing small business concerns whose contracts will cease if the contract bundling proceeds;

“(F) if delivery schedule was a factor in the decision to bundle, an explanation as to why a schedule could not be developed that would encourage small business participation; and
“(G) in the case of a construction contract, why construction cannot be procured as separate discrete projects.

“(3) PUBLICATION OF NOTICE STATEMENT.—Concurrently, the statement required in paragraph (2) shall be published in the Federal contracting opportunities database.

“(4) RECOMPETITION OF A PREVIOUSLY BUNDLED CONTRACT.—If the proposed procurement is a previously bundled contract, that is to be recompeted as a bundled contract, the Administrator shall determine, with the assistance of the agency proposing the procurement—

“(A) the amount of savings and benefits (in accordance with subsection (d)) achieved under the bundling of contract requirements;

“(B) whether such savings and benefits will continue to be realized if the contract remains bundled, and whether such savings and benefits would be greater if the procurement requirements were divided into separate solicitations suitable for award to small business concerns;

“(C) the dollar value of subcontracts awarded to small business concerns under the
bundled contract, disaggregated by North American Industrial Classification System Code;

“(D) the percentage of subcontract dollars awarded to small businesses under the bundled contract, disaggregated by North American Industrial Classification System Code; and

“(E) the dollar amount and percentage of prime contract dollars awarded to small businesses in the primary North American Industrial Classification System Code for that bundled contract during each of the two fiscal years preceding the award of the bundled contract and during each fiscal year of the performance of the bundled contract.

“(5) FAILURE TO PROVIDE NOTICE.—

“(A) NO NOTIFICATION RECEIVED.—If no notification of the proposed procurement or accompanying statement is received, but the Administrator determines that the proposed procurement is a proposed procurement described in paragraph (1), then the Administrator shall require that such a statement of work be completed by the Procurement Activity and sent to the procurement center representative and post-
pone the solicitation process for at least 10
days but not more than 45 days to allow the
Administrator to review the statement and
make recommendations as described in this sec-
tion before the procurement process is contin-
ued.

“(B) NO WORK CONTINUED.—If the Ad-
ministrator requires a Procurement Activity to
provide a statement of work pursuant to sub-
paragraph (A), the Procurement Activity shall
not be permitted to continue with the procure-
ment until such time as the Procurement Activ-
ity complies with the requirements of subpara-
graph (A).

“(6) RESPONSIBILITY OF THE PROCUREMENT
CENTER REPRESENTATIVE.—Within 15 days after
receipt of the proposed procurement and accom-
panying statement, if the procurement center rep-
resentative believes that the procurement as pro-
posed will render small business prime contract par-
ticipation unlikely, the representative shall rec-
ommend to the Procurement Activity alternative pro-
curement methods which would increase small busi-
ness prime contracting opportunities.
“(7) Disagreement between the Administrator and the Procurement Activity.—

“(A) In General.—If the Administrator determines that a small business concern would be adversely affected, directly or indirectly, by the proposed procurement, or if a small business concern or a trade association of which that small business concern is a member so requests, the Administrator may take action under this paragraph to further the interests of small businesses.

“(B) Appeal to Agency Head.—The proposed procurement shall be submitted for determination to the head of the contracting agency by the Administrator.

“(C) Appeal by Affected Small Business Concern to GAO.—For purposes of subchapter V of chapter 35 of title 31, United States Code, if a protest is submitted to the Comptroller General under that subchapter alleging a violation of this section of the Small Business Act, a trade association representing small business concerns shall be considered an interested party.

“(d) Market Research.—
“(1) IN GENERAL.—Before proceeding with an acquisition strategy that could lead to bundled contracts, the head of an agency shall conduct market research to determine whether bundling of the requirements is necessary and justified.

“(2) FACTORS.—For purposes of subsection (c)(1), a bundled contract is necessary and justified if the bundling of contract requirements will result in substantial measurable benefits in excess of those benefits resulting from a procurement of the contract requirements that does not involve contract bundling.

“(3) BENEFITS.—For the purposes of bundling of contract requirements, benefits described in paragraph (2) may include the following:

“(A) Cost savings.

“(B) Quality improvements.

“(C) Reduction in acquisition cycle times.

“(D) Better terms and conditions.

“(E) Any other benefits.

“(4) REDUCTION OF COSTS NOT DETERMINATIVE.—For purposes of this subsection:

“(A) Cost savings shall not include any reduction in the use of military interdepartmental purchase requests or any similar transfer funds
among Federal agencies for the use of a contract issued by another Federal agency.

“(B) The reduction of administrative or personnel costs alone shall not be a justification for bundling of contract requirements unless the cost savings are expected to be substantial in relation to the dollar value of the procurement requirements to be bundled.

“(5) LIMITATION ON ACQUISITION STRATEGY.—The head of a Federal agency may not carry out an acquisition strategy that includes bundled contracts valued in excess of the dollar threshold, unless the senior procurement executive or, if applicable, Chief Acquisition Officer, for the Federal agency, certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy prior to the implementation of such acquisition strategy.

“(e) STRATEGY SPECIFICATIONS.—If the head of a contracting agency determines that an acquisition plan or proposed procurement strategy will result in a bundled contract, the proposed acquisition plan or procurement strategy shall—
“(1) identify specifically the benefits anticipated to be derived from the bundling of contract requirements;

“(2) set forth an assessment of the specific impediments to participation by small business concerns as prime contractors that result from the contract bundling and specify actions designed to maximize small business participation as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements; and

“(3) include a specific determination that the anticipated measurable benefits of the proposed bundled contract justify its use.

“(f) CONTRACT TEAMING.—In the case of a solicitation of offers for a bundled contract that is issued by the head of an agency, a small-business concern may submit an offer that provides for use of a particular team of subcontractors for the performance of the contract. The head of the agency shall evaluate the offer in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors. If a small business concern teams under this paragraph, it shall not affect its status as a small business concern for any other purpose.
“(g) DATABASE, ANALYSIS, AND ANNUAL REPORT REGARDING CONTRACT BUNDLING.—

“(1) DATABASE.—Not later than 180 days after the date of the enactment of this subsection, the Administrator shall develop and shall thereafter maintain a database containing data and information regarding—

“(A) each bundled contract awarded by a Federal agency; and

“(B) each small business concern that has been displaced as a prime contractor as a result of the award of such a contract.

“(2) ANALYSIS.—For each bundled contract that is to be recompeted, the Administrator shall determine—

“(A) the amount of savings and benefits realized, in comparison with the savings and benefits anticipated by the analysis required under subsection (d) prior to the contract award; and

“(B) whether such savings and benefits will continue to be realized if the contract remains bundled, and whether such savings and benefits would be greater if the procurement requirements were divided into separate solicita-
tions suitable for award to small business concerns.

“(3) ANNUAL REPORT ON CONTRACT BUNDLING.—

“(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this paragraph, and annually in March thereafter, the Administrator shall transmit a report on contract bundling to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.

“(B) CONTENTS.—Each report transmitted under subparagraph (A) shall include—

“(i) data on the number, arranged by industrial classification, of small business concerns displaced as prime contractors as a result of the award of bundled contracts by Federal agencies; and

“(ii) a description of the activities with respect to previously bundled contracts of each Federal agency during the preceding year, including—
“(I) data on the number and total dollar amount of all contract requirements that were bundled; and

“(II) with respect to each bundled contract, data or information on—

“(aa) the justification for the bundling of contract requirements;

“(bb) the cost savings realized by bundling the contract requirements over the life of the contract;

“(cc) the extent to which maintaining the bundled status of contract requirements is projected to result in continued cost savings;

“(dd) the extent to which the bundling of contract requirements complied with the contracting agency’s small business subcontracting plan, including the total dollar value awarded to small business concerns as sub-
contractors and the total dollar value previously awarded to small business concerns as prime contractors; and

“(ee) the impact of the bundling of contract requirements on small business concerns unable to compete as prime contractors for the consolidated requirements and on the industries of such small business concerns, including a description of any changes to the proportion of any such industry that is composed of small business concerns.

“(h) Bundling Accountability Measures.—

“(1) Teaming Requirements.—Each Federal agency shall include in each solicitation for any multiple award contract above the dollar threshold a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.

“(2) Policies on reduction of contract bundling.—
“(A) IN GENERAL.—Not later than 270 days after the date of enactment of this sub-
paragraph, the Federal Acquisition Regulatory Council, established under section 1302(a) of title 41, United States Code, shall amend the Federal Acquisition Regulation issued under section 1303 of such title to—

“(i) establish a Government-wide policy regarding contract bundling, including regarding the solicitation of teaming and joint ventures; and

“(ii) require that the policy established under clause (i) be published on the website of each Federal agency.

“(B) RATIONALE FOR CONTRACT BUNDLING.—Not later than 30 days after the date on which the head of a Federal agency submits the report required under section 15(h), the head of the Federal agency shall publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.”.
SEC. 1672. REPEAL OF REDUNDANT PROVISIONS.

(a) CERTAIN PROVISIONS REGARDING CONTRACT BUNDLING REPEALED.—

(1) Section 15(a) of the Small Business Act (15 U.S.C. 644(a)), is amended by striking “If a proposed procurement includes” and all that follows through “the matter shall be submitted for determination to the Secretary or the head of the appropriate department or agency by the Administrator.”.

(2) All references in law to such sentences as they were in effect on the date that is one day prior to the effective date of this Act shall be deemed to be references to section 44(d), as added by this part.

(b) CERTAIN PROVISIONS REGARDING MARKET RESEARCH REPEALED.—

(1) Paragraphs (2) through (4) of section 15(e) of the Small Business Act (15 U.S.C. 644(e)) are repealed.

(2) All references in law to such paragraphs, as in effect on the date that is one day prior to the effective date of this Act, shall be deemed to be references to subsections (d) through (f), respectively, of section 44 of the Small Business Act, as added by this section.

(c) CERTAIN PROVISIONS REGARDING CONTRACT BUNDLING DATABASE REPEALED.—
(1) Paragraph (1) of section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is repealed.

(2) Paragraphs (2) through (4) of section 15(p) of the Small Business Act (15 U.S.C. 644(p)) are repealed. All references in law to such paragraphs, as in effect on the date that is one day prior to the effective date of this Act, shall be deemed to be references to paragraphs (1) through (3), respectively, of section 44(h) of the Small Business Act, as added by this part.

(d) Certain Provisions Regarding Bundling Accountability Measures Repealed.—

(1) Paragraphs (1) and (2) of section 15(q) of the Small Business Act (15 U.S.C. 644(q)) are repealed.

(2) All references in law to such paragraphs, as in effect on the date that is one day prior to the effective date of this Act, shall be deemed to be references to paragraphs (1) and (2), respectively, of section 44(i) of the Small Business Act, as added by this part.

(e) Certain Provisions Regarding.—Subsection (o) of section 3 of the Small Business Act (15 U.S.C.) is repealed.
SEC. 1673. TECHNICAL AMENDMENTS.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in the heading of subsection (p), to read as follows: “ACCESS TO DATA.—”; and

(2) in the heading of subsection (q), to read as follows: “REPORTS RELATED TO PROCUREMENT CENTER REPRESENTATIVES.—”.

PART VII—INCREASED PENALTIES FOR FRAUD

SEC. 1681. SAFE HARBOR FOR GOOD FAITH COMPLIANCE EFFORTS.

(a) SMALL BUSINESS FRAUD.—Section 16(d) of the Small Business Act (15 U.S.C. 645(d)) is amended by inserting after paragraph (2) the following:

“(3) LIMITATION ON LIABILITY.—This subsection shall not apply to any conduct in violation of subsection (a) if the defendant acted in reliance on a written advisory opinion from a licensed attorney who is not an employee of the defendant.”.

(b) REGULATIONS.—Not later than 270 days after the date of enactment of this part, the Administrator of the Small Business Administration shall issue rules defining what constitutes an adequate advisory opinion for purposes of section 16(d)(3) of the Small Business Act.

(c) SMALL BUSINESS COMPLIANCE GUIDE.—Not later than 270 days after the date of enactment of this
part, the Administrator of the Small Business Administra-
tion shall issue (pursuant to section 212 of the Small
Business Regulatory Enforcement Fairness Act of 1996)
a compliance guide to assist business concerns in accu-
rately determining their status as a small business con-
cern.

SEC. 1682. OFFICE OF HEARINGS AND APPEALS.

(a) Chief Hearing Officer.—Section 4(b)(1) of
the Small Business Act is amended by adding at the end
the following: “One shall be designated at the time of his
or her appointment as the Chief Hearing Officer, who
shall head and administer the Office of Hearings and Ap-
peals within the Administration.”.

(b) Office of Hearings and Appeals Established in Administra-
tion.—Section 5 of the Small
Business Act (15 U.S.C. 634) is amended by adding at
the end the following:

“(i) Office of Hearings and Appeals.—

“(1) In general.—There is established in the
Administration an Office of Hearings and Appeals—

“(A) to impartially decide such matters,
where Congress designates that a hearing on
the record is required or which the Adminis-
trator designates by regulation or otherwise;
and
“(B) which shall contain the Administration’s Freedom of Information/Privacy Acts Office.

“(2) CHIEF HEARING OFFICER.—The Chief Hearing Officer shall be a career member of the Senior Executive Service and an attorney duly licensed by any State, commonwealth, territory, or the District of Columbia.

“(A) DUTIES.—The Chief Hearing Officer shall—

“(i) serve as the Chief Administrative Law Judge; and

“(ii) be responsible for the operation and management of the Office of Hearings and Appeals, pursuant to the rules of practice established by the Administrator.

“(B) ALTERNATIVE DISPUTE RESOLUTION.—The Chief Hearing Officer may also assign a matter for mediation or other means of alternative dispute resolution.

“(3) ADMINISTRATIVE LAW JUDGES.—

“(A) IN GENERAL.—An administrative law judge shall be an attorney duly licensed by any State, commonwealth, territory, or the District of Columbia.
“(B) CONDITIONS OF EMPLOYMENT.—(i) An administrative law judge shall serve in the excepted service as an employee of the Administration under section 2103 of title 5, United States Code, and under the supervision of the Chief Hearing Officer.

“(ii) Administrative law judge positions shall be classified at Senior Level, as such term is defined in section 5376 of title 5, United States Code.

“(iii) Compensation for administrative law judge positions shall be set in accordance with the pay rates of section 5376 of title 5, United States Code.

“(C) TREATMENT OF CURRENT PERSONNEL.—An individual serving as a Judge in the Office of Hearings and Appeals (as that position and office are designated in section 134.101 of title 13, Code of Federal Regulations (as in effect on January 1, 2012)) on the effective date of this subsection shall be considered as qualified to be and redesignated as administrative law judges.

“(D) POWERS.—An administrative law judge shall have the authority to conduct hear-
ings in accordance with sections 554, 556, and 557 of title 5, United States Code.”.

**SEC. 1683. REQUIREMENT FRAUDULENT BUSINESSES BE SUSPENDED OR DEBARRED.**

(a) IN GENERAL.—Section 16(d)(2)(C) of the Small Business Act (15 U.S.C. 645(d)(2)(C)) is amended by striking “on the basis that such misrepresentation indicates a lack of business integrity that seriously and directly affects the present responsibility to perform any contract awarded by the Federal Government or a sub-contract under such a contract”.

(b) REVISION TO FAR.—Not later than 270 days after the date of enactment of this part, the Federal Acquisition Regulation shall be revised to implement the amendment made by this section.

(c) DEVELOPMENT AND PROMULGATION OF GUIDANCE.—Not later than 270 days after the date of enactment of this part, the Administrator of the Small Business Administration shall develop and promulgate guidance implementing this section.

(d) PUBLICATION OF PROCEDURES REGARDING SUSPENSION AND DEBARMENT.—Not later than 270 days after the date of enactment of this part, the Administrator shall publish on the Administration’s Web site the standard operating procedures for suspension and debarment.
in effect, and the name and contact information for the
individual designated by the Administrator as the senior
individual responsible for suspension and debarment pro-
cedings.

SEC. 1684. ANNUAL REPORT ON SUSPENSIONS AND
DEBARMENTS PROPOSED BY SMALL BUSI-
NESS ADMINISTRATION.

(a) REPORT REQUIREMENT.—The Administrator of
the Small Business Administration shall submit each year
to the Committee on Small Business and Entrepreneur-
ship of the Senate, and the Committee on Small Business
of the House of Representatives a report on the suspen-
sion and debarment actions taken by the Administrator
during the year preceding the year of submission of the
report.

(b) MATTERS COVERED.—The report required by
subsection (a) shall include the following information for
the year covered by the report:

(1) NUMBER.—The number of contractors pro-
posed for suspension or debarment.

(2) SOURCE.—The office within a Federal
agency that originated each proposal for suspension
or debarment.

(3) REASONS.—The reason for each proposal
for suspension or debarment.
(4) **RESULTS.**—The result of each proposal for suspension or debarment, and the reason for such result.

(5) **REFERRALS.**—The number of suspensions or debarments referred to the Inspector General of the Small Business Administration or another agency, or to the Attorney General (for purposes of this paragraph, the Administrator may redact identifying information on names of companies or other information in order to protect the integrity of any ongoing criminal or civil investigation).

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

**SEC. 1691. OFFICES OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.**

(a) **APPOINTMENT AND POSITION OF DIRECTOR.**—Section 15(k)(2) of the Small Business Act (15 U.S.C. 644(k)(2)) is amended by striking “such agency,” and inserting “such agency to a position that is a Senior Executive Service position (as such term is defined under section 3132(a) of title 5, United States Code), except that, for any agency in which the positions of Chief Acquisition Officer and senior procurement executive (as such terms are defined under section 44(a) of this Act) are not Senior Executive Service positions, the Director of Small and Dis-
advantaged Business Utilization may be appointed to a position compensated at not less than the minimum rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of such title (including comparability payments under section 5304 of such title);”.

(b) PERFORMANCE APPRAISALS.—Section 15(k)(3) of such Act (15 U.S.C. 644(k)(3)) is amended—

(1) by striking “be responsible only to, and report directly to, the head” and inserting “shall be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, the head”; and

(2) by striking “be responsible only to, and report directly to, such Secretary” and inserting “be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, such Secretary”.

(c) SMALL BUSINESS TECHNICAL ADVISERS.—Section 15(k)(8)(B) of such Act (15 U.S.C. 644(k)(8)(B)) is amended—

(1) by striking “and 15 of this Act,” and inserting “, 15, and 44 of this Act;”; and

(2) by inserting after “of this Act” the following: “(giving priority in assigning to small business that are in metropolitan statistical areas for
which the unemployment rate is higher than the na-
tional average unemployment rate for the United
States)’’.

(d) ADDITIONAL REQUIREMENTS.—Section 15(k) of
such Act (15 U.S.C. 644(k)) is amended by inserting after
paragraph (10) the following:

“(11) shall review and advise such agency on
any decision to convert an activity performed by a
small business concern to an activity performed by
a Federal employee;

“(12) shall provide to the Chief Acquisition Of-

“(13) may provide training to small business
concerns and contract specialists, except that such
training may only be provided to the extent that the
training does not interfere with the Director car-
rying out other responsibilities under this subsection;

“(14) shall receive unsolicited proposals and,
when appropriate, forward such proposals to per-
sonnel of the activity responsible for reviewing such
proposals;
“(15) shall carry out exclusively the duties enumerated in this Act, and shall, while the Director, not hold any other title, position, or responsibility, except as necessary to carry out responsibilities under this subsection; and

“(16) shall submit, each fiscal year, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing—

“(A) the training provided by the Director under paragraph (13) in the most recently completed fiscal year;

“(B) the percentage of the budget of the Director used for such training in the most recently completed fiscal year; and

“(C) the percentage of the budget of the Director used for travel in the most recently completed fiscal year.”.

(e) REQUIREMENT OF CONTRACTING EXPERIENCE FOR OSDBU DIRECTOR.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), as amended by this part, is further amended, in the matter preceding paragraph (1), by striking “who shall” and insert the following: “, with experience serving in any combination of the fol-
lowing roles: federal contracting officer, small business technical advisor, contracts administrator for federal government contracts, attorney specializing in federal procurement law, small business liaison officer, officer or employee who managed federal government contracts for a small business, or individual whose primary responsibilities were for the functions and duties of section 8, 15 or 44 of this Act. Such officer or employee”.

(f) TECHNICAL AMENDMENTS.—Section 15(k) of such Act (15 U.S.C. 644(k)), as amended, is further amended—

(1) in paragraph (1)—

(A) by striking “be known” and inserting “shall be known”; and

(B) by striking “such agency,” and inserting “such agency;”;

(2) in paragraph (2) by striking “be appointed by” and inserting “shall be appointed by”;

(3) in paragraph (3)—

(A) by striking “director” and inserting “Director”; and

(B) by striking “Secretary’s designee,” and inserting “Secretary’s designee;”;

(4) in paragraph (4)—
(A) by striking “be responsible” and inserting “shall be responsible”; and

(B) by striking “such agency,” and inserting “such agency;”;

(5) in paragraph (5) by striking “identify proposed” and inserting “shall identify proposed”;

(6) in paragraph (6) by striking “assist small” and inserting “shall assist small”;

(7) in paragraph (7)—

(A) by striking “have supervisory” and inserting “shall have supervisory”; and

(B) by striking “this Act,” and inserting “this Act;”;

(8) in paragraph (8)—

(A) by striking “assign a” and inserting “shall assign a”; and

(B) in subparagraph (A), by striking “the activity, and” and inserting “the activity; and”;

(9) in paragraph (9)—

(A) by striking “cooperate, and” and inserting “shall cooperate, and”; and

(B) by striking “subsection, and” and inserting “subsection;”; and

(10) in paragraph (10)—
(A) by striking “make recommendations” and inserting “shall make recommendations”;

(B) by striking “subsection (a), or section” and inserting “subsection (a), section”;

(C) by striking “Act or section 2323” and inserting “Act, or section 2323”;

(D) by striking “Code. Such recommendations shall” and inserting “Code, which shall”; and

(E) by striking “contract file.” and inserting “contract file;”.

SEC. 1692. SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL.

(a) DUTIES.—Section 7104(b) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended—

(1) in paragraph (1) by striking “and” at the end;

(2) in paragraph (2) by striking “authorities.” and inserting “authorities;”; and

(3) by adding at the end the following:

“(3) to conduct reviews of each Office of Small and Disadvantaged Business Utilization established under section 15(k) of the Small Business Act (15
U.S.C. 644(k)) to determine the compliance of each
Office with requirements under such section;

“(4) to identify best practices for maximizing
small business utilization in Federal contracting that
may be implemented by Federal agencies having pro-
curement powers; and

“(5) to submit, annually, to the Committee on
Small Business of the House of Representatives and
the Committee on Small Business and Entrepre-
neurship of the Senate a report describing—

“(A) the comments submitted under para-
graph (2) during the 1-year period ending on
the date on which the report is submitted, in-
cluding any outcomes related to the comments;

“(B) the results of reviews conducted
under paragraph (3) during such 1-year period;
and

“(C) best practices identified under para-
graph (4) during such 1-year period.”.

(b) MEMBERSHIP.—Section 7104(c)(3) of such Act
(15 U.S.C. 644 note) is amended by striking “(established
under section 15(k) of the Small Business Act (15 U.S.C.
644(k))”.

(c) CHAIRMAN.—Section 7104(d) of such Act (15
U.S.C. 644 note) is amended by inserting after “Small
PART IX—EARLY STAGE SMALL BUSINESS CONTRACTING

SEC. 1693a. PROGRAM TO PROVIDE FEDERAL CONTRACTS TO EARLY STAGE SMALL BUSINESSES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by adding at the end the following:

“(a) ESTABLISHMENT.—The Administrator shall establish and carry out a program in accordance with the requirements of this section to provide improved access to Federal contract opportunities for early stage small business concerns.

“(b) PROCUREMENT CONTRACTS.—

“(1) IN GENERAL.—In carrying out subsection (a), the Administrator, in consultation with other Federal agencies, shall identify procurement contracts of Federal agencies for award under the program.

“(2) CONTRACT AWARDS.—Under the program established pursuant to this section, the award of a procurement contract of a Federal agency identified
by the Administrator pursuant to paragraph (1) shall be made by the agency to an eligible program participant selected, and determined to be responsible, by the agency.

“(3) Competition.—

“(A) Sole source.—A contracting officer may award a sole source contract under this program if such concern is determined to be a responsible contractor with respect to performance of such contract opportunity and the contracting officer does not have a reasonable expectation that 2 or more early stage small business concerns will submit offers for the contracting opportunity and in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.

“(B) Restricted competition.—A contracting officer may award contracts on the basis of competition restricted to early stage small business concerns if the contracting officer has a reasonable expectation that not less than 2 early stage small business concerns will submit offers and that the award can be made at a fair market price.
“(4) CONTRACT VALUE.—Contracts shall be awarded under this program if its value is greater than $3,000 and less than half the upper threshold of section 15(j)(1) of the Small Business Act.

“(c) ELIGIBILITY.—Only an early stage small business concern shall be eligible to compete for a contract to be awarded under the program. The Administrator shall certify that a small business concern is an early stage small business concern, or the Administrator shall approve a Federal agency, a State government, or a national certifying entity to certify that the business meets the eligibility criteria of an early stage small business concern.

“(d) TECHNICAL ASSISTANCE.—The Administrator shall provide early stage small business concerns with technical assistance and counseling with regard to—

“(1) applying for and competing for Federal contracts; and

“(2) fulfilling the administrative responsibilities associated with the performance of a Federal contract.

“(e) ATTAINMENT OF CONTRACT GOALS.—All contract awards made under the program shall be counted toward the attainment of the goals specified in section 15(g) of the Small Business Act.

“(f) REGULATIONS.—The Administrator shall—
“(1) issue proposed regulations to carry out
this section not later than 180 days after the date
of enactment of this Act; and

“(2) issue final regulations to carry out this
section not later than 270 days after the date of en-
actment of this Act.

“(g) REPORT TO CONGRESS.—Not later than April
30, 2015, the Administrator shall transmit to the Con-
gress a report on the performance of the program.

“(h) DEFINITIONS.—For purposes of this section, the
following definitions shall apply:

“(1) PROGRAM.—The term ‘program’ means a
program established pursuant to subsection (a).

“(2) EARLY STAGE SMALL BUSINESS CON-
cern.—The term ‘early stage small business con-
cern’ means a small business concern that—

“(A) has not more than 15 employees; and

“(B) has average annual receipts that total
not more than $1,000,000, except if the con-
cern is in an industry with an average annual
revenue standard that is less than $1,000,000,
as defined by the North American Industry
Classification System.”.

(b) REPEAL OF SIMILAR PROGRAM.—Section 304 of
the Small Business Administration Reauthorization and

PART X—OTHER MATTERS

SEC. 1695. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting “(A)” after “(1)”;

(2) by striking “$2,000,000” and inserting “$6,500,000, as adjusted for inflation in accordance with section 1908 of title 41, United States Code,”;

and

(3) by adding at the end the following:

“(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.”.

(b) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

“(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Admini-
istration shall reimburse the surety, as provided in subsection (e) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

“(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation,

“(2) the total contract amount at the time of execution of the bond or bonds exceeds $6,500,000,

“(3) the surety has breached a material term or condition of such guarantee agreement, or

“(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).”; and

(2) by adding at the end the following:

“(j) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guaranty application.”.

(c) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by adding at the end the following:

“(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purpose of sections 410, 411, and 412 the term ‘small
business concern’ means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.”.

SEC. 1696. ASSESSMENT OF OUTREACH FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN AND MINORITIES REQUIRED BEFORE CONVERSION OF CERTAIN FUNCTIONS TO CONTRACTOR PERFORMANCE.

No Department of Defense function that is performed by Department of Defense civilian employees and is tied to a certain military base may be converted to performance by a contractor until the Secretary of Defense conducts an assessment to determine if the Department of Defense has carried out sufficient outreach programs to assist small business concerns owned and controlled by women (as such term is defined in section 8(d)(3)(D) of the Small Business Act) and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such term is defined in section 8(d)(3)(C) of the Small Business Act) that are located in the geographic area near the military base.
SEC. 1697. LIMITATION ON CONTRACTING.

No agency may enter into a contract using procedures that do not give to small business concerns owned and controlled by veterans (as that term is defined in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)) that are included in the database under section 8127(f) of title 38, United States Code, any preference available with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as that term defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

TITLE XVII—END TRAFFICKING IN GOVERNMENT CONTRACTING

SEC. 1701. SHORT TITLE.

This title may be cited as the “End Trafficking in Government Contracting Act of 2012”.

SEC. 1702. DEFINITIONS.

In this title:

(1) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(2) SUBCONTRACTOR.—The term “subcontractor” means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.
(3) **SUBGRANTEE.**—The term “subgrantee” means a recipient of a grant at any tier under a grant or cooperative agreement.

(4) **UNITED STATES.**—The term “United States” has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

**SEC. 1703. CONTRACTING REQUIREMENTS.**

Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking “if the grantee or any subgrantee,” and all that follows through the period at the end and inserting the following: "or take any of the other remedial actions authorized under section 1705(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in, (i) severe forms of trafficking in persons, (ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, (iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement, or (iv) acts that directly support or advance trafficking in persons, including the following acts:
“(1) Destroying, concealing, removing, or confiscating an employee’s immigration documents without the employee’s consent.

“(2) Failing to repatriate an employee upon the end of employment, unless—

“(A) exempted from the duty to repatriate the employee by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

“(B) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

“(3) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

“(4) Charging recruited employees exorbitant placement fees, such as fees equal to or greater than the employee’s monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

“(5) Providing inhumane living conditions.”.
SEC. 1704. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.

(a) REQUIREMENT.—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement valued at $1,000,000 or more if performance will substantially be conducted overseas, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1703, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative’s knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is...
engaged in any of the activities described in such section.

(b) LIMITATION.—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) DISCLOSURE.—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and, as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) PERFORMANCE SUBSTANTIALLY OVERSEAS.—For purposes of subsection (a), a grant, contract, or cooperative agreement shall be considered to be performed substantially overseas if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds $500,000.

SEC. 1705. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.

(a) INVESTIGATION.—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible evidence that a recipient
of the grant, contract, or cooperative agreement; any sub-
grantee or subcontractor of the recipient; or any agent of
the recipient or of such a subgrantee or subcontractor, has
engaged in an activity described in section 106(g) of the
Trafficking Victims Protection Act of 2000 (22 U.S.C.
7104(g)), as amended by section 1703, including a report
from a contracting officer representative, an inspector
general, an auditor, an alleged victim or victim’s rep-
resentative, or any other credible source, the contracting
or grant officer shall, before exercising any option to
renew such grant, contract, or cooperative agreement, re-
quest that the agency’s Office of Inspector General imme-
diately initiate an investigation of the allegation or allega-
tions contained in the report. If the agency’s Office of In-
spector General is unable to conduct a timely investiga-
tion, the suspension and debarment office or another in-
vestigative unit of the agency shall conduct the investiga-
tion.

(b) Report.—Upon completion of an investigation
under subsection (a), the office or unit that conducted the
investigation shall submit to the contracting or grant offi-
cer and, if such investigation was not conducted by the
agency’s Office of Inspector General, to the agency’s Of-
lice of Inspector General, a report on the investigation,
including conclusions about whether credible evidence ex-
ists that the recipient of a grant, contract, or cooperative
agreement; any subcontractor or subgrantee of the recipi-
ent; or any agent of the recipient or of such a subcon-
tractor or subgrantee, engaged in any of the activities de-
scribed in section 106(g) of the Trafficking Victims Pro-
tection Act of 2000 (22 U.S.C. 7104(g)), as amended by
section 1703.

(c) Remedial Actions.—

(1) In general.—If a contracting or grant of-
ficial determines that a recipient of a grant, con-
tact, or cooperative agreement, or any subcon-
tractor or subgrantee of the recipient, has engaged
in any of the activities described in such section
106(g), the contracting or grant officer shall con-
sider taking one or more of the following remedial
actions:

(A) Requiring the recipient to remove an
employee from the performance of work under
the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a
subcontract or subgrant.

(C) Suspending payments under the grant,
contract, or cooperative agreement.

(D) Withholding award fees, consistent
with the award fee plan, for the performance
period in which the agency determined the con-
tractor or subcontractor engaged in any of the
activities described in such section 106(g).

    (E) Declining to exercise available options
    under the contract.

    (F) Terminating the contract for default
    or cause, in accordance with the termination
    clause for the contract.

    (G) Referring the matter to the agency
    suspension and debarment official.

    (H) Referring the matter to the Depart-
    ment of Justice for prosecution under any ap-
    plicable law.

(2) SAVINGS CLAUSE.—Nothing in this sub-
section shall be construed as limiting the scope of
applicable remedies available to the Federal Govern-
ment.

(3) MITIGATING FACTOR.—Where applicable,
the contracting or grant official may consider wheth-
er the contractor or grantee had a plan in place
under section 1704, and was in compliance with that
plan at the time of the violation, as a mitigating fac-
tor in determining which remedies, if any, should
apply.
(d) Inclusion of Report Conclusions in FAPIIS.—The contracting or grant officer shall ensure that relevant findings contained in the report under subsection (b) are included in the Federal Awardee Performance and Integrity Information System (FAPIIS). These findings shall be considered relevant past performance data for the purpose of awarding future contracts, grants, or cooperative agreements.

SEC. 1706. Notification to Inspectors General and Cooperation with Government.

The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible evidence that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1703; and
(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

SEC. 1707. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE WORK OUTSIDE THE UNITED STATES.

Section 1351 of title 18, United States Code, is amended—

(1) by striking “whoever knowingly” and inserting “(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly”; and

(2) by adding at the end the following new subsection:

“(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of work performed on a United States Government contract performed outside the United States, or on a United States military installation or mission or other property or premises owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that em-
employment, shall be fined under this title or imprisoned for not more than 5 years, or both.”.

SEC. 1708. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (iii), by inserting “and” at the end after the semicolon; and

(2) by adding at the end the following new clause:

“(iv) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;”.

SEC. 1709. RULE OF CONSTRUCTION.

Excluding section 1707, nothing in this title shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1703.
DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2013”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Se-
curity Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2016 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construc-
tion projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>$10,400,000</td>
</tr>
<tr>
<td>California</td>
<td>Joint Base Elmendorf-Richardson</td>
<td>$7,900,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Concord</td>
<td>$8,900,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Fort McNair</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Polakuloa Training Area</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>$12,200,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$81,800,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$123,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Joint Base McGuire-Dix-Lakehurst</td>
<td>$47,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$95,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$98,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Corpus Christi</td>
<td>$37,200,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Arlington</td>
<td>$84,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$164,000,000</td>
</tr>
<tr>
<td></td>
<td>Yakima</td>
<td>$5,100,000</td>
</tr>
</tbody>
</table>

(b) **Outside the United States.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the
United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Camp Ederle</td>
<td>$36,000,000</td>
</tr>
<tr>
<td></td>
<td>Vicenza</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Okinawa</td>
<td>$78,000,000</td>
</tr>
<tr>
<td></td>
<td>Sagami</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>$45,000,000</td>
</tr>
<tr>
<td>Kwajalein Atoll</td>
<td>Kwajalein Atoll</td>
<td>$62,000,000</td>
</tr>
</tbody>
</table>

**SEC. 2102. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military family housing functions as specified in the funding table in section 4601 the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,641,000.

**SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

**SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.**

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authoriza-
nation Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for construction of a Road and Access Control Point at the installation, the Secretary of the Army may construct a standard design Access Control Point consistent with the Army’s construction guidelines for Access Control Points.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4659), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Anniston Army Depot.</td>
<td>Lake Yard Interchange ....</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Picatinny Arsenal.</td>
<td>Ballistic Evaluation Facility Phase I .................</td>
<td>$9,900,000</td>
</tr>
</tbody>
</table>
SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (123 Stat. 2628), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>Land Purchases and Condemnation</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Picatinny Arsenal</td>
<td>Ballistic Evaluation Facility</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>Road and Access Control Point</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>Fort Lewis-McChord AFMB Joint Access</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Kuwait</td>
<td>APS Warehouses</td>
<td>$82,000,000</td>
</tr>
</tbody>
</table>

SEC. 2107. EXTENSION OF LIMITATION ON OBLIGATION OR EXPENDITURE OF FUNDS FOR TOUR NORMALIZATION.

Section 2111 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1665) is amended in the matter preceding paragraph (1) by inserting after “under this Act”
the following: “or an Act authorizing funds for military
collection for fiscal year 2013”.

**TITLE XXII—NAVY MILITARY
CONSTRUCTION**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND
ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts
appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military con-
struction projects inside the United States as specified in
the funding table in section 4601, the Secretary of the
Navy may acquire real property and carry out military
construction projects for the installations or locations in-
side the United States, and in the amounts, set forth in
the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$29,285,000</td>
</tr>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$88,110,000</td>
</tr>
<tr>
<td></td>
<td>Coronado</td>
<td>$78,541,000</td>
</tr>
<tr>
<td></td>
<td>Miramar</td>
<td>$27,897,000</td>
</tr>
<tr>
<td></td>
<td>Point Mugu</td>
<td>$12,790,000</td>
</tr>
<tr>
<td></td>
<td>San Diego</td>
<td>$71,188,000</td>
</tr>
<tr>
<td></td>
<td>Seal Beach</td>
<td>$30,594,000</td>
</tr>
<tr>
<td></td>
<td>Twenty-nine Palms</td>
<td>$47,270,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Jacksonville</td>
<td>$21,980,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kaneohe Bay</td>
<td>$97,310,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Meridian</td>
<td>$10,926,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Earle</td>
<td>$33,498,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$69,890,000</td>
</tr>
<tr>
<td></td>
<td>Cherry Point Marine Corps Air Station</td>
<td>$45,891,000</td>
</tr>
<tr>
<td></td>
<td>New River</td>
<td>$8,525,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Beaufort</td>
<td>$81,780,000</td>
</tr>
<tr>
<td></td>
<td>Farris Island</td>
<td>$10,135,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Dahlgren</td>
<td>$28,228,000</td>
</tr>
<tr>
<td></td>
<td>Oceana Naval Air Station</td>
<td>$39,086,000</td>
</tr>
<tr>
<td></td>
<td>Portsmouth</td>
<td>$32,706,000</td>
</tr>
<tr>
<td></td>
<td>Quantico</td>
<td>$58,714,000</td>
</tr>
<tr>
<td></td>
<td>Yorktown</td>
<td>$48,823,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Whidbey Island</td>
<td>$6,272,000</td>
</tr>
</tbody>
</table>
(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diego Garcia</td>
<td>..................................................</td>
<td>$1,691,000</td>
</tr>
<tr>
<td>Greece</td>
<td>..................................................</td>
<td>$25,123,000</td>
</tr>
<tr>
<td>Japan</td>
<td>..................................................</td>
<td>$13,138,000</td>
</tr>
<tr>
<td>..................</td>
<td>..................................................</td>
<td>$8,206,000</td>
</tr>
<tr>
<td>Romania</td>
<td>..................................................</td>
<td>$45,205,000</td>
</tr>
<tr>
<td>Spain</td>
<td>..................................................</td>
<td>$17,215,000</td>
</tr>
<tr>
<td>Worldwide (Unspecified)</td>
<td>..................................................</td>
<td>$34,048,000</td>
</tr>
</tbody>
</table>

**SEC. 2202. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,527,000.
SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $97,655,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) Limitation.—The Secretary of the Navy shall not enter into an award for a military construction project in Romania until after the date on which the Secretary submits a NATO prefinancing request for consideration of the military construction project.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), for Kitsap (Bangor) Wash-
For construction of Explosives Handling Wharf No. 1 at that location, the Secretary of the Navy may acquire fee or lesser real property interests to accomplish required environmental mitigation for the project using appropriations authorized for the project.

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat. 4670) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1668), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

**Navy: Extension of 2009 Project Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California ..........</td>
<td>Marine Corps Base, Camp Pendleton.</td>
<td>Operations Access Points, Red Beach</td>
<td>$11,970,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Miramar.</td>
<td>Emergency Response Station</td>
<td>$6,530,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Washington Navy Yard.</td>
<td>Child Development Center</td>
<td>$9,340,000</td>
</tr>
</tbody>
</table>
SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (123 Stat. 2632), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Bridgeport ...............</td>
<td>Mountain Warfare Training, Commissary ........</td>
<td>$6,830,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Portsmouth Naval Shipyard.</td>
<td>Gate 2 Security Improvements ..........</td>
<td>$7,090,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier ...........</td>
<td>Security Fencing ..........</td>
<td>$8,109,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ammo Supply Point ......</td>
<td>$21,689,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Interior Paved Roads ..</td>
<td>$7,275,000</td>
</tr>
</tbody>
</table>

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 in-
side the United States, and in the amounts, set forth in
the following table:

**Air Force: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>$30,178,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Tyndall Air Force Base</td>
<td>$14,750,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Stewart</td>
<td>$7,250,000</td>
</tr>
<tr>
<td></td>
<td>Moody Air Force Base</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Holloman Air Force Base</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot Air Force Base</td>
<td>$4,600,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$13,530,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts
appropriated pursuant to the authorization of appropri-
tions in section 2304 and available for military construc-
tion 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-
side the United States, and in the amounts, set forth in
the following table:

**Air Force: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenland</td>
<td>Thule Air Base</td>
<td>$63,500,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$128,000,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>$9,400,000</td>
</tr>
<tr>
<td>Worldwide, Unspecified</td>
<td>Unspecified Worldwide Locations</td>
<td>$34,657,000</td>
</tr>
</tbody>
</table>
SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,253,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $79,571,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.
SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (123 Stat. 2636), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>Land Acquisition North &amp; South Boundary</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Malmstrom Air Force Base</td>
<td>Weapons Storage Area (WSA), Phase 2</td>
<td>$10,600,000</td>
</tr>
</tbody>
</table>

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropria-
tions in section 2403(a) and available for military con-
struction projects inside the United States as specified in
the funding table in section 4601, the Secretary of De-
fense may acquire real property and carry out military
construction projects for the installations or locations in-
side the United States, and in the amounts, set forth in
the following table:

### Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>California</td>
<td>Coronado</td>
<td>$55,259,000</td>
</tr>
<tr>
<td></td>
<td>DEF Fuel Support Point-San Diego</td>
<td>$91,563,000</td>
</tr>
<tr>
<td></td>
<td>Edwards Air Force Base</td>
<td>$27,500,000</td>
</tr>
<tr>
<td></td>
<td>Twentynine Palms</td>
<td>$27,400,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$30,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Carson</td>
<td>$56,673,000</td>
</tr>
<tr>
<td></td>
<td>Pikes Peak</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>CONUS Classified</td>
<td>Classified Location</td>
<td>$59,577,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$41,965,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field</td>
<td>$16,000,000</td>
</tr>
<tr>
<td></td>
<td>MacDill Air Force Base</td>
<td>$134,409,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$24,289,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Great Lakes</td>
<td>$28,700,000</td>
</tr>
<tr>
<td></td>
<td>Scott Air Force Base</td>
<td>$86,711,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Grissom Army Reserve Base</td>
<td>$26,800,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$71,639,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>$11,700,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Annapolis</td>
<td>$66,500,000</td>
</tr>
<tr>
<td></td>
<td>Bethesda Naval Hospital</td>
<td>$69,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Meade</td>
<td>$128,600,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$18,100,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$93,085,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$43,200,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$80,064,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg</td>
<td>$100,422,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Seymour Johnson Air Force Base</td>
<td>$55,450,000</td>
</tr>
<tr>
<td></td>
<td>DEF Distribution Depot New Cumberland</td>
<td>$17,400,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Shaw Air Force Base</td>
<td>$57,200,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Red River Army Depot</td>
<td>$16,715,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Dam Neck</td>
<td>$11,000,000</td>
</tr>
<tr>
<td></td>
<td>Joint Expeditionary Base Little Creek-Fort Story</td>
<td>$11,132,000</td>
</tr>
<tr>
<td></td>
<td>Norfolk</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Port Lewis</td>
<td>$50,520,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts
appropriated pursuant to the authorization of appropria-
tions in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>Brussels</td>
<td>$26,969,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Stuttgart-Patch Barracks</td>
<td>$2,413,000</td>
</tr>
<tr>
<td></td>
<td>Vogelweh</td>
<td>$61,415,000</td>
</tr>
<tr>
<td></td>
<td>Weisbaden</td>
<td>$52,178,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$67,500,000</td>
</tr>
<tr>
<td></td>
<td>Stuttgart-Patch Barracks</td>
<td>$2,413,000</td>
</tr>
<tr>
<td></td>
<td>Vogelweh</td>
<td>$61,415,000</td>
</tr>
<tr>
<td></td>
<td>Weisbaden</td>
<td>$52,178,000</td>
</tr>
<tr>
<td></td>
<td>Stuttgart-Patch Barracks</td>
<td>$2,413,000</td>
</tr>
<tr>
<td></td>
<td>Vogelweh</td>
<td>$61,415,000</td>
</tr>
<tr>
<td></td>
<td>Weisbaden</td>
<td>$52,178,000</td>
</tr>
<tr>
<td></td>
<td>Stuttgart-Patch Barracks</td>
<td>$2,413,000</td>
</tr>
<tr>
<td></td>
<td>Vogelweh</td>
<td>$61,415,000</td>
</tr>
<tr>
<td></td>
<td>Weisbaden</td>
<td>$52,178,000</td>
</tr>
<tr>
<td></td>
<td>Stuttgart-Patch Barracks</td>
<td>$2,413,000</td>
</tr>
<tr>
<td></td>
<td>Vogelweh</td>
<td>$61,415,000</td>
</tr>
<tr>
<td></td>
<td>Weisbaden</td>
<td>$52,178,000</td>
</tr>
<tr>
<td></td>
<td>Stuttgart-Patch Barracks</td>
<td>$2,413,000</td>
</tr>
<tr>
<td></td>
<td>Vogelweh</td>
<td>$61,415,000</td>
</tr>
<tr>
<td></td>
<td>Weisbaden</td>
<td>$52,178,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Camp Zama</td>
<td>$13,273,000</td>
</tr>
<tr>
<td></td>
<td>Kadena Air Base</td>
<td>$143,545,000</td>
</tr>
<tr>
<td></td>
<td>Sasebo</td>
<td>$35,733,000</td>
</tr>
<tr>
<td></td>
<td>Zunkeran</td>
<td>$79,036,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Kunsan Air Base</td>
<td>$13,000,000</td>
</tr>
<tr>
<td></td>
<td>Osan Air Base</td>
<td>$77,292,000</td>
</tr>
<tr>
<td>Romania</td>
<td>Deveselu</td>
<td>$157,900,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Menwith Hill Station</td>
<td>$50,283,000</td>
</tr>
<tr>
<td></td>
<td>Royal Air Force Feltwell</td>
<td>$30,811,000</td>
</tr>
<tr>
<td></td>
<td>Royal Air Force Mildenhall</td>
<td>$6,490,000</td>
</tr>
</tbody>
</table>

**SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations
or locations inside the United States, and in the amounts, set forth in the following table:

**Energy Conservation Projects: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Clear</td>
<td>$15,337,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Hunter Liggett</td>
<td>$9,600,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Aerospace Data Facility</td>
<td>$3,310,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor Hickam</td>
<td>$6,610,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Sea Girt</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>NSA Mechanicsburg</td>
<td>$19,926,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Susquehanna</td>
<td>$2,550,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Arnold</td>
<td>$3,606,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Bliss</td>
<td>$5,700,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Bliss</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>MCB Quantico</td>
<td>$7,943,000</td>
</tr>
<tr>
<td>Various Locations</td>
<td>Various Locations</td>
<td>$12,886,000</td>
</tr>
</tbody>
</table>

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Energy Conservation Projects: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Naval Air Station Sigonella</td>
<td>$6,121,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Naval Station Rota</td>
<td>$2,671,000</td>
</tr>
<tr>
<td>Various Locations</td>
<td>Various Locations</td>
<td>$7,253,000</td>
</tr>
</tbody>
</table>
SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) Limitation.—The Secretary of Defense shall not enter into an award for a military construction project in Romania until after the date on which the Secretary submits a NATO prefinancing request for consideration of the military construction project.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) Maryland.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), is amended in the item relating to Fort Meade, Maryland, by striking “$29,640,000” in the amount column and inserting “$792,200,000”.

(b) Germany.—The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673), is amended in the item relating to Rhine Ordnance Bar-
racks, Germany, by striking “$750,000,000” in the amount column and inserting “$850,000,000”.

SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECT. (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2401(a) of that Act (123 Stat. 2640), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Pentagon Reservation</td>
<td>Pentagon electrical upgrade</td>
<td>$19,272,000</td>
</tr>
</tbody>
</table>

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for mili-
tary construction and land acquisition for chemical demili-
tarization as specified in the funding table in section 4601.

SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.


(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking “$484,000,000” in the amount column and inserting “$520,000,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “$866,454,000”.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal
Year 1997 (110 Stat. 2779), as so amended, is further amended by striking “$484,000,000” and inserting “$520,000,000”.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by
section 2501 as specified in the funding table in section 4601.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort McClellan</td>
<td>$5,400,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Searcy</td>
<td>$6,800,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Camp Hartell</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Bethany Beach</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Camp Blanding</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kapolei</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Orchard Training Area</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>South Bend</td>
<td>$21,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Terra Haute</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Camp Dodge</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Topeka</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Camp Edwards</td>
<td>$27,200,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Camp Grayling</td>
<td>$17,000,000</td>
</tr>
</tbody>
</table>
### Army National Guard: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minnesota</td>
<td>Camp Ripley</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>St. Paul</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$18,000,000</td>
</tr>
<tr>
<td></td>
<td>Kansas City</td>
<td>$1,900,000</td>
</tr>
<tr>
<td></td>
<td>Monett</td>
<td>$820,000</td>
</tr>
<tr>
<td></td>
<td>Perryville</td>
<td>$700,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Miles City</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Sea Girt</td>
<td>$34,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Stonyville</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Chillicothe</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Delaware</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Camp Gruber</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Vermont</td>
<td>Camp Williams</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>North Hyde Park</td>
<td>$4,397,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Fort Lewis</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Logan</td>
<td>$14,200,000</td>
</tr>
<tr>
<td></td>
<td>Wausau</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

### Army National Guard: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Barrigada</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Camp Santiago</td>
<td>$3,800,000</td>
</tr>
<tr>
<td></td>
<td>Ceiba</td>
<td>$2,200,000</td>
</tr>
<tr>
<td></td>
<td>Guaynabo</td>
<td>$15,000,000</td>
</tr>
<tr>
<td></td>
<td>Gurabo</td>
<td>$14,700,000</td>
</tr>
</tbody>
</table>

### SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the fund-
ing table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

### Army Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Fort Hunter Liggett</td>
<td>$78,300,000</td>
</tr>
<tr>
<td></td>
<td>Tustin</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Fort Sheridan</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Aberdeen Proving Ground</td>
<td>$21,000,000</td>
</tr>
<tr>
<td></td>
<td>Baltimore</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Devens Reserve Forces Training Area</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Las Vegas</td>
<td>$21,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Joint Base McGuire-Dix-Lakeland</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Conneaut Lake</td>
<td>$4,800,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$47,800,000</td>
</tr>
</tbody>
</table>

### Navy Reserve and Marine Corps Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$5,379,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Fort Des Moines</td>
<td>$19,162,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>New Orleans</td>
<td>$7,187,000</td>
</tr>
<tr>
<td>New York</td>
<td>Brooklyn</td>
<td>$4,430,000</td>
</tr>
</tbody>
</table>

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:
Navy Reserve and Marine Corps Reserve—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas</td>
<td>Fort Worth</td>
<td>$11,256,000</td>
</tr>
</tbody>
</table>

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve 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 Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Air National Guard**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Fresno Yosemite International Airport</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>McGee-Tyson Airport</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Cheyenne Municipal Airport</td>
<td>$6,486,000</td>
</tr>
</tbody>
</table>

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve 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 Air Force Reserve locations inside
the United States, and in the amounts, set forth in the
following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>March Air Reserve Base</td>
<td>$16,900,000</td>
</tr>
<tr>
<td>New York</td>
<td>Niagara Falls International Airport</td>
<td>$6,100,000</td>
</tr>
</tbody>
</table>

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) Authority to Carry Out Army National Guard Readiness Center Project, North Las Vegas, Nevada.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2648) for North Las Vegas, Nevada, for construction of a Readiness Center,
the Secretary of the Army may construct up to 68,593 square feet of readiness center, 10,000 square feet of unheated equipment storage area, and 25,000 square feet of unheated vehicle storage, consistent with the Army’s construction guidelines for readiness centers.

(b) Authority to Carry Out Army Reserve Center Project, Miramar, California.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2649) for Camp Pendleton, California, for construction of an Army Reserve Center, the Secretary of the Army may instead construct an Army Reserve Center in the vicinity of the Marine Corps Air Station, Miramar, California.

(c) Authority to Carry Out Army Reserve Center Project, Bridgeport, Connecticut.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2649) for Bridgeport, Connecticut, for construction of an Army Reserve Center/Land, the Secretary of the Army may instead construct an Army Reserve Center and acquire land in the vicinity of Bridgeport, Connecticut.
SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECTS.

(a) Authority to Carry Out Army Reserve Center Project, Fort Story, Virginia.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4453) for Fort Story, Virginia, for construction of an Army Reserve Center, the Secretary of the Army may instead construct an Army Reserve Center in the vicinity of Fort Story, Virginia.

(b) Authority to Carry Out Army National Guard Project, Fort Chaffee, Arkansas.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Fort Chaffee, Arkansas, for construction of a Live Fire Shoot House, the Secretary of the Army may construct up to 5,869 square feet of Live Fire Shoot House.

(c) Authority to Carry Out Army National Guard Project, Windsor Locks, Connecticut.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Windsor Locks, Connecticut, for con-
struction of a Readiness Center, the Secretary of the Army
may construct up to 119,510 square feet of a Readiness
Center.

(d) **Authority to Carry Out Army National Guard Project, Kalaeloa, Hawaii.**—In the case of
the authorization contained in the table in section 2601
of the Military Construction Authorization Act for Fiscal
4451) for Kalaeloa, Hawaii, for construction of a Com-
bined Support Maintenance Shop, the Secretary of the
Army may construct up to 137,548 square feet of a Com-
bined Support Maintenance Shop.

(e) **Authority to Carry Out Army National Guard Project, Wichita, Kansas.**—In the case of the
authorization contained in the table in section 2601 of the
Military Construction Authorization Act for Fiscal Year
2011 (division B of Public Law 111–383; 124 Stat. 4451)
for Wichita, Kansas, for construction of a Field Main-
tenance Shop, the Secretary of the Army may construct up
to 62,102 square feet of Field Maintenance Shop.

(f) **Authority to Carry Out Army National Guard Project, Minden, Louisiana.**—In the case of
the authorization contained in the table in section 2601
of the Military Construction Authorization Act for Fiscal
(g) **Authority to Carry Out Army National Guard Project, Saint Inigoes, Maryland.**—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Saint Inigoes, Maryland, for construction of a Tactical Unmanned Aircraft System Facility, the Secretary of the Army may construct up to 10,298 square feet of a Tactical Unmanned Aircraft System Facility.

(h) **Authority to Carry Out Army National Guard Project, Camp Grafton, North Dakota.**—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Camp Grafton, North Dakota, for construction of a Readiness Center, the Secretary of the Army may construct up to 68,671 square feet of a Readiness Center.

(i) **Authority to Carry Out Army National Guard Project, Watertown, South Dakota.**—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for
1 Fiscal Year 2011 (division B of Public Law 111–383; 124
2 Stat. 4451) for Watertown, South Dakota, for construc-
3 tion of a Readiness Center, the Secretary of the Army may
4 construct up to 97,865 square feet of a Readiness Center.

5 **SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN**
6 **FISCAL YEAR 2009 PROJECT.**
7
8 (a) **EXTENSION.**—Notwithstanding section 2002 of
9 the Military Construction Authorization Act for Fiscal
11 4658), the authorization set forth in the table in sub-
12 section (b), as provided in section 2604 of that Act (122
13 Stat. 4706), shall remain in effect until October 1, 2013,
14 or the date of the enactment of an Act authorizing funds
15 for military construction for fiscal year 2014, whichever
16 is later.

17 (b) **TABLE.**—The table referred to in subsection (a)
18 is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mississippi</td>
<td>...</td>
<td>Relocate Munitions Complex</td>
<td>$3,400,000</td>
</tr>
</tbody>
</table>

18 **SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN**
19 **FISCAL YEAR 2010 PROJECTS.**
20
21 (a) **EXTENSION.**—Notwithstanding section 2002 of
22 the Military Construction Authorization Act for Fiscal
23 Year 2010 (division B of Public Law 111–84; 123 Stat.
the authorizations set forth in the tables in subsection (b), as provided in sections 2602 and 2604 of that Act (123 Stat. 2649, 2651), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

### Army Reserve: Extension of 2010 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton Army Reserve Center</td>
<td>$19,500,000</td>
<td></td>
</tr>
<tr>
<td>Connecticut</td>
<td>Bridgeport Army Reserve Center/Land</td>
<td>$18,500,000</td>
<td></td>
</tr>
</tbody>
</table>

### Air National Guard: Extension of 2010 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mississippi</td>
<td>Gulfport-Biloxi Airport Relocate Base Entrance</td>
<td>$6,500,000</td>
<td></td>
</tr>
</tbody>
</table>

### TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Subtitle A—Authorization of Appropriations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base
realignment and closure activities, including real property
acquisition and military construction projects, as author-
ized by the Defense Base Closure and Realignment Act
of 1990 (part A of title XXIX of Public Law 101–510;
10 U.S.C. 2687 note) and funded through the Department
of Defense Base Closure Account 1990 established by sec-
tion 2906 of such Act as specified in the funding table
in section 4601.

SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR
BASE REALIGNMENT AND CLOSURE ACTIVI-
TIES FUNDED THROUGH DEPARTMENT OF
DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for
fiscal years beginning after September 30, 2012, for base
realignment and closure activities, including real property
acquisition and military construction projects, as author-
ized by the Defense Base Closure and Realignment Act
of 1990 (part A of title XXIX of Public Law 101–510;
10 U.S.C. 2687 note) and funded through the Department
of Defense Base Closure Account 2005 established by sec-
tion 2906A of such Act as specified in the funding table
in section 4601.
Subtitle B—Other Matters

SEC. 2711. CONSOLIDATION OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNTS AND AUTHORIZED USES OF BASE CLOSURE ACCOUNT FUNDS.

(a) Establishment of Single Department of Defense Base Closure Account; Use of Funds.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking sections 2906 and 2906A and inserting the following new section 2906:

“SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

“(a) Establishment.—There is hereby established on the books of the Treasury an account to be known as the ‘Department of Defense Base Closure Account’ which shall be administered by the Secretary as a single account.

“(b) Credits to Account.—There shall be credited to the Account the following:

“(1) Funds authorized for and appropriated to the Account.

“(2) Funds transferred to the Account pursuant to section ____ (b) of the National Defense Authorization Act for Fiscal Year 2013.

“(3) Funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Ac-
count from funds appropriated to the Department of Defense for any purpose, except that funds may be transferred under the authority of this paragraph only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees.

“(4) Proceeds received from the lease, transfer, or disposal of any property at a military installation closed or realigned under this part or the 1988 BRAC law.

“(e) USE OF ACCOUNT.—

“(1) AUTHORIZED PURPOSES.—The Secretary may use the funds in the Account only for the following purposes:

“(A) To carry out the Defense Environmental Restoration Program under section 2701 of title 10, United States Code, and other environmental restoration and mitigation activities at military installations closed or realigned under this part or the 1988 BRAC law.

“(B) To cover property management, disposal, and caretaker costs incurred at military installations closed or realigned under this part or the 1988 BRAC law.
“(C) To cover costs associated with supervision, inspection, overhead, engineering, and design of military construction projects undertaken under this part or the 1988 BRAC law before September 30, 2013, and subsequent claims, if any, related to such activities.

“(D) To record, adjust, and liquidate obligations properly chargeable to the following accounts:

“(i) The Department of Defense Base Closure Account 2005 established by section 2906A of this part, as in effect on September 30, 2013.

“(ii) The Department of Defense Base Closure Account 1990 established by this section, as in effect on September 30, 2013.

“(iii) The Department of Defense Base Closure Account established by section 207 of the 1988 BRAC law, as in effect on September 30, 2013.

“(2) SOLE SOURCE OF FUNDS.—The Account shall be the sole source of Federal funds for the activities specified in paragraph (1) at a military in-
stallation closed or realigned under this part or the
1988 BRAC law.

“(3) Prohibition on use of account for
new military construction.—Except as provided
in paragraph (1), funds in the Account may not be
used, directly or by transfer to another appropria-
tions account, to carry out a military construction
project, including a minor military construction
project, under section 2905(a) or any other provision
of law at a military installation closed or realigned
under this part or the 1988 BRAC law.

“(d) Disposal or Transfer of Commissary
Stores and Property Purchased With Non-
appropriated Funds.—

“(1) Deposit of proceeds in reserve ac-
count.—If any real property or facility acquired,
constructed, or improved (in whole or in part) with
commissary store funds or nonappropriated funds is
transferred or disposed of in connection with the clo-
sure or realignment of a military installation under
this part, a portion of the proceeds of the transfer
or other disposal of property on that installation
shall be deposited in the reserve account established
under section 204(b)(7)(C) of the 1988 BRAC law.
“(2) The amount so deposited under paragraph (1) shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

“(3) Use of Reserve Funds.—Subject to the limitation contained in section 204(b)(7)(C)(iii) of the 1988 BRAC law, amounts in the reserve account are hereby made available to the Secretary, without appropriation and until expended, for the purpose of acquiring, constructing, and improving—

“(A) commissary stores; and

“(B) real property and facilities for non-appropriated fund instrumentalities.

“(e) Annual Reports.—

“(1) Annual Accounting.—No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part, the Secretary shall transmit a report to the congressional defense committees containing an accounting of—
“(A) the amount and nature of credits to, and expenditures from, the Account during such fiscal year; and

“(B) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report.

“(2) Specific elements of report.—The report for a fiscal year shall include the following:

“(A) The obligations and expenditures from the Account during the fiscal year, identified by subaccount and installation, for each military department and Defense Agency.

“(B) The fiscal year in which appropriations or transfers for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

“(C) An estimate of the net revenues to be received from property disposals under this part or the 1988 BRAC law to be completed during the first fiscal year commencing after the submission of the report.

“(f) Closure of account; treatment of remaining funds.—
“(1) CLOSURE.—The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code, except that unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under paragraph (2).

“(2) FINAL REPORT.—No later than 60 days after the closure of the Account under paragraph (1), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

“(A) all the funds credited to and expended from the Account or otherwise expended under this part or the 1988 BRAC law; and

“(B) any funds remaining in the Account.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘commissary store funds’ means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.
“(2) The term ‘nonappropriated funds’ means funds received from a nonappropriated fund instrumentality.

“(3) The term ‘nonappropriated fund instrumentality’ means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.


(b) CLOSURE OF EXISTING CURRENT ACCOUNTS;

Transfer of Funds.—

(1) Closure.—Subject to paragraph (2), the Secretary of the Treasury shall close, pursuant to section 1555 of title 31, United States Code, the following accounts on the books of the Treasury:

(A) The Department of Defense Base Closure Account 2005 established by section 2906A of the Defense Base Closure and Re-
alignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as in effect on the effective date of this section.

(B) The Department of Defense Base Closure Account 1990 established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as in effect on the effective date of this section.

(C) The Department of Defense Base Closure Account established by section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), as in effect on the effective date of this section.

(2) TRANSFER OF FUNDS.—All amounts remaining in the three accounts specified in paragraph (1) as of the effective date of this section, shall be transferred, effective on that date, to the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990, as added by subsection (a).

(3) CROSS REFERENCES.—Except as provided in this subsection or the context requires otherwise,
any reference in a law, regulation, document, paper, or other record of the United States to an account specified in paragraph (1) shall be deemed to be a reference to the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990, as added by subsection (a).

(c) Conforming Amendments.—

(1) Repeal of former account.—Section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is repealed.

(2) Definition.—

(A) 1990 Law.—Section 2910(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking “1990 established by section 2906(a)(1)” and inserting “established by section 2906(a)”.

(B) 1988 Law.—The Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(i) in section 204(b)(7)(A), by striking “established by section 207(a)(1)”; and
(ii) in section 209(1), by striking “established by section 207(a)(1)” and inserting “established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)”.

(3) ENVIRONMENTAL RESTORATION.—Chapter 160 of title 10, United States Code, is amended—

(A) in section 2701(d)(2), by striking “Department of Defense Base Closure Account 1990 or the Department of Defense Base Closure Account 2005 established under sections 2906 and 2906A” and inserting “Department of Defense Base Closure Account established by section 2906”;

(B) in section 2703(h)—

(i) by striking “the applicable Department of Defense base closure account” and inserting “the Department of Defense Base Closure Account established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)”; and
(ii) by striking “the applicable base closure account” and inserting “such base closure account”; and

(C) in section 2905(g)(2), by striking “Closure Account 1990” and inserting “Closure Account”.

(4) DEPARTMENT OF DEFENSE HOUSING FUNDS.—Section 2883 of such title is amended—

(A) in subsection (c)—

(i) by striking subparagraph (G) of paragraph (1); and

(ii) by striking subparagraph (G) of paragraph (2); and

(B) in subsection (f)—

(i) in the first sentence, by striking “or (G)” both places it appears; and

(ii) by striking the second sentence.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) October 1, 2013; and

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014.
SEC. 2712. AIR ARMAMENT CENTER, EGLIN AIR FORCE BASE.

The Secretary of the Air Force shall retain an Air Armament Center at Eglin Air Force Base, Florida, in name and function, with the same integrated mission elements, responsibilities, and capabilities as existed upon the completion of implementation of the recommendations of the 2005 Base Closure and Realignment Commission regarding such military installation contained in the report transmitted by the President to Congress in accordance with section 2914(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

SEC. 2713. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round, and none of the funds appropriated pursuant to the authorization of appropriations contained in this Act
may be used to propose, plan for, or execute an additional 

BRAC round.

SEC. 2714. CONSIDERATION OF UNITED STATES MILITARY 

BASES LOCATED OVERSEAS IN CRITERIA 

USED TO CONSIDER AND RECOMMEND MILI-

TARY INSTALLATIONS FOR CLOSURE OR RE-

ALIGNMENT.

Section 2687(b)(1)(B) of title 10, United States 

Code, is amended—

(1) by striking “and” at the end of clause (i); 

and 

(2) by adding at the end the following new 

clause:

“(iii) the anticipated continuing need for 

and availability of military bases outside the 

United States, taking into account current re-

strictions on the use of military bases outside 

the United States and the potential for future 

prohibitions or restrictions on the use of such 

bases; and”.

HR 4310 RFS
TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. PREPARATION OF MILITARY INSTALLATION MASTER PLANS.

(a) MILITARY INSTALLATION MASTER PLANS.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2863 the following new section:

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§ 2864. Military installation master plans

(a) Plans Required.—At a time interval prescribed by the Secretary concerned (but not less frequently than once every 10 years), the commander of each military installation under the jurisdiction of the Secretary shall ensure an installation master plan is developed to address environmental planning, sustainable design and development, sustainable range planning, real property master planning, and transportation planning.

(b) Transportation Component.—

“(1) Cooperation with metropolitan planning organizations.—The transportation component of an installation master plan shall be
```
developed and updated in cooperation with the metropolitan planning organization designated for the metropolitan planning area in which the military installation is located.

“(2) DEFINITIONS.—In this subsection, the terms ‘metropolitan planning area’ and ‘metropolitan planning organization’ have the meanings given those terms in section 134(b) of title 23 and section 5303(b) of title 49.

“(3) TRANSIT SERVICES.—The installation master plan for a military installation shall also address operating costs for transit service and travel demand measures on the installation.”.

SEC. 2802. SUSTAINMENT OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION PROJECTS AND RELATED ANNUAL REPORTING REQUIREMENTS.

(a) SUSTAINMENT OVERSIGHT AND ACCOUNTABILITY FOR PRIVATIZATION PROJECTS.—

(1) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2885 the following new section:
§ 2885a. Oversight and accountability for privatization projects: sustainment

“(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage a military housing privatization project carried out under this subchapter during the sustainment phase of the project following completion of the construction or renovation of the housing units. The regulations shall include the following requirements for each privatization project:

“(1) The financial health and performance of the military housing privatization project, including the debt-coverage ratio of the project and occupancy rates for the constructed or renovated housing units.

“(2) A resident satisfaction assessment of the privatization project.

“(3) An assessment of the backlog of maintenance and repair.

“(b) REQUIRED QUALIFICATIONS.—The Secretary concerned or designated representative shall ensure that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has sustainment experience commensurate with that required to maintain the project.”.

(2) CONFORMING AMENDMENT.—Section 2885(a) of such title is amended in the matter pre-
ceeding paragraph (1) by inserting before the period at the end of the first sentence the following: “during the course of the construction or renovation of the housing units”.

(3) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 2885 of such title is amended to read as follows:

“§2885. Oversight and accountability for privatization projects: construction”.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2885 and inserting the following new items:

“2885a. Oversight and accountability for privatization projects: sustainment.”.

(b) ANNUAL REPORTING REQUIREMENTS.—Section 2884(b) of such title is amended—

(1) by striking paragraphs (2), (3), (4), and (7);

(2) by redesignating paragraphs (5), (6), and (8) as paragraphs (2), (3), and (4), respectively; and

(3) by adding at the end the following new paragraphs:
“(5) A trend analysis of the backlog of maintenance and repair for each privatization project, including the total cost of the operation, maintenance, and repair costs associated with each project.

“(6) If the debt associated with a privatization project exceeds net operating income or the occupancy rates for the constructed or renovated housing units are below 75 percent for any sustained period of more than one year, a report regarding the plan to mitigate the financial risk of the project.”.

SEC. 2803. ONE-YEAR EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.


(1) in paragraph (1), by striking “September 30, 2012” and inserting “September 30, 2013”; and

(2) in paragraph (2), by striking “fiscal year 2013” and inserting “fiscal year 2014”.

HR 4310 RFS
SEC. 2804. TREATMENT OF CERTAIN DEFENSE NUCLEAR FACILITY CONSTRUCTION PROJECTS AS MILITARY CONSTRUCTION PROJECTS.

(a) FINDINGS.—Congress finds the following:

(1) According to a memorandum of agreement between the Secretary of Defense and the Secretary of Energy dated May 2010 and a subsequent addendum to such memorandum, the Secretary of Defense plans to transfer $8,300,000,000 of the budgetary authority of the Department of Defense to the Administrator for Nuclear Security of the National Nuclear Security Administration between fiscal years 2011 and 2016 to fund activities of the Administration that the Secretary determines to be high priorities.

(2) Such funding has directly supported defense activities at the National Nuclear Security Administration, including design and construction activities for the Chemistry and Metallurgy Research Building Replacement project and the Uranium Processing Facility project specified in paragraphs (2) and (3) of subsection (b).

(b) COVERED FACILITIES.—This section applies to the following construction projects of the National Nuclear Security Administration:
(1) Any project to build a nuclear facility, initiated on or after October 1, 2013, that is estimated to cost in excess of $1,000,000,000 and is intended to be primarily utilized to support the nuclear weapons activities of the National Nuclear Security Administration.

(2) The Chemistry and Metallurgy Research Building Replacement project, Los Alamos, New Mexico.

(3) The Uranium Processing Facility project, Oak Ridge, Tennessee.

(c) TREATMENT AS MILITARY CONSTRUCTION PROJECTS.—In the case of the construction projects of the National Nuclear Security Administration specified in subsection (b), the projects are deemed to be military construction projects to be carried out with respect to a military installation and therefore subject to the following:

(1) The advance-project authorization requirement of section 2802(a) of title 10, United States Code, and other requirements of chapter 169 of such title related to military construction projects carried out by the Secretary of Defense with respect to the Defense Agencies.
(2) Annual Acts authorizing military construction projects (and authorizing the appropriation of funds therefor) for a fiscal year.

(d) MILITARY CONSTRUCTION AUTHORIZATION FOR CERTAIN DEFENSE NUCLEAR FACILITY PROJECTS.—The Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico</td>
<td>Los Alamos</td>
<td>$3,500,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Oak Ridge</td>
<td>$4,200,000,000</td>
</tr>
</tbody>
</table>

(e) REGULATION, REQUIREMENTS, AND COORDINATION.—For each project specified in subsection (b)—

(1) the Administrator for Nuclear Security of the National Nuclear Security Administration and the Secretary of Energy shall retain authority to regulate design and construction activities pursuant to the Atomic Energy Act and other applicable laws;

(2) the Secretary of Defense shall coordinate with the Administrator for Nuclear Security regarding requirements for the facility; and

(3) the Administrator for Nuclear Security shall make available to the Secretary of Defense the ex-
pertise of the National Nuclear Security Administra-
tion to support design and construction activities.

(f) Transfer of Facilities.—Upon completion of
construction of a project specified in subsection (b), the
Secretary of Defense shall negotiate with the Adminis-
trator for Nuclear Security of the National Nuclear Secu-

rity Administration to transfer the constructed facility to
the authority of the Administrator for operations.

(g) Sense of Congress.—It is the sense of Con-
gress that during fiscal year 2014 and thereafter, the
budgetary authority provided by the Secretary of Defense
to the Administrator for Nuclear Security of the National
Nuclear Security Administration under the memorandum
described in subsection (a)(1) should be reduced by the
amount needed to fund the design and construction of the
projects specified in paragraphs (2) and (3) of subsection
(b).

(h) Information Transfer and Legal Effect
of Transfer.—Not later than September 30, 2013, the
Administrator for Nuclear Security of the National Nu-
clear Security Administration shall transfer to the Sec-
retary of Defense all information in the possession of the
Administrator related to architectural and engineering
services and construction design for the construction
projects specified in subsection (b). All environmental im-
pact statements and legal rulings in effect before that date related to the projects shall be considered valid upon transfer of responsibility for the projects to the Secretary of Defense under subsection (c).

(i) EFFECTIVE DATE.—This section shall apply to the construction projects specified in subsection (b) effective for fiscal year 2014 and fiscal years thereafter.

SEC. 2805. EXECUTION OF CHEMISTRY AND METALLURGY RESEARCH BUILDING REPLACEMENT NUCLEAR FACILITY AND LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.

(a) POLICY.—It is the policy of the United States to create and sustain the capability to produce plutonium pits for nuclear weapons, and to ensure sufficient plutonium pit production capacity, to respond to technical challenges in the existing nuclear weapons stockpile or geopolitical developments.

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

(1) successful and timely construction of the Chemistry and Metallurgy Research Building Replacement nuclear facility in Los Alamos, New Mexico, is critical to achieving the policy expressed in subsection (a) and that such facility should achieve full operational capability by fiscal year 2024;
(2) prior-year funds for the Chemistry and Metallurgy Research Building Replacement nuclear facility, up to $160,000,000 being available, should be applied to continue design and construction of this facility in fiscal year 2013; and

(3) during fiscal year 2014 and thereafter, the budgetary authority provided by the Secretary of Defense to the Administrator for Nuclear Security of the National Nuclear Security Administration under the memorandum of agreement between the Secretary of Defense and the Secretary of Energy dated May 2010 should be reduced by the amount needed to fund the design and construction of the Chemistry and Metallurgy Research Building Replacement nuclear facility under the military construction authorities provided in section 2804.

(c) FUTURE BUDGET REQUESTS.—The Secretary of Defense, in coordination with the Administrator for Nuclear Security of the National Nuclear Security Administration, shall request such funds in fiscal year 2014 and subsequent fiscal years under the military construction authorities of section 2804 to ensure the Chemistry and Metallurgy Research Building Replacement nuclear facility achieves full operational capability by fiscal year 2024.
(d) LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended on any activities associated with a plutonium strategy for the National Nuclear Security Administration that does not include achieving full operational capability of the Chemistry and Metallurgy Research Building Replacement nuclear facility by fiscal year 2024.

SEC. 2806. USE OF PROJECT LABOR AGREEMENTS IN MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) REQUIREMENTS.—Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of Defense and the Secretaries of the military departments, when awarding a construction contract on behalf of the Government, in any solicitations, bid specifications, project agreements, or other controlling documents, shall not—

“(A) require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations; and

“(B) discriminate against or give preference to bidders, offerors, contractors, or subcontractors
based on their entering or refusing to enter into such an agreement.

“(2) Nothing in this subsection shall prohibit a contractor or subcontractor from voluntarily entering into an agreement with one or more labor organizations, as protected by the National Labor Relations Act (29 U.S.C. 151 et seq.).”.

(b) Application of Amendment.—The amendment made by subsection (a) shall not apply to construction contracts awarded before the date of the enactment of this Act.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. AUTHORITY OF MILITARY MUSEUMS TO ACCEPT GIFTS AND SERVICES AND TO ENTER INTO LEASES AND COOPERATIVE AGREEMENTS.

(a) Museum Support Authority.—Chapter 155 of title 10, United States Code, is amended by inserting after section 2608 the following new section:

“§2609. Military museum programs: acceptance of gifts and other support

“(a) Acceptance of Services.—Notwithstanding section 1342 of title 31, the Secretary concerned may accept services from a nonprofit entity to support a military museum program under the jurisdiction of the Secretary.
“(b) LIMITATION ON USE OF GIFT FUNDS.—A gift made for the purpose of assisting in the development, operation, maintenance, or management of, or for the acquisition of collections for, a military museum program and deposited into one of the general gift funds specified in section 2601(c) of this title shall be available only for the military museum program and the purpose for which the gift was made.

“(c) SOLICITATION OF GIFTS.—Under regulations prescribed under this section, the Secretary concerned may solicit from any person or public or private entity, for the use and benefit of a military museum program, a gift of books, manuscripts, works of art, historical artifacts, drawings, plans, models, condemned or obsolete combat materiel, or other personal property.

“(d) LEASING AUTHORITY.—(1) In accordance with section 2667 of this title, the Secretary concerned may lease real and personal property of a military museum program to a nonprofit entity for purposes related to the military museum program.

“(2) A lease under this subsection may not include any part of the collection of a military museum program.

“(e) COOPERATIVE AGREEMENTS.—The Secretary concerned may enter into a cooperative agreement with
a nonprofit entity for purposes related to support of a military museum program.

“(f) EMPLOYEE STATUS.—For purposes of this section, employees or personnel of a nonprofit entity may not be considered to be employees of the United States.

“(g) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to implement this section. The regulations shall apply uniformly throughout the Department of Defense.

“(2) The regulations shall provide that solicitation of a gift, acceptance of a gift (including a gift of services), or use of a gift under this section may not occur if the nature or circumstances of the solicitation, acceptance, or use would compromise the integrity or the appearance of integrity of any program of the Department of Defense or any individual involved in such program.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘military museum program’ may include an individual museum.

“(2) The term ‘nonprofit entity’ means an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 whose primary purpose is supporting a military museum program.
“(3) The term ‘Secretary concerned’ includes the Secretary of Defense with respect to matters concerning the Defense Agencies.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2608 the following new item:

“2609. Military museum programs; acceptance of gifts and other support.”.

SEC. 2812. CLARIFICATION OF PARTIES WITH WHOM DEPARTMENT OF DEFENSE MAY CONDUCT EXCHANGES OF REAL PROPERTY AT CERTAIN MILITARY INSTALLATIONS.

Section 2869(a)(1) of title 10, United States Code, is amended—

(1) by striking “any eligible entity” and inserting “any person”; 

(2) by striking “the entity” and inserting “the person”; and

(3) by striking “their control” and inserting “the person’s control”.

SEC. 2813. INDEMNIFICATION OF TRANSFEREES OF PROPERTY AT ANY CLOSED MILITARY INSTALLATION.

Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note) is amended—
(1) in subsection (a)(1), by striking “pursuant to a base closure law” and inserting “after October 24, 1988, the date of the enactment of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note)”;
and

(2) in subsection (f), by striking paragraph (3).

SEC. 2814. IDENTIFICATION REQUIREMENT FOR ENTRY ON MILITARY INSTALLATIONS.

(a) IDENTIFICATION REQUIREMENT FOR MILITARY INSTALLATIONS.—

(1) MINIMUM IDENTIFICATION REQUIRED.—

(A) IN GENERAL.—Beginning on the day that is 120 days after the date of the enactment of this Act, the Secretary concerned may not permit a person who is 18 years old or older to enter a military installation in the United States unless such person presents, as determined by an authentication procedure that meets the minimum procedural requirements identified by the Secretary of Defense in paragraph (4), at a minimum—

(i) a valid Federal or State government issued photo identification card;

(ii) a valid Common Access Card; or
(iii) a valid uniformed services identification card.

(B) EXCEPTION FOR CERTAIN FOREIGN PASSPORTS.—The Secretary concerned may permit a person to enter a military installation in the United States if such person presents a valid foreign passport, as determined by an authentication procedure that meets the minimum procedural requirements identified by the Secretary of Defense in paragraph (4), if—

(i) such person is visiting such military installation on official business between the Armed Forces and the armed forces of a foreign country; or

(ii) such person is visiting a member of the uniformed services or a civilian employee of the Department of Defense on such military installation.

(2) EXPIRED OR FRAUDULENT IDENTIFICATION.—The Secretary concerned shall confiscate any form of identification that the Secretary determines, using an authentication procedure that meets the minimum procedural requirements identified by the Secretary of Defense in paragraph (4), to be expired or fraudulent.
(3) Coordination among military installations of a state.—The Secretary concerned shall keep a list and shall inform the personnel at any other military installation in the State of such military installation of the name of any person—

(A) who attempts to help a person required to present a valid form of identification under paragraph (1) to enter a military installation in the United States without such required identification; or

(B) who attempts to enter a military installation in the United States with a form of identification that the Secretary concerned determines to be expired or fraudulent under paragraph (2).

(4) Procedural requirements for identification verification.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall identify the minimum procedural requirements for the Secretary concerned to authenticate the forms of identification in paragraph (1) for a person entering a military installation in the United States. In identifying such requirements, the Secretary of Defense shall identify minimum procedural requirements to ensure that individuals
who need to enter a military installation in the United States to perform work under a contract awarded by the Department of Defense present a valid form of identification under paragraph (1).

(b) DEFINITIONS.—

(1) COMMON ACCESS CARD.—In this section, the term “Common Access Card” means the standard identification card issued by the Secretary of Defense to active-duty military personnel, Selected Reserve personnel, Department of Defense civilian employees, and certain persons awarded contracts by the Secretary of Defense.

(2) SECRETARY CONCERNED.—In this section, the term “Secretary concerned” has the meaning given the term in section 101(a) of title 10, United States Code.

(3) UNIFORMED SERVICES IDENTIFICATION CARD.—In this section, the term “uniformed services identification card” means the identification card issued by the Secretary of Defense to spouses and other eligible dependents of members of the uniformed services and other eligible persons, as determined by the Secretary of Defense.
SEC. 2815. PLAN TO PROTECT CRITICAL DEPARTMENT OF
DEFENSE CRITICAL ASSETS FROM ELECTROME-
 MAGNETIC PULSE WEAPONS.

(a) PLAN REQUIRED.—Not later than September 1, 2013, the Secretary of the Defense shall submit to the congressional defense committees a plan to protect defense critical assets under the jurisdiction of the Department of Defense, and critical equipment at military installations, from the adverse effects of electromagnetic pulse and high-powered microwave weapons.

(b) PREPARATION AND ELEMENTS OF PLAN.—In preparing the plan required by subsection (a), the Secretary of Defense shall utilize the guidance and recommendations of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack established by section 1401 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114. Stat. 1654A–345). The plan shall include the following elements:

1. An assessment of overall military installation protection from electromagnetic pulse and high-powered microwave weapons.

2. A listing of defense critical assets.

3. An assessment of the adequacy of each defense critical asset, to include the backup power capabilities of the defense critical asset, to withstand
attack currently and a description and a cost estimate for each project to improve, repair, renovate, or modernize defense critical assets for which any deficiency is identified in the assessment.

(4) A list of projects, costs, and timelines through the future-years defense program to meet the requirements to overcome deficiencies identified under paragraph (3) for all defense critical assets.

(5) A list of civilian critical infrastructures upon which a defense critical asset depends (electricity, water, telecommunications, etc) that, if rendered inoperable by electromagnetic pulse or high-powered microwave weapons, would compromise the function of a defense critical asset.

(c) Form of Submission.—The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) Defense Critical Asset.—In this section, the term “defense critical asset” means an asset of such extraordinary importance to operations in peace, crisis, and war that its incapacitation or destruction would have a very serious debilitating effect on the ability of the Department of Defense to fulfill its missions.
Subtitle C—Energy Security

SEC. 2821. CONGRESSIONAL NOTIFICATION FOR CONTRACTS FOR THE PROVISION AND OPERATION OF ENERGY PRODUCTION FACILITIES AUTHORIZED TO BE LOCATED ON REAL PROPERTY UNDER THE JURISDICTION OF A MILITARY DEPARTMENT.

Section 2662(a)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(H) Any transaction or contract action for the provision and operation of energy production facilities on real property under the jurisdiction of the Secretary of a military department, as authorized by section 2922a(a)(2) of this title, if the term of the transaction or contract exceeds 20 years.”.

SEC. 2822. CONTINUATION OF LIMITATION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GOLD OR PLATINUM CERTIFICATION AND EXPANSION TO INCLUDE IMPLEMENTATION OF ASHRAE BUILDING STANDARD 189.1.

Section 2830(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1695) is amended—
(1) in the subsection heading, by inserting after “AND ASHRAE IMPLEMENTATION” after “CERTIFICATION”; and

(2) in paragraph (1)—

(A) by striking “authorized to be”;

(B) by striking “by this Act”;

(C) by inserting “or 2013” after “fiscal year 2012”; and

(D) by inserting before the period at the end the following: “and implementing ASHRAE building standard 189.1”.

SEC. 2823. AVAILABILITY AND USE OF DEPARTMENT OF DEFENSE ENERGY COST SAVINGS TO PROMOTE ENERGY SECURITY.

Section 2912(b)(1) of title 10, United States Code, is amended by inserting after “additional energy conserva-
tion” the following: “and energy security”.

SEC. 2824. DEFINITION OF RENEWABLE ENERGY SOURCE FOR DEPARTMENT OF DEFENSE ENERGY SECURITY.

Section 2924(7)(A) of title 10, United States Code, is amended by inserting before the period at the end the following: “and direct solar renewable energy”.

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Subtitle D—Provisions Related to Guam Realignment

SEC. 2831. USE OF OPERATION AND MAINTENANCE FUNDING TO SUPPORT COMMUNITY ADJUSTMENTS RELATED TO REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.

(a) Temporary Assistance Authorized.—

(1) Assistance to Government of Guam.—

Using funds made available under subsection (c), the Secretary of Defense may assist the Government of Guam in meeting the costs of providing increased municipal services and facilities required as a result of the realignment of military installations and the relocation of military personnel on Guam (in this section referred to as the “Guam realignment”) if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of the Department of Defense assistance.

(2) Mitigation of identified impacts.—The Secretary of Defense may take such actions as the Secretary considers to be appropriate to mitigate the significant impacts identified in the Record of Deci-
sion of the “Guam and CNMI Military Relocation Environmental Impact Statement” by providing increased municipal services and facilities to activities that directly support the Guam realignment.

(b) Methods of Providing Assistance.—

(1) Use of Existing Programs.—The Secretary of Defense shall carry out subsection (a) through existing Federal programs supporting the Government of Guam and the Guam realignment, whether or not the programs are administered by the Department of Defense or another Federal agency.

(2) Cost Share Assistance.—The Secretary may assist the Government of Guam to any cost-sharing obligation imposed on the Government of Guam under any Federal program utilized by the Secretary under paragraph (1).

(c) Source of Funds.—

(1) Transfer Authority.—To the extent necessary to carry out subsection (a), the Secretary is authorized to transfer funds made available in fiscal year 2013 to the Department of Defense or a military department for operation and maintenance to a different account of the Department of Defense or another Federal agency in order to make funds
available to the Government of Guam under a Federal program utilized by the Secretary under subsection (b)(1). Amounts so transferred shall be merged with the appropriation to which transferred and shall be available only for the purpose of assisting the Government of Guam as described in subsection (a).

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to the transfer authority provided by section 1001.

(d) PROGRESS REPORTS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended under the authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each project during such period.

(e) TERMINATION.—The authority to provide assistance under this section expires September 30, 2020. Amounts obligated on or before that date may be expended after that date.
SEC. 2832. CERTIFICATION OF MILITARY READINESS NEED FOR FIRING RANGE ON GUAM AS CONDITION ON ESTABLISHMENT OF RANGE.

A firing range on Guam may not be established (including any construction or lease of lands related to such establishment) until the Secretary of Defense certifies to the congressional defense committees that there is a national security need for the firing range related to readiness of the Armed Forces assigned to the United States Pacific Command.

SEC. 2833. REPEAL OF CONDITIONS ON USE OF FUNDS FOR GUAM REALIGNMENT.

Section 2207(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1668) is amended—

(1) in paragraph (2), by inserting “and” after the semicolon;

(2) by striking paragraphs (3) and (4); and

(3) by redesignating paragraph (5) as paragraph (3).

Subtitle E—Land Conveyances

SEC. 2841. MODIFICATION TO AUTHORIZED LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) Change in Officer Authorized to Carry Out Conveyances.—Subsection (a) of section 2851 of
the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1697) is amended—

(1) in paragraph (1), by striking “The Secretary of the Air Force may, in consultation with the Secretary of the Interior” and inserting “The Secretary of the Interior may, in consultation with the Secretary of the Air Force”; and

(2) in paragraph (2)—

(A) by striking “The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force” and inserting “The Secretary of the Interior may, in consultation with the Secretary of the Air Force, upon terms mutually agreeable to the Secretary of the Interior”; and

(B) by striking “in consultation with the Secretary of the Interior” the second place it appears and inserting “in consultation with the Secretary of the Air Force”.

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

(1) in subsection (a)(3), by inserting “of the Interior” after “Secretary”;
(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “The Secretary of the Air Force” and inserting “The Secretary of the Interior”;  

(ii) by striking “the Secretary” the first place it appears and inserting “the Secretary of the Interior and the Secretary of the Air Force”; and  

(iii) by striking “the Secretary” in each other place it appears and inserting “the Secretaries”; and  

(B) in paragraph (2), by striking “the Secretary” and inserting “the Secretaries”; and  

(3) in subsections (e) and (f), by inserting “of the Interior” after “Secretary”.

(c) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is further amended by striking “JBER” and inserting “Joint Base Elmendorf Richardson, Alaska (in this section referred to as ‘JBER’),”.
SEC. 2842. MODIFICATION OF FINANCING AUTHORITY, BROADWAY COMPLEX OF THE DEPARTMENT OF THE NAVY, SAN DIEGO, CALIFORNIA.

Subsection (a) of section 2732 of the Military Construction Authorization Act, 1987 (division B of Public Law 99–661; 100 Stat. 4046) is amended to read as follows:

“(a) In General.—(1) Subject to subsections (b) through (g), the Secretary of the Navy may enter into long-term leases of real property located within the Broadway Complex of the Department of the Navy, San Diego, California.

“(2) Subject to subsections (b) through (g), the Secretary may assist any lessee of real property described in paragraph (1) in financing the construction by the lessee of any facility on such real property or otherwise within the boundaries of the metropolitan San Diego, California, area.”.

SEC. 2843. LAND CONVEYANCE, JOHN KUNKEL ARMY RESERVE CENTER, WARREN, OHIO.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Village of Lordstown, Ohio (in this section referred to as the “Village”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 6.95 acres and containing the John Kunkel Army Reserve Cen-
the parcel located at 4967 Tod Avenue in Warren, Ohio, for the purpose of permitting the Village to use the parcel for public purposes.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed to the Village, the Secretary may lease the property to the Village.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Village to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Village in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Village.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the
Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) CONDITIONS OF CONVEYANCE.—The conveyance of the real property under subsection (a) shall be subject to the following conditions:

(1) That the Village not use any Federal funds to cover any portion of the conveyance costs required by subsection (c) to be paid by the Village or to cover the costs for the design or construction of any facility on the property.

(2) That the Village begin using the property for public purposes before the end of the five-year period beginning on the date of conveyance.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.
(a) CONVEYANCE AUTHORIZED.—

(1) CONVEYANCE AUTHORITY.—The Secretary of the Army may convey, without consideration, to the Parks and Wildlife Department of the State of Texas (in this section referred to as the “Department”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 7,081 acres at Fort Bliss, Texas, for the purpose of permitting the Department to establish and operate a park as an element of the Franklin Mountains State Park.

(2) PIECemeAL CONVEYANCES.—In anticipation of the conveyance of the entire parcel of real property described in paragraph (1), the Secretary may subdivide the parcel and convey to the Department portions of the real property as the Secretary determines that the condition of the real property is compatible with the Department’s intended use of the property.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest
in and to such real property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) Payment of Costs of Conveyances.—

(1) Payment Required.—The Secretary shall require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the land conveyance under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Department in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to Department. This paragraph does not apply to costs associated with the environmental remediation of the property to be conveyed.

(2) Treatment of Amounts Received.—

Amounts received as reimbursements under para-
graph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2845. MODIFICATION OF LAND CONVEYANCE, FORT HOOD, TEXAS.

Section 2848(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2140) is amended by striking “for the sole purpose” and all that follows through “Central Texas.” and inserting the following: “for the purpose of permitting the University System to use the property—
“(1) for the establishment of a State-supported university, separate from other universities of the University System, designated as Texas A&M University, Central Texas; and

“(2) for such other educational and related purposes as the University System considers to be appropriate and the Secretary of the Army determines to be compatible with military activities in the vicinity of the property.”

SEC. 2846. TRANSFER OF ADMINISTRATIVE JURISDICTION, FORT LEE MILITARY RESERVATION AND PETERSBURG NATIONAL BATTLEFIELD, VIRGINIA.

(a) Transfer of Administrative Jurisdiction From Secretary of the Army.—The Secretary of the Army shall transfer to the Secretary of the Interior, without reimbursement, administrative jurisdiction over a parcel of land at Fort Lee Military Reservation consisting of approximately 1.171 acres and depicted as “Area to be transferred to Petersburg National Battlefield” on the map titled “Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction”, numbered 325/80,801A, and dated May 2011. The Secretary of the Interior shall include the land transferred under this subsection within the boundary of Petersburg National Bat-
tlefield and administer the land as part of the park in ac-
cordance with laws and regulations applicable to the park.

(b) Transfer of Administrative Jurisdiction
to Secretary of the Army.—The Secretary of the In-
terior shall transfer to the Secretary of the Army, without
reimbursement, administrative jurisdiction over a parcel
of land consisting of approximately 1.170 acres and de-
picted as “Area to be transferred to Fort Lee Military
Reservation” on the map referred to in subsection (a).

(c) Availability of Map.—The map referred to in
subsection (a) shall be available for public inspection in
the appropriate offices of the National Park Service.

Subtitle F—Other Matters

SEC. 2861. INCLUSION OF RELIGIOUS SYMBOLS AS PART OF
MILITARY MEMORIALS.

(a) Authority.—Chapter 21 of title 36, United
States Code, is amended by adding at the end the fol-
lowing new section:

“§ 2115. Inclusion of religious symbols as part of mili-
tary memorials

“(a) Inclusion of Religious Symbols Author-
ized.—To recognize the religious background of members
of the United States Armed Forces, religious symbols may
be included as part of—
“(1) a military memorial that is established or acquired by the United States Government; or

“(2) a military memorial that is not established by the United States Government, but for which the American Battle Monuments Commission cooperated in the establishment of the memorial.

“(b) MILITARY MEMORIAL DEFINED.—In this section, the term ‘military memorial’ means a memorial or monument commemorating the service of the United States Armed Forces. The term includes works of architecture and art described in section 2105(b) of this title.”.

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

“2115. Inclusion of religious symbols as part of military memorials.”.

SEC. 2862. REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) REDESIGNATION.—The Department of Defense regional center for security studies known as the Center for Hemispheric Defense Studies is hereby renamed the “William J. Perry Center for Hemispheric Defense Studies”.

(b) CONFORMING AMENDMENTS.—(1) Section 184 of title 10, United States Code, is amended—
(A) in subsection (b)(2)(C), by striking “The Center for Hemispheric Defense Studies” and inserting “The William J. Perry Center for Hemispheric Defense Studies”; and

(B) in subsection (f)(5), by striking “the Center for Hemispheric Defense Studies” and inserting “the William J. Perry Center for Hemispheric Defense Studies”.

(2) Section 2611(a)(2)(C) of such title is amended by striking “The Center for Hemispheric Defense Studies.” and inserting “The William J. Perry Center for Hemispheric Defense Studies.”

(e) REFERENCES.—Any reference to the Department of Defense Center for Hemispheric Defense Studies in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the William J. Perry Center for Hemispheric Defense Studies.

SEC. 2863. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF MILITARY DIVERS MEMORIAL AT WASHINGTON NAVY YARD.

It is the sense of Congress that the Secretary of the Navy should provide an appropriate site at the former Navy Dive School at the Washington Navy Yard for a memorial, to be paid for with private funds, to honor the
members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world, so long as the Secretary of the Navy has exclusive authority to approve the design and site of the memorial.

SEC. 2864. GOLD STAR MOTHERS NATIONAL MONUMENT, ARLINGTON NATIONAL CEMETERY.

(a) Establishment.—The Secretary of the Army shall permit the Gold Star Mothers National Monument Foundation (a nonprofit corporation established under the laws of the District of Columbia) to establish an appropriate monument in Arlington National Cemetery or on Federal land in its environs under the jurisdiction of the Department of the Army to commemorate the sacrifices made by mothers, and made by their sons and daughters who as members of the Armed Forces make the ultimate sacrifice, in defense of the United States. The monument shall be known as the “Gold Star Mothers National Monument”.

(b) Payment of Expenses.—The Gold Star Mothers National Monument Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the monument, and no Federal funds may be used to pay such expenses.
SEC. 2865. NAMING OF TRAINING AND SUPPORT COMPLEX, FORT BRAGG, NORTH CAROLINA.

(a) NAMING.—The complex located on Fort Bragg, North Carolina, currently referred to as “Patriot Point”, shall be known and designated as the “Colonel Robert Howard Training and Support Complex”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the complex referred to in subsection (a) shall be deemed to be a reference to the “Colonel Robert Howard Training and Support Complex”.

SEC. 2866. NAMING OF ELECTROCHEMISTRY ENGINEERING FACILITY, NAVAL SUPPORT ACTIVITY CRANE, CRANE, INDIANA.

(a) NAMING.—The electrochemistry engineering facility on Naval Support Activity Crane, Crane, Indiana, shall be known and designated as the “John Hostettler Electrochemistry Engineering Facility”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “John Hostettler Electrochemistry Engineering Facility”.

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SEC. 2867. RETENTION OF CORE FUNCTIONS OF THE ELECTRONIC SYSTEMS CENTER AT HANSCOM AIR FORCE BASE, MASSACHUSETTS.

The Secretary of the Air Force shall retain the core functions of the Electronic Systems Center at Hanscom Air Force Base, Massachusetts, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

SEC. 2868. RETENTION OF CORE FUNCTIONS OF THE AIR FORCE MATERIEL COMMAND, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

The Secretary of the Air Force shall retain the core functions of the Air Force Materiel Command that exist at Wright-Patterson Air Force Base, Ohio, as of November 1, 2011, until such time as such core functions are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.
SEC. 2869. MASSACHUSETTS INSTITUTE OF TECHNOLOGY—
LINCOLN LABORATORY IMPROVEMENT PROJECT.

(a) IMPROVEMENT AND MODERNIZATION PROJECT.—The Secretary of the Air Force may enter into discussions with the Massachusetts Institute of Technology for a project to improve and modernize the Lincoln Laboratory complex at Hanscom Air Force Base, Massachusetts. The project may include modifications and additions to research laboratories, office spaces, and supporting facilities necessary to carry out the mission of the Lincoln Laboratory as a Federally Funded Research and Development Center (in this section referred to as "FFRDC"). Supporting facilities under the project may include infrastructure for utilities.

(b) USE OF FACILITIES.—The right of the Massachusetts Institute of Technology to use such facilities and equipment shall be as provided by the FFRDC Sponsoring Agreement and FFRDC contract between the Department of Defense and the Massachusetts Institute of Technology.

(c) RULE OF CONSTRUCTION REGARDING CONSTRUCTION AUTHORITY.—Nothing in this section shall be construed to authorize the Secretary of the Air Force to carry out a construction project at Hanscom Air Force Base, Massachusetts, unless such project is otherwise authorized by law.
(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in the FFRDC Sponsoring Agreement and the FFRDC contract as the Secretary of the Air Force considers appropriate to protect the interests of the United States.

SEC. 2870. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT REGARDING ACQUISITION OF LAND AND DEVELOPMENT OF A TRAINING RANGE FACILITY ADJACENT TO THE MARINE CORPS GROUND AIR COMBAT CENTER TWENTY NINE PALMS, CALIFORNIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Marine Corps has studied the feasibility of acquiring land and developing a training range facility to conduct Marine Expeditionary Brigade level live-fire training on or near the West Coast.

(2) The Bureau of Land management estimates on national economic impact show $261.5 million in commerce at risk.

(3) Economic impact on the local community is estimated to be $71.1 million.

(b) LIMITATION OF FUNDS PENDING REPORT.—
(1) IN GENERAL.—The Secretary of the Navy may not obligate or expend funds for the transfer of land or development of a new training range on land adjacent to the Marine Corps Ground Air Combat Center Twenty Nine Palms, California until the Secretary of the Navy has provided the Congressional defense committees a report on the Marine Corps’ efforts with respect to the proposed training range.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall be submitted not later than 90 days after the date of enactment of this Act and shall include the following:

(A) A description of the actual training requirements for the proposed range and where those training requirements are currently being met to support combat deployments.

(B) Identify the impact on off-road vehicle recreational users of the land, the economic impact on the local economy, the recreation industry, and any other stakeholders.

(C) Identify any concerns discussed with the Bureau of Land Management regarding their assessments of the impact on other users.

(D) Identify the impact on the State of California’s 1980 Desert Conservation plan re-
garding allocation of the Off Highway Vehicle Recreation Areas.

(E) The potential to use the same land without transfer, but under specific permits for use provided by the (such as agreements at other locations under permit from the Forest Service and Bureau of Land Management).

(F) Any potential on other Bureau of Land Management lands proximate to the Marine Corps Ground Air Combat Center Twenty Nine Palms or other locations in the geographic region.

(3) SECRETARY OF DEFENSE WAIVER.—In the event of urgent national need, the Secretary of Defense may notify the Congressional Committees and waive the requirement for this report.

SEC. 2871. RETENTION OF CORE FUNCTIONS OF THE AIR TRAFFIC CONTROL STATION, JOHNSTOWN AIR NATIONAL GUARD BASE, PENNSYLVANIA.

The Secretary of the Air Force shall retain the core functions of the Air Traffic Control Station at Johnstown Air National Guard Base, Pennsylvania, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until such time as such integrated mission elements, responsibilities, and
capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

SEC. 2872. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.

(a) Calculation of Number of Affected Members.—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: “In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.”.

(b) Notice Requirements.—Subsection (b) of such section is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) the Secretary of Defense or the Secretary of the military department concerned—

“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support
services and personnel to occur because of the proposed reduction; and

“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, environmental, strategic, and operational consequences of the reduction; and

“(2) a period of 90 days expires following the day on which the notice is submitted to Congress.”.

(c) TIME AND FORM OF SUBMISSION OF NOTICE.— Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c) TIME AND FORM OF SUBMISSION OF NOTICE.—

The notice required by subsections (a) and (b) may be submitted to Congress only as part of the budget justification materials submitted by the Secretary of Defense to Congress in support of the budget for a fiscal year submitted under section 1105 of title 31.”.

(d) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

“(e) DEFINITIONS.—In this section:
“(1) The term ‘direct reduction’ means a reduction involving one or more members of a unit.

“(2) The term ‘indirect reduction’ means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

“(3) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(4) The term ‘unit’ means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).”.
TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Outside the United States.—The Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

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<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SW Asia</td>
<td>........................................</td>
<td>$51,348,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier ..........</td>
<td>$99,420,000</td>
</tr>
</tbody>
</table>

(b) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction projects outside the United States authorized by subsection (a) as specified in the funding table in section 4602.
DIVISION C—DEPARTMENT OF
ENERGY NATIONAL SECURITY
AUTHORIZATIONS AND
OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF
ENERGY NATIONAL SECURITY
PROGRAMS

Subtitle A—National Security
Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-
TION.

(a) Authorization of Appropriations.—Funds
are hereby authorized to be appropriated to the Depart-
ment of Energy for fiscal year 2013 for the activities of
the National Nuclear Security Administration in carrying
out programs as specified in the funding table in section
4701.

(b) Authorization of New Plant Projects.—
From funds referred to in subsection (a) that are available
for carrying out plant projects, the Secretary of Energy
may carry out new plant projects for the National Nuclear
Security Administration as follows:

Project 13–D–301, Electrical Infrastruc-
ture Upgrades, Lawrence Livermore National
Laboratory, Livermore, California, and Los Al-
amos National Laboratory, Los Alamos, New Mexico, $23,000,000.

Project 13–D–905, Remote-Handled Low-Level Waste Disposal Project, Idaho National Laboratory, $8,890,000.

Project 13–D–904, Kesselring Site Radiological Work and Storage Building, Kesselring Site, West Milton, New York, $2,000,000.

Project 13–D–903, Kesselring Site Prototype Staff Building, Kesselring Site, West Milton, New York, $14,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for energy
security and assurance programs necessary for national
security as specified in the funding table in section 4701.

Subtitle B—Program Authoriza-
tions, Restrictions, and Limita-
tions

SEC. 3111. AUTHORIZED PERSONNEL LEVELS OF THE OF-
FICE OF THE ADMINISTRATOR.

(a) Cap on Full-time Equivalent Positions.—

(1) In general.—The National Nuclear Secu-

rity Administration Act (50 U.S.C. 2401 et seq.) is

amended by inserting after section 3241 the fol-

lowing new section:

"SEC. 3241A. AUTHORIZED PERSONNEL LEVELS OF THE OF-
FICE OF THE ADMINISTRATOR.

"(a) Full-time Equivalent Personnel Lev-
els.—(1) Beginning 180 days after the date of the enact-
ment of this section, the total number of employees of the
Office of the Administrator of the Administration may not
exceed 1,730.

"(2) Beginning October 1, 2014, the total number
of employees of the Office of the Administrator may not
exceed 1,630.

"(b) Counting Rule.—(1) A determination of the
number of employees in the Office of the Administrator
under subsection (a) shall be expressed on a full-time equivalent basis.

“(2) Except as provided by paragraph (3), in determining the total number of employees in the Office of the Administrator under subsection (a), the Administrator shall count each employee of the Office without regard to whether the employee is located at the headquarters of the Administration, a site office of the Administration, a service or support center of the Administration, or any other location.

“(3) The following employees may not be counted for purposes of determining the total number of employees in the Office of the Administrator under subsection (a):

“(A) Employees of the Office of Naval Reactors.

“(B) Employees of the Office of Secure Transportation.

“(C) Members of the Armed Forces detailed to the Administration.

“(c) VOLUNTARY EARLY RETIREMENT.—In accordance with section 3523 of title 5, United States Code, the Administrator may offer voluntary separation or retirement incentives to meet the total number of employees authorized under subsection (a).
“(d) WORK PLACEMENT PROGRAM.—The Administrator shall establish a work placement program to assist employees of the Administration who are separated from service pursuant to this section find new employment.”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3241 the following new item:

“Sec. 3241A. Authorized personnel levels of the Office of the Administrator.”.

(b) INCREASE IN EXCEPTED POSITIONS.—Section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) is amended by striking “300” and inserting “450”.

(c) REPORTS.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report—

(A) describing the criteria and processes used to implement the personnel levels required by section 3241A of the National Nuclear Security Administration Act, as added by subsection (a);

(B) detailing the realized and expected cost savings within the Office of the Administrator.
and the nuclear security enterprise resulting from such personnel reductions and the transition to performance-based governance, management, and oversight pursuant to section 3265 of such Act, as added by section 3113;

(C) describing any impacts such personnel reductions have had or will have on the ability of the Administration to perform the mission of the Administration safely, securely, effectively, and efficiently;

(D) assessing various levels of further personnel reductions, including reductions of 10 percent, 15 percent, and 50 percent, on the ability of the Administration to perform the mission of the Administration safely, securely, effectively, and efficiently;

(E) recommending any further efficiencies and personnel reductions that should be made as a result of such transition pursuant to such section 3265, including an implementation plan and schedule for achieving such efficiencies and reductions; and

(F) assessing the salary and wage structure of the Office of the Administrator and the management and operating contractors of the
nuclear security enterprise, as well as the status
and effectiveness of contractor assurance sys-
tems across the nuclear security enterprise.

(2) Assessment.—Not later than 180 days
after the date on which the report under paragraph
(1) is submitted, the Comptroller General of the
United States shall submit to the congressional de-
fense committees an assessment of such report.

SEC. 3112. BUDGET JUSTIFICATION MATERIALS.

Section 3251(b) of the National Nuclear Security Ad-
ministration Act (50 U.S.C. 2451) is amended—

(1) by striking “In the” and inserting “(1) In
the”; and

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

“(2) In the budget justification materials submitted
to Congress in support of each such budget, the Adminis-
trator shall include an assessment of how the budget
maintains the core nuclear weapons skills of the Adminis-
tration, including nuclear weapons design, engineering,
production, testing, and prediction of stockpile aging.”.

SEC. 3113. CONTRACTOR GOVERNANCE, OVERSIGHT, AND
ACCOUNTABILITY.

(a) Oversight of Contractors.—
(1) IN GENERAL.—The National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) is amended by adding after section 3264 the following new section:

“SEC. 3265. CONTRACTOR GOVERNANCE, OVERSIGHT, AND ACCOUNTABILITY.

“(a) PERFORMANCE-BASED CONTRACTOR GOVERNANCE, MANAGEMENT, AND OVERSIGHT.—(1) The Administrator shall establish a system of governance, management, and oversight of covered contractors.

“(2) The system established under paragraph (1) shall—

“(A) include clear, consistent, and auditable performance-based standards relating to the mission effectiveness and operations of a covered contractor;

“(B) ensure that the governance, management, and oversight of the mission effectiveness and operations of a covered contractor is conducted pursuant to national and international standards and best practices;

“(C) recognize the respective roles of—

“(i) the Federal Government in determining the performance-based standards with respect to high-level mission and operations performance objectives; and
“(ii) a covered contractor, particularly a contractor that is a federally funded research and development corporation, in determining how to accomplish such objectives;

“(D) conduct oversight based on outcomes and performance-based standards rather than detailed, transaction-based oversight; and

“(E) include appropriate measures to ensure that the Administrator has accurate and consistent data and information to manage and make decisions with respect to the nuclear security enterprise.

“(3)(A) The Administrator may exempt individual areas of governance, management, and oversight from the requirements of the system established under paragraph (1) and continue to conduct transaction-based oversight if the Administrator determines that such exemption is necessary to ensure the national security or the safety, security, or performance of the Administration.

“(B) If the Administrator makes an exemption under subparagraph (A), the Administrator shall annually submit to the congressional defense committees a certification for each such exemption, including a description of why such exemption is needed.

“(C) During the three-year period beginning on the date of the enactment of this section, the Administrator
may temporarily exempt individual facilities or contractors from the system established under paragraph (1) and con-
tinue to conduct transaction-based oversight if the Admin-
istrator determines that such exemption is needed to en-
sure that robust contractor assurance, accountability, and
performance-based oversight mechanisms are in place for
such facility or contractor.

“(D) If the Administrator makes an exemption under
subparagraph (C), the Administrator shall annually sub-
mit to the congressional defense committees a written jus-
tification for such exemption and a plan and schedule to
transition the exempted facility or contractor to the sys-
tem established under paragraph (1).

“(b) CONTRACTOR ACCOUNTABILITY.—The Adminis-
trator shall—

“(1) ensure that each management and oper-
ating contract includes robust mechanisms to ensure
the accountability of a covered contractor; and

“(2) exercise such mechanisms as the Adminis-
trator determines appropriate to ensure the perform-
ance of the covered contractor.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘covered contractor’ means a
contractor who enters into a management and oper-
ating contract.
“(2) The term ‘management and operating contract’ means a contract entered into by the Administrator and a contractor to manage and operate a Government-owned, contractor-operated facility.

“(3) The term ‘performance-based standards’, with respect to a covered contract, means that the contract includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3264 the following new item:

“Sec. 3265. Contractor governance, oversight, and accountability.”.

(b) REPORTS.—Not later than January 15, 2013, and each year thereafter through 2016, the Administrator shall submit to the congressional defense committees a report that includes—

(1) a description of each instance during the previous calendar year in which the Administrator, or any other head of an agency of the Federal Government, used a procedure, standard, or process for governance, management, and oversight of a covered contract (as defined in section 3265(d)(1) of the Na-
tional Nuclear Security Administration Act, as added by subsection (a)(1)) that is not a procedure, standard, or process that conforms to national or international standards or industry best practices;

(2) an explanation of why such procedure, standard, or process was used during such year and any steps that will be taken by the Administrator or other head of an agency, as the case may be, in future years to instead use a procedure, standard, or process that conforms to national or international standards or industry best practices; and

(3) a description of any oversight activities by any agency of the Federal Government that occurred during the previous calendar year that the Administrator considers duplicative or unnecessary.

SEC. 3114. NATIONAL NUCLEAR SECURITY ADMINISTRATION COUNCIL.

(a) NNSA COUNCIL.—Section 4102 of the Atomic Energy Defense Act (50 U.S.C. 2512) is amended to read as follows:

“SEC. 4102. MANAGEMENT STRUCTURE FOR NUCLEAR SECURITY ENTERPRISE.

“(a) IN GENERAL.—The Administrator shall estab-
terprise in accordance with the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.).

“(b) National Nuclear Security Administration Council.—(1) The Administrator shall establish a council to be known as the ‘National Nuclear Security Administration Council’. The Council may advise the Administrator on scientific and technical issues relating to policy matters, operational concerns, strategic planning, and the development of priorities relating to the mission and operations of the Administration and the nuclear security enterprise.

“(2) The Council shall be composed of the directors of the national security laboratories and the nuclear weapons production facilities.

“(3) The Council may provide the Administrator or the Secretary of Energy recommendations for improving the—

“(A) governance, management, effectiveness, and efficiency of the Administration; and

“(B) any other matter in accordance with paragraph (1).

“(4) Not later than 60 days after the date on which any recommendation under paragraph (3) is received, the Administrator or the Secretary, as the case may be, shall respond to the Council with respect to whether such rec-
ommendation will be implemented and the reasoning for
implementing or not implementing such recommenda-

tion.”.

(b) CLERICAL AMENDMENT.—The table of contents
at the beginning of the Atomic Energy Defense Act is
amended by striking the item relating to section 4102 and
inserting the following new item:

“Sec. 4102. Management structure for nuclear security enterprise.”.

SEC. 3115. SAFETY, HEALTH, AND SECURITY OF THE NA-
TIONAL NUCLEAR SECURITY ADMINISTRA-
TION.

(a) SECURITY OF ASSETS AND INFORMATION.—

(1) IN GENERAL.—Section 3231 of the Na-
tional Nuclear Security Administration Act (50
U.S.C. 2421) is amended to read as follows:

“SEC. 3231. PROTECTION OF SPECIAL NUCLEAR MATERIAL
AND NATIONAL SECURITY INFORMATION.

“(a) POLICIES AND PROCEDURES REQUIRED.—The
Administrator shall establish policies and procedures to
ensure the protection of—

“(1) special nuclear material and other sensitive
physical assets of the Administration; and

“(2) classified information in the possession of
the Administration.

“(b) PROMPT REPORTING.—The Administrator shall
establish procedures to ensure prompt reporting to the Ad-
ministrator of any significant problem, abuse, violation of law or Executive order, or deficiency relating to the—

“(1) protection of the special nuclear material and other sensitive physical assets of the Administration; and

“(2) management of classified information by personnel of the Administration.”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to section 3231 and inserting the following new item:

“Sec. 3231. Protection of special nuclear material and national security information.”.

(b) HEALTH AND SAFETY.—

(1) IN GENERAL.—Section 3261 of the National Nuclear Security Administration Act (50 U.S.C. 2461) is amended—

(A) in subsection (a), by striking “The Administrator” and inserting “In accordance with subsections (c) and (d), the Administrator”;

(B) by striking subsection (c);

(C) by adding at the end the following new subsection:

“(c) NON-NUCLEAR HEALTH AND SAFETY.—(1) In carrying out this section with respect to non-nuclear oper-
lations, the Administrator shall ensure that the Adminis-
tration complies with all applicable occupational safety
and health standards promulgated under the Occupational
Safety and Health Act of 1970 (29 U.S.C. 655) that are
administered by the Secretary of Labor.

“(2) With respect to complying with the occupational
safety and health standards under paragraph (1), and con-
ducting oversight of such occupational safety and health
standards, the Administrator shall ensure that such com-
plying and oversight by the Administration is conducted—

“(A) in accordance with best industry and Gov-
ernment practices for meeting such standards; and

“(B) in accordance with the performance-based
system of governance, management, and oversight
established under section 3265, notwithstanding the
exemption authority under subsection (a)(3) of such
section.

“(3) Except as provided by paragraph (4), the Ad-
ministrator may not establish or prescribe any order, rule,
or regulation regarding occupational safety and health un-
less such order, rule, or regulation is pursuant to an occu-
pational safety and health standard described in para-
graph (1).

“(4)(A) In carrying out paragraph (3)—
“(i) the Administrator may waive the requirement under such paragraph for any type of high
hazard operations if the Administrator determines that such waiver is necessary to ensure safety; and
“(ii) the Administrator shall waive such requirements for operations involving beryllium.
“(B) The Administrator shall submit an annual certification to the congressional defense committees regarding why any such waivers made under subparagraph (A) are required to ensure safety.”; and
(D) by adding after subsection (c), as added by subparagraph (C), the following new subsection:
“(d) NUCLEAR HEALTH AND SAFETY.—(1) In carrying out this section with respect to nuclear operations, the Administrator shall prescribe appropriate policies and regulations to ensure the adequate protection of the health and safety of the employees of the Administration, contractors of the Administration, and the public. Such policies and regulations shall be based upon risk whenever sufficient data exists.
“(2) With respect to prescribing and complying with the policies and regulations under paragraph (1), and conducting oversight of such policies and regulations by the Administration, the Administrator shall ensure that such
prescribing, complying, and oversight is conducted in ac-
cordance with the performance-based system of govern-
ance, management, and oversight established under sec-
tion 3265, notwithstanding the exemption authority under
subsection (a)(3) of such section.

“(3) CONSTRUCTION.—Nothing in this subsection
shall be construed to cause a reduction in nuclear safety
standards.”.

(2) NUCLEAR HEALTH AND SAFETY EFFECTIVE
DATE.—The amendment made by paragraph (1)(D)
shall take effect October 1, 2013.

(c) REPORT ON AUTHORITY FOR NUCLEAR SAFE-
TY.—Not later than March 1, 2013, the Administrator
shall submit to the congressional defense committees a re-
port that includes—

(1) an implementation plan describing the ac-
tions needed to fully transition the policy, regu-
latory, and oversight authority for the nuclear safety
of the nuclear security enterprise from the Depart-
ment of Energy to the Administration; and

(2) a description of the costs and benefits of
such a transition.
SEC. 3116. DESIGN AND USE OF PROTOTYPES OF NUCLEAR WEAPONS.

(a) PROTOTYPES.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by inserting after section 4508 the following new section:

“SEC. 4509. DESIGN AND USE OF PROTOTYPES OF NUCLEAR WEAPONS FOR INTELLIGENCE PURPOSES.

“(a) PROTOTYPES.—The Administrator shall develop and carry out a plan for the national security laboratories and nuclear weapons production plants to design and build prototypes of nuclear weapons to further intelligence estimates with respect to foreign nuclear weapons activities.

“(b) PROHIBITION ON PRODUCTION OF NUCLEAR YIELDS.—In carrying out subsection (a), the Administrator may not conduct any experiments that produce a nuclear yield.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4508 the following new item:

“Sec. 4509. Design and use of prototypes of nuclear weapons for intelligence purposes.”.
SEC. 3117. IMPROVEMENT AND STREAMLINING OF THE MISSIONS AND OPERATIONS OF THE DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy and the Administrator for Nuclear Security, in coordination with the Secretary of Defense and other officials, as the Secretary of Energy and the Administrator consider appropriate, shall revise the Department of Energy Acquisition Regulation and other regulations, rules, directives, orders, and policies that apply to the administration, execution, and oversight of the missions and operations of the Department of Energy and the National Nuclear Security Administration to improve and streamline such administration, execution, and oversight.

(b) IMPROVEMENT AND STREAMLINING.—In carrying out subsection (a), the Secretary of Energy and the Administrator for Nuclear Security shall—

(1) streamline business processes and structures to reduce unnecessary, burdensome, or duplicative approvals;

(2) delegate approval for work for others agreements and cooperative research and development agreements (except those that the Secretary or Administrator determine are high value or unique) to
the management and operating contractors of a Government-owned, contractor-operated facility of the Department or Administration and hold such contractors accountable for maintaining appropriate portfolios with respect to such agreements;

(3) establish processes for ensuring routine or low-risk procurement and subcontracting decisions are made at the discretion of the management and operating contractors while ensuring that the Secretary or Administrator apply appropriate oversight;

(4) assess procurement thresholds as of the date of the enactment of this Act and take steps as appropriate to adjust such thresholds;

(5) eliminate duplicative or low-value reports and data calls and ensure consistency in management and cost accounting data; and

(6) otherwise streamline, clarify, and eliminate redundancy in the regulations, rules, directives, orders, and policies described by subsection (a).

(c) Briefing.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary and the Administrator shall provide to the appropriate congressional committees a briefing on the
regulations, rules, directives, orders, and policies improved and streamlined pursuant to subsection (a).

(2) APPROPRIATE COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees;

and

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SEC. 3118. COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS.

(a) LIMITATION.—The Administrator for Nuclear Security may not release a final request for proposal for competition of any contract to manage and operate a facility of the National Nuclear Security Administration until the date on which the Administrator submits to the congressional defense committees a report described in subsection (b).

(b) REPORT DESCRIBED.—A report described in this subsection is a report on a request for proposal for competition described in subsection (a) that includes—

(1) the expected cost savings resulting from the competition over the life of the contract;
(2) the costs of the competition, including immediate costs of conducting the competition and any increased costs over the life of the contract;

(3) a description of—

(A) any disruption or delay in mission activities or deliverables resulting from the competition; and

(B) any benefits of the proposed competition to mission performance or operations;

(4) how the competition complies with the Federal Acquisition Regulation regarding federally funded research and development centers, if applicable; and

(5) any other matters the Administrator considers appropriate.

(e) GAO REVIEW.—Not later than 90 days after each report is submitted to the congressional defense committees under subsection (a) or (d)(2), the Comptroller General of the United States shall submit to such committees a review of such report.

(d) APPLICABILITY.—

(1) IN GENERAL.—The limitation in subsection (a) shall apply with respect to a request for proposal described by such subsection that is released by the

(2) **FISCAL YEAR 2012 RFPS.**—For each request for proposal described by subsection (a) that is released by the Administrator during fiscal year 2012 before the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report described in subsection (b) by not later than 90 days after the date of such enactment.

**SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR INERTIAL CONFINEMENT FUSION IGNITION AND HIGH YIELD CAMPAIGN.**

(a) **LIMITATION.**—Except as provided in subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for fusion ignition under the Inertial Confinement Fusion Ignition and High Yield Campaign, not more than 50 percent may be obligated or expended until the date on which—

(1) the Administrator for Nuclear Security certifies to the congressional defense committees that fusion ignition has been achieved at the National Ignition Facility at Lawrence Livermore National Laboratory; or
(2) the Administrator submits to such committees a detailed report on fusion ignition, including—

(A) a thorough description of the remaining technical challenges and gaps in understanding with respect to such ignition;

(B) a plan and schedule for reevaluating the ignition program and incorporating experimental data into computer models;

(C) the best judgment of the Administrator with respect to whether ignition can be achieved at the National Ignition Facility, as designed on the date of the report; and

(D) if funding being spent on ignition research as of the date of the report were applied to life extension programs—

(i) a description of such programs that could be accelerated or otherwise improved; and

(ii) how such funding changes would affect the stockpile stewardship program.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to the Z machine at Sandia National Laboratories or the Omega laser system at the University of Rochester.
SEC. 3120. LIMITATION ON AVAILABILITY OF FUNDS FOR GLOBAL SECURITY THROUGH SCIENCE PARTNERSHIPS PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the National Nuclear Security Administration, not more than $8,000,000 may be obligated or expended for the Global Security through Science Partnerships Program, formerly known as the Global Initiatives for Proliferation Prevention Program, until the date on which the Secretary of Energy submits to the appropriate congressional committees the report under subsection (b).

(b) REPORT.—The Secretary of Energy shall submit to the appropriate congressional committees a report with a plan to complete the Global Security through Science Partnerships Program by the end of calendar year 2015 or with a detailed justification on the continued threat and how the continuation of the program would effectively address such threat.

(c) FORM.—The report under subsection (b) may be submitted in unclassified form and may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 3121. LIMITATION ON AVAILABILITY OF FUNDS FOR CENTER OF EXCELLENCE ON NUCLEAR SECURITY.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the National Nuclear Security Administration, not more than $7,000,000 may be obligated or expended for the United States-China Center of Excellence on Nuclear Security until the date on which the Secretary of Energy submits to the appropriate congressional committees the report under subsection (b)(2).

(b) NUCLEAR SECURITY.—

(1) REVIEW.—The Secretary of Energy, in coordination with the Secretary of Defense, shall conduct a review of the existing and planned non-proliferation activities with the People’s Republic of China as of the date of the enactment of this Act to determine if the engagement is directly or indirectly supporting the proliferation of nuclear weapons development and technology to other nations.
(2) REPORT.—Not later than 90 days after the
date of the enactment of this Act, the Secretary of
Energy shall submit to the appropriate congressional
committees a report certifying that the activities re-
viewed under paragraph (1) are not contributing to
the proliferation of nuclear weapons development
and technology to other nations.

(c) FORM.—The report under subsection (b)(2) may
be submitted in unclassified form and may include a clas-
sified annex.

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

(1) the Committee on Armed Services and the
Committee on Foreign Affairs of the House of Rep-
resentatives; and

(2) the Committee on Armed Services and the
Committee on Foreign Relations of the Senate.

SEC. 3122. TWO-YEAR EXTENSION OF SCHEDULE FOR DIS-
POSITION OF WEAPONS-USABLE PLUTONIUM
AT SAVANNAH RIVER SITE, AIKEN, SOUTH
CAROLINA.

Section 4306 of the Atomic Energy Defense Act (50
U.S.C. 2566) is amended—

(1) in subsection (a)(3)—
(A) in subparagraph (C), by striking “2012” and inserting “2014”; and

(B) in subparagraph (D), by striking “2017” and inserting “2019”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “by January 1, 2012”;

(B) in paragraph (4), by striking “2012” each place it appears and inserting “2014”; and

(C) in paragraph (5), by striking “2012” and inserting “2014”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “2012” and inserting “2014”; and

(B) in paragraph (1), by striking “2014” and inserting “2016”; and

(C) in paragraph (2), by striking “2020” each place it appears and inserting “2022”;

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “2014” and inserting “2016”; and

(ii) by striking “2019” and inserting “2021”; and
(B) in paragraph (2)(A), by striking “2020” each place it appears and inserting “2022”; and

(5) in subsection (e), by striking “2023” and inserting “2025”.

SEC. 3123. LIMITATION ON AVAILABILITY OF FUNDS FOR NUCLEAR NONPROLIFERATION ACTIVITIES WITH RUSSIAN FEDERATION.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for defense nuclear nonproliferation may be obligated or expended for nuclear nonproliferation activities with the Russian Federation until the date that is 30 days after the date on which the Secretary of Energy certifies, in coordination with the Secretary of State and the Secretary of Defense, to the appropriate congressional committees that—

(1) Russia is no longer—

(A) providing direct or indirect support to the government of Syria’s suppression of the Syrian people; and

(B) transferring to Iran, North Korea, or Syria equipment and technology that have the potential to make a material contribution to the development of weapons of mass destruction or
cruise or ballistic missile systems controlled
under multilateral control lists; or

(2) funds planned to be obligated or expended
for nuclear nonproliferation activities with the Rus-
sian Federation are strictly for project closeout ac-
tivities and will not be used for new activities or ac-
tivities that will extend beyond fiscal year 2013.

(b) WAIVER.—The Secretary of Energy may waive
the limitation in subsection (a) if—

(1) the Secretary determines that such waiver is
in the national security interests of the United
States;

(2) the Secretary briefs, in an unclassified
form, the appropriate congressional committees on
the justifications of such waiver; and

(3) a period of 90 days has elapsed following
the date on which such briefing is held.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congres-
sional committees” means—

(1) the Committee on Armed Services and the
Committee on Foreign Affairs of the House of Rep-
resentatives; and

(2) the Committee on Armed Services and the
Committee on Foreign Relations of the Senate.
Subtitle C—Improvements to National Security Energy Laws

SEC. 3131. IMPROVEMENTS TO THE ATOMIC ENERGY DEFENSE ACT.

(a) Definitions.—

(1) In general.—Section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501) is amended to read as follows:

“SEC. 4002. DEFINITIONS.

“In this division:

“(1) The term ‘Administration’ means the National Nuclear Security Administration.

“(2) The term ‘Administrator’ means the Administrator for Nuclear Security.

“(3) The term ‘classified information’ means any information that has been determined pursuant to Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note), or successor orders, to require protection against unauthorized disclosure and that is so designated.

“(4) The term ‘congressional defense committees’ means—
“(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

“(5) The term ‘nuclear security enterprise’ means the physical facilities, technology, and human capital of the national security laboratories and the nuclear weapons production facilities.

“(6) The term ‘national security laboratory’ means any of the following:

“(A) Los Alamos National Laboratory, Los Alamos, New Mexico.

“(B) Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

“(C) Lawrence Livermore National Laboratory, Livermore, California.

“(7) The term ‘nuclear weapons production facility’ means any of the following:

“(A) The Kansas City Plant, Kansas City, Missouri.

“(B) The Pantex Plant, Amarillo, Texas.

“(D) The Savannah River Site, Aiken, South Carolina.


“(F) Any facility of the Department of Energy that the Secretary of Energy, in consultation with the Administrator and the Congress, determines to be consistent with the mission of the Administration.

“(8) The term ‘Restricted Data’ has the meaning given such term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).”.

(2) Clerical Amendment.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4002 and inserting the following new item:

“Sec. 4002. Definitions.”.

(b) Stockpile Stewardship.—Section 4201(b)(5)(E) of the Atomic Energy Defense Act (50 U.S.C. 2521(b)(5)(E)) is amended by striking “(as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471))”. 
(c) Annual Assessments.—Section 4205 of the Atomic Energy Defense Act (50 U.S.C. 2525) is amended by striking subsection (i).

(d) Testing of Nuclear Weapons.—

(1) In general.—Section 4210 of the Atomic Energy Defense Act (50 U.S.C. 2530) is amended to read as follows:

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"SEC. 4210. TESTING OF NUCLEAR WEAPONS.

"(a) Underground Testing.—No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted.

"(b) Atmospheric Testing.—None of the funds appropriated pursuant to the National Defense Authorization Act for Fiscal Year 1994 or any other Act for any fiscal year may be available to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.”.

(2) Clerical Amendment.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the items relating to sections 4210 and 4211 and inserting the following new item:

"Sec. 4210. Testing of nuclear weapons.”.
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"Sec. 4210. Testing of nuclear weapons.”.
(3) **Conforming Amendment.**—Section 4211 of the Atomic Energy Defense Act (50 U.S.C. 2531) is repealed.

(e) **Manufacturing Infrastructure.**—Section 4212 of the Atomic Energy Defense Act (50 U.S.C. 2532) is amended by striking subsections (d) and (e).

(f) **Critical Difficulties Report.**—

(1) **In General.**—Section 4213 of the Atomic Energy Defense Act (50 U.S.C. 2533) is amended—

(A) in the heading, by striking “NUCLEAR WEAPONS LABORATORIES AND NUCLEAR WEAPONS PRODUCTION PLANTS” and inserting “NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES”;  

(B) in subsection (a), by striking “Assistant Secretary of Energy for Defense Programs” and inserting “Administrator”;  

(C) by striking “Assistant Secretary” each place it appears and inserting “Administrator”;  

(D) by striking “nuclear weapons laboratory” each place it appears and inserting “national security laboratory”;}
(E) by striking “production plant” each place it appears and inserting “production facility”; and

(F) by striking subsection (e).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4213 and inserting the following new item:

“Sec. 4213. Reports on critical difficulties at national security laboratories and nuclear weapons production facilities.”

(g) PLAN FOR TRANSFORMATION.—

(1) IN GENERAL.—Section 4214 of the Atomic Energy Defense Act (50 U.S.C. 2534) is amended—

(A) by striking subsections (b) and (d);

and

(B) by redesignating subsection (c) as subsection (b).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4213 the following new item:

“Sec. 4214. Plan for transformation of national nuclear security administration nuclear weapons complex.”.

(h) TRITIUM PRODUCTION PROGRAM.—Section 4231 of the Atomic Energy Defense Act (50 U.S.C. 2541) is amended to read as follows:
“SEC. 4231. TRITIUM PRODUCTION PROGRAM.

“(a) Establishment of Program.—The Secretary shall establish a tritium production program that is capable of meeting the tritium requirements of the United States for nuclear weapons. In carrying out the tritium production program, the Secretary shall assess alternative means for tritium production, including production through—

“(1) types of new and existing reactors, including multipurpose reactors (such as advanced light water reactors and gas turbine gas-cooled reactors) capable of meeting both the tritium production requirements and the plutonium disposition requirements of the United States for nuclear weapons;

“(2) an accelerator; and

“(3) multipurpose reactor projects carried out by the private sector and the Government.

“(b) Location of Tritium Production Facility.—The Secretary shall locate any new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.”.

(i) Tritium Recycling Facilities.—Section 4234 of the Atomic Energy Defense Act (50 U.S.C. 2544) is amended—
(1) by striking ““(a) In General.—The Sec-
retary of Energy” and inserting “The Secretary”; and

(2) by striking subsection (b).

(j) RESTRICTED DATA.—Section 4501 of the Atomic
Energy Defense Act (50 U.S.C. 2651(a)) is amended by
striking subsection (c).

(k) FOREIGN VISITORS.—Section 4502 of the Atomic
Energy Defense Act (50 U.S.C. 2652) is amended—

(1) by striking “national laboratory” each place
it appears and inserting “national security labora-
tory”; and

(2) in subsection (g), by striking paragraphs
(3) and (4).

(l) BACKGROUND INVESTIGATIONS.—Section 4503 of
the Atomic Energy Defense Act (50 U.S.C. 2653) is
amended—

(1) by striking ““(a) In General.—”;

(2) by striking subsections (b) and (c); and

(3) by striking “national laboratory” and in-
serting “national security laboratory”.

(m) SECURITY FUNCTIONS REPORT.—Section 4506
of the Atomic Energy Defense Act (50 U.S.C. 2657) is
amended—

(1) by striking ““(a) In General.—”; and
(2) by striking subsection (b).

(n) COUNTERINTELLIGENCE REPORT.—Section 4507 of the Atomic Energy Defense Act (50 U.S.C. 2658) is amended—

(1) by striking “national laboratories” each place it appears and inserting “national security laboratories”; and

(2) by striking subsection (c).

(o) COMPUTER SECURITY REPORT.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659)—

(1) in subsection (a), by striking “national laboratories” and inserting “national security laboratories”; and

(2) by striking subsections (e) and (f).

(p) DOCUMENT REVIEW.—Section 4521 of the Atomic Energy Defense Act (50 U.S.C. 2671) is amended by striking subsection (c).

(q) REPORTS ON LOCAL IMPACT ASSISTANCE.—

(1) IN GENERAL.—Section 4604(f) of the Atomic Energy Defense Act (50 U.S.C. 2704(f)) is amended by adding at the end the following new paragraph:

“(3) In addition to the plans submitted under paragraph (1), the Secretary of Energy shall submit to Congress every six months a report setting forth a description
of, and the amount or value of, all local impact assistance
provided during the preceding six months under sub-
section (c)(6).”.

(2) CONFORMING AMENDMENT.—Section 4851
of the Atomic Energy Defense Act (50 U.S.C. 2821)
is repealed.

(3) CLERICAL AMENDMENT.—The table of con-
tents at the beginning of the Atomic Energy Defense
Act is amended by striking the item relating to sec-
tion 4851.

(r) RECRUITMENT AND TRAINING.—Section 4622 of
the Atomic Energy Defense Act (50 U.S.C. 2722) is
amended—

(1) in subsection (b)—

(A) by striking “(1) As part of” and in-
serting “As part of”; and

(B) by striking paragraph (2); and

(2) by striking subsection (d).

(s) FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—Section 4623 of the Atomic
Energy Defense Act (50 U.S.C. 2723) is amended—

(A) in the heading, by striking “DEPART-
MENT OF ENERGY NUCLEAR WEAPONS
COMPLEX” and inserting “NUCLEAR SECU-
RITY ENTERPRISE”;
(B) by striking “Department of Energy nuclear weapons complex” each place it appears and inserting “nuclear security enterprise”;

(C) in subsection (c), by striking “following” and all that follows through the period at the end and inserting “national security laboratories and nuclear weapon production facilities.”; and

(D) in subsection (f)(2), by striking “the Department of Energy for” and inserting “the nuclear security enterprise for”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4623 and inserting the following new item:

“Sec. 4623. Fellowship program for development of skills critical to the nuclear security enterprise.”.

(t) COST OVERRUNS.—Section 4713(a)(1)(A) of the Atomic Energy Defense Act (50 U.S.C. 2753(a)(1)(A)) is amended—

(1) by striking “for Nuclear Security”; and

(2) by striking “National Nuclear Security”.

(u) BUDGET REQUEST.—

(1) IN GENERAL.—Section 4731 of the Atomic Energy Defense Act (50 U.S.C. 2771) is repealed.
(2) **Clerical Amendment.**—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4731.

(v) **Contractor Bonuses.**—Section 4802 of the Atomic Energy Defense Act (50 U.S.C. 2782) is amended—

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(w) **Funds for Research and Development.**—Section 4812 of the Atomic Energy Defense Act (50 U.S.C. 2792) is amended—

(1) by striking subsections (b) through (d); and

(2) by redesignating subsection (e) as subsection (b).

(x) **Technology Partnerships.**—Section 4813(c) of the Atomic Energy Defense Act (50 U.S.C. 2794(c)) is amended by striking paragraph (5).

(y) **University Collaboration.**—Section 4814 of the Atomic Energy Defense Act (50 U.S.C. 2795) is amended by striking subsection (c).

(z) **Engineering and Manufacturing Research.**—Section 4832 of the Atomic Energy Defense
Act (50 U.S.C. 2812) is amended by striking subsections (c) through (e).

(aa) PILOT PROGRAM REPORT.—Section 4833 of the Atomic Energy Defense Act (50 U.S.C. 2813) is amended by striking subsection (e).

(bb) TECHNICAL AMENDMENTS.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended as follows:

(1) By striking “Nevada Test Site” each place it appears and inserting “Nevada National Security Site”.

(2) By striking “Director of Central Intelligence” each place it appears and inserting “Director of National Intelligence”.

SEC. 3132. IMPROVEMENTS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.

(a) NUCLEAR SECURITY ENTERPRISE REFERENCE.—

(1) FUTURE-YEARS NUCLEAR SECURITY PROGRAM.—Section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453) is amended by striking “nuclear weapons complex” each place it appears and inserting “nuclear security enterprise”.

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(2) GAO REPORTS.—Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

(A) by striking “nuclear security complex” each place it appears and inserting “nuclear security enterprise”; and

(B) in subsection (b), by striking paragraph (3).

(3) DEFINITION.—Section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471) is amended by adding at the end the following new paragraph:

“(6) The term ‘nuclear security enterprise’ means the physical facilities, technology, and human capital of the national security laboratories and the nuclear weapons production facilities.”.

(b) TRANSFER OF FUNCTIONS.—

(1) NEW TRANSFERS.—

(A) IN GENERAL.—Section 3291 of the National Nuclear Security Administration Act (50 U.S.C. 2481) is amended to read as follows:

“SEC. 3291. TRANSFER OF FUNCTIONS.

“(a) AUTHORITY TO TRANSFER FUNCTIONS.—The Secretary of Energy may transfer to the Administrator
any facility, mission, or function of the Department of Energy that the Secretary, in consultation with the Administrator and Congress, determines to be consistent with the mission of the Administration.

“(b) ENVIRONMENTAL REMEDIATION AND WASTE MANAGEMENT ACTIVITIES.—In the case of any environmental remediation and waste management activity of any element of the Administration, the Secretary of Energy may determine to transfer responsibility for that activity to another element of the Department of Energy.

“(c) TRANSFER OF FUNDS.—(1) Any balance of appropriations that the Secretary of Energy determines is available and needed to finance or discharge a function, power, or duty or an activity that is transferred to the Administration shall be transferred to the Administration and used for any purpose for which those appropriations were originally available. Balances of appropriations so transferred shall—

“(A) be credited to any applicable appropriation account of the Administration; or

“(B) be credited to a new account that may be established on the books of the Department of the Treasury;

and shall be merged with the funds already credited to that account and accounted for as one fund.
“(2) Balances of appropriations credited to an account under paragraph (1)(A) are subject only to such limitations as are specifically applicable to that account. Balances of appropriations credited to an account under paragraph (1)(B) are subject only to such limitations as are applicable to the appropriations from which they are transferred.

“(d) PERSONNEL.—(1) With respect to any function, power, or duty or activity of the Department of Energy that is transferred to the Administration, those employees of the element of the Department of Energy from which the transfer is made that the Secretary of Energy determines are needed to perform that function, power, or duty, or for that activity, as the case may be, shall be transferred to the Administration.

“(2) The authorized strength in civilian employees of any element of the Department of Energy from which employees are transferred under this section is reduced by the number of employees so transferred.”.

(B) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to section 3291 and inserting the following new item:

Sec. 3291. Transfer of Functions.”.
(2) APPLICABILITY OF EXISTING LAWS AND REGULATIONS.—Section 3296 of the National Nuclear Security Administration Act (50 U.S.C. 2484) is amended to read as follows:

“SEC. 3296. APPLICABILITY OF PREEXISTING LAWS AND REGULATIONS.

“With respect to any facility, mission, or function of the Department of Energy that the Secretary of Energy transfers to the Administrator under section 3291, unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the date of the transfer that are applicable to such facility, mission, or functions shall continue to apply to the corresponding functions of the Administration.”.

(3) RULE OF CONSTRUCTION.—Nothing in section 3291 of the National Nuclear Security Administration Act (50 U.S.C. 2481), as amended by paragraph (1), may be construed to affect any function or activity transferred by the Secretary of Energy to the Administrator for Nuclear Security before the date of the enactment of this Act.

(c) REPEAL OF EXPIRED PROVISIONS.—

(1) IN GENERAL.—The following sections of the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) are repealed:
(A) Section 3242 (50 U.S.C. 2442).

(B) Section 3292 (50 U.S.C. 2482).

(C) Section 3295 (50 U.S.C. 2483).

(D) Section 3297 (50 U.S.C. 2401 note).

(2) CLERICAL AMENDMENTS.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to sections 3242, 3292, 3295, and 3297.

(d) TECHNICAL AMENDMENTS TO THE NNSA ACT.—The National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) is amended as follows:

(1) In section 3212(a)(2) (50 U.S.C. 2402), by striking “as added by section 3202 of this Act,”.


(3) In section 3281(2) (50 U.S.C. 2471(2))—

(A) in subparagraph (C), by striking “Y–12 Plant” and inserting “Y–12 National Security Complex”; and
(B) in subparagraph (D), by striking "tritium operations facilities at the".

(4) By striking "Nevada Test Site" each place it appears and inserting "Nevada National Security Site".

(e) TECHNICAL AMENDMENT TO THE DOE ORGANIZATION ACT.—Section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) is amended by redesignating the second subsection (b) as subsection (e).

SEC. 3133. CLARIFICATION OF THE ROLE OF THE ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) ROLE UNDER NNSA ACT.—

(1) FUNCTION.—Section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)) is amended—

(2) ROLE OF THE SECRETARY OF ENERGY.—

(A) in subsection (b), by striking "all programs and activities of the Administration" and inserting "all programs, policies, regulations, and rules of the Administration"; and

(B) in subsection (d), by striking "unless disapproved by the Secretary of Energy." and inserting "to carry out the mission and functions of the Administration, except as provided by section 3219.".

(2) ROLE OF THE SECRETARY OF ENERGY.—
(A) IN GENERAL.—Section 3219 of the National Nuclear Security Administration Act (50 U.S.C. 2409) is amended to read as follows:

“SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF ENERGY REGARDING THE ADMINISTRATION.

“(a) IN GENERAL.—(1) The Secretary of Energy may disapprove any action, policy, regulation, or rule of the Administrator if—

“(A) the Secretary submits to the congressional defense committees justification for such disapproval; and

“(B) a period of 15 days has elapsed following the date on which such justification was submitted.

“(2) Nothing in this title may be construed to provide authority to the Secretary of Energy to administer, enforce, or oversee the activities under this title except—

“(A) as provided by paragraph (1); or

“(B) to the extent otherwise specifically provided by law.

“(3) Except as provided by this section, the Administrator shall have complete authority to establish and conduct oversight of policies, activities, and procedures of the Administration without direction or oversight by the Secretary of Energy.
“(4) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Energy, without further redelegation.

“(b) LIMITATION ON TRANSFER.—Notwithstanding the authority granted by section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) or any other provision of law, the Secretary of Energy may not establish, abolish, alter, consolidate, or discontinue any organizational unit or component, or transfer any function, of the Administration, except as authorized by section 3291.”.

(B) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to section 3219 and inserting the following new item:

“Sec. 3219. Scope of Authority of Secretary of Energy regarding the Administration.”.

(C) DEPARTMENT OF ENERGY ORGANIZATION ACT.—Section 202(c)(3) of the Department of Energy Organization Act (42 U.S.C. 7132(c)(3)) is amended to read as follows:

“(3) The Under Secretary for Nuclear Security shall serve as the Administrator for Nuclear Security under section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402). In carrying out the functions of
the Administrator, the Under Secretary shall be subject
to the authority of the Secretary of Energy in accordance
with section 3219 of such Act (50 U.S.C. 2409).”.

(3) Status of administration and con-
tractor personnel.—Section 3220 of the Na-
tional Nuclear Security Administration Act (50
U.S.C. 2410) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking subparagraph (A);

and

(II) by redesignating subparagraph (B) and (C) as subparagraph

(A) and (B), respectively;

(ii) in paragraph (2), by striking “any

other officer, employee, or agent of the De-
partment of Energy” and inserting “any

officer, employee, or agent of the Depart-
ment of Energy, except as provided by sec-
section 3219”; and

(B) in subsection (b), by striking “except

for” and all that follows through the period and
inserting “except as provided by section 3219.”.

(4) Office of Defense nuclear secu-

rity.—Section 3232 of the National Nuclear Secu-
The National Nuclear Security Administration Act (50 U.S.C. 2422) is amended to read as follows:

**“SEC. 3232. OFFICE OF DEFENSE NUCLEAR SECURITY.”**

“(a) **Establishment.**—There is within the Administration an Office of Defense Nuclear Security, headed by a Chief appointed by the Administrator.

“(b) **Chief of Defense Nuclear Security.**—(1) The head of the Office of Defense Nuclear Security is the Chief of Defense Nuclear Security, who shall report to the Administrator and shall implement the security policies directed by the Administrator.

“(2) The Chief shall be responsible for the development and implementation of security programs and policies for the Administration, including the protection, control, and accounting of materials, and for the physical and cyber security for all facilities of the Administration.”.

(5) **Counterintelligence Programs.**—Section 3233 of the National Nuclear Security Administration Act (50 U.S.C. 2423) is amended in each of subsections (a) and (b) by striking “The Secretary of Energy shall” and inserting “The Secretary of Energy, in coordination with the Administrator, shall”.

(6) **Budget Treatment.**—Section 3251(a) of the National Nuclear Security Administration Act
(50 U.S.C. 2451(a)) is amended by striking “within the other amounts requested for the Department of Energy” and inserting “from the amounts requested for any other agency, including the Department of Energy”.

(7) Future-years nuclear security program.—Section 3253(b)(6) of the National Nuclear Security Administration Act (50 U.S.C. 2453(b)(6)) is amended by striking “, developed in consultation with the Director of the Office of Health, Safety, and Security of the Department of Energy,”.

(b) Role under the AEDA.—

(1) Stockpile stewardship.—Section 4201(a) of the Atomic Energy Defense Act (50 U.S.C. 2521(a)) is amended by striking “The Secretary of Energy, acting through the Administrator for Nuclear Security,” and inserting “The Administrator”.

(2) Report on stockpile stewardship.—Section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522) is amended—

(A) in subsection (a)—

(i) by striking “The Secretary of Energy” and inserting “The Administrator”; and
(ii) by striking “Department of Energy” and inserting “Administration”; and

(B) in subsection (b), by striking “The Secretary of Energy” and inserting “The Administrator”.

(3) STOCKPILE MANAGEMENT.—Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended—

(A) in subsection (a), by striking “The Secretary of Energy, acting through the Administrator for Nuclear Security and” and inserting “The Administrator,”; and

(B) in subsection (b), by striking “Secretary of Energy” and inserting “Administrator”.

(4) ANNUAL ASSESSMENTS.—Section 4205(h) of the Atomic Energy Defense Act (50 U.S.C. 2525(h)) is amended to read as follows:

“(h) SECRETARY CONCERNED DEFINED.—In this section, the term ‘Secretary concerned’ means—

“(1) the Secretary of Energy, with respect to matters concerning the Administration; and

“(2) the Secretary of Defense, with respect to matters concerning the Department of Defense.”.
(5) Nuclear test ban readiness program.—Section 4207 of the Atomic Energy Defense Act (50 U.S.C. 2527) is amended—

(A) in subsection (b), by striking “Secretary of Energy” and inserting “Administrator”; and

(B) in subsection (d), by striking “Secretary of Energy” and inserting “Administrator”.

(6) Specific request requirement.—Section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(A) in subsection (a)(1)—

(i) by striking “after fiscal year 2002 in which the Secretary of Energy” and inserting “in which the Administrator”; and

(ii) by striking “the Secretary shall” and inserting “the Administrator shall”;

and

(B) in subsection (b), by striking “Secretary shall” and inserting “Administrator shall”.

(7) Manufacturing infrastructure.—Section 4212(a)(1) of the Atomic Energy Defense Act
(50 U.S.C. 2532(a)(1)) is amended by striking “Secretary of Energy” and inserting “Administrator”.

(8) PLAN FOR TRANSFORMATION.—Section 4214 of the Atomic Energy Defense Act (50 U.S.C. 2534), as amended by section 3131(g)(1), is amended by striking “Secretary of Energy” each place it appears and inserting “Administrator”.

(9) NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING.—Section 4303(a) of the Atomic Energy Defense Act (50 U.S.C. 2563(a)) is amended—

(A) by striking “Secretary of Energy” and inserting “Administrator”; and

(B) by striking “Department of Energy” and inserting “Administration”.

(10) TRITIUM PRODUCTION PROGRAM.—Section 4231 of the Atomic Energy Defense Act (50 U.S.C. 2541), as amended by section 3131(h), is amended—

(A) by striking “Secretary” each place it appears and inserting “Administrator”; and

(B) in subsection (b), by striking “Department of Energy” and inserting “Administration”.
(11) TRITIUM RECYCLING FACILITIES.—Section 4234 of the Atomic Energy Defense Act (50 U.S.C. 2544), as amended by section 3131(i), is amended by striking “Secretary” and inserting “Administrator”.

(12) CERTAIN FISSILE MATERIALS PROGRAM.—Section 4305 of the Atomic Energy Defense Act (50 U.S.C. 2565) is amended by striking “Secretary of Energy” and inserting “Administrator”.

(13) FISSILE MATERIALS MANAGEMENT PLAN.—Section 4403(a)(1) of the Atomic Energy Defense Act (50 U.S.C. 2583(a)(1)) is amended by striking “the Office of Defense Programs” and inserting “the Administration”.

(14) RESTRICTED DATA.—Section 4501(a) of the Atomic Energy Defense Act (50 U.S.C. 2651(a)) is amended by striking “The Secretary of Energy” and inserting “The Administrator”.

(15) BACKGROUND INVESTIGATIONS.—Section 4503 of the Atomic Energy Defense Act (50 U.S.C. 2653), as amended by section 3131(l), is amended by striking “The Secretary of Energy” and inserting “The Administrator”.
(16) COUNTERINTELLIGENCE FAILURES.—Section 4505 of the Atomic Energy Defense Act (50 U.S.C. 2656) is amended—

(A) by striking “Secretary of Energy” each place it appears and inserting “Administrator”;

(B) by striking “Secretary” each place it appears and inserting “Administrator”;

(C) by striking “Department of Energy” each place it appears and inserting “Administration”; and

(D) by striking “Department” each place it appears and inserting “Administration”.

(17) SECURITY FUNCTIONS REPORT.—Section 4506 of the Atomic Energy Defense Act (50 U.S.C. 2657), as amended by section 3131(m), is amended by striking “the Secretary of Energy” and inserting “the Administrator”.

(18) COUNTERINTELLIGENCE REPORT.—Section 4507(a) of the Atomic Energy Defense Act (50 U.S.C. 2658(a)) is amended by striking “Secretary of Energy” and inserting “Administrator”.

(19) COMPUTER SECURITY REPORT.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659) is amended—
(A) in subsection (c), by striking “Secretary of Energy” each place it appears and inserting “Administrator”; and

(B) in subsection (d), by striking “Secretary” each place it appears and inserting “Administrator”.

(20) DOCUMENT REVIEW.—Section 4521 of the Atomic Energy Defense Act (50 U.S.C. 2671) is amended—

(A) in subsection (a)—

(i) by striking “Secretary of Energy” and inserting “Administrator”;

(ii) by striking “Department of Energy” and inserting “Administration”; and

(B) in subsection (b), by striking “Secretary” each place it appears and inserting “Administrator”.

(21) MANAGEMENT TRAINING.—

(A) IN GENERAL.—Section 4621 of the Atomic Energy Defense Act (50 U.S.C. 2721) is amended—

(i) in the heading, by inserting “AND NATIONAL NUCLEAR SECURITY ADMINISTRATION” after “ENERGY”;
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(I) by striking “Secretary of Energy” and inserting “Under Secretary of Energy for Nuclear Security”; and

(II) by inserting “and the Administration” after “the Department of Energy”; and

(iii) in subsection (b)(1), by inserting “and Administration” after “Department of Energy”.

(B) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4621 and inserting the following new item:

“Sec. 4621. Executive management training in the Department of Energy and National Nuclear Security Administration.”.

(22) RECRUITMENT AND TRAINING.—Section 4622 of the Atomic Energy Defense Act (50 U.S.C. 2722) is amended—

(A) in subsection (a), by striking “the Secretary of Energy” and inserting “the Administrator”; and

(B) in subsection (c), by striking “Secretary” and inserting “Administrator”.

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(23) **FELLOWSHIP PROGRAM.**—Section 4623 of the Atomic Energy Defense Act (50 U.S.C. 2723) is amended—

(A) by striking “Secretary of Energy” each place it appears and inserting “Administrator”; 

(B) by striking “Secretary” each place it appears and inserting “Administrator;”;

(C) in subsection (b)(1), by striking “Department of Energy” and inserting “Administration”; and

(D) in subsection (e), by striking “, in consultation with the Assistant Secretary of Energy for Defense Programs,”.

(24) **TRANSFER OF WEAPONS FUNDS.**—Section 4711 of the Atomic Energy Defense Act (50 U.S.C. 2751) is amended—

(A) in subsection (a), by striking “Secretary of Energy” and inserting “Administrator”; 

(B) in subsection (d), by striking “Secretary, acting through the Administrator for Nuclear Security,” and inserting “Administrator”; and

(C) in subsection (e)—

(i) in paragraph (1)—
(I) by striking “Department of Energy” and inserting “Administration”; and

(II) by striking “Department” and inserting “Administration”; and

(ii) in paragraph (2), by inserting “or the Administration” after “Department of Energy”.

(25) COST OVERRUNS.—Section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753) is amended—

(A) in subsection (a)(2)—

(i) in subparagraph (A)—

(I) by striking “Secretary of Energy” and inserting “Administrator”; and

(II) in clause (ii), by striking “Department” and inserting “Administration”; and

(ii) in subparagraph (B), by striking “Secretary” and inserting “Administrator”; and

(B) in subsection (c)(2)(B), by inserting “or the Administration” after “Department of Energy”.

HR 4310 RFS
(26) PENALTIES.—Section 4721(a) of the Atomic Energy Defense Act (50 U.S.C. 2761(a)) is amended by striking “the Department of Energy for the Naval Nuclear Propulsion Program” and inserting “the Administration for the Naval Nuclear Reactor Program”.

(27) RESEARCH AND DEVELOPMENT.—Section 4811 of the Atomic Energy Defense Act (50 U.S.C. 2791) is amended—

(A) in subsection (a), by inserting “and the Administration” after “Department of Energy”;  

(B) in subsection (b)—  

(i) by striking “The Secretary” and inserting “(1) Except as provided by paragraph (2), the Secretary”; and  

(ii) by adding at the end the following new paragraph:  

“(2) With respect to the conduct of laboratory-directed research and development at laboratories of the Administration, the Administrator shall prescribe regulations for such conduct and oversee such regulations.”; and  

(C) in subsection (e), by inserting “or the Administrator” after “the Secretary”.  

HR 4310 RFS
(28) Funds for research and development.—Subsection (a)(1) of section 4812 of the Atomic Energy Defense Act (50 U.S.C. 2792(a)(1)) is amended—

(A) by striking “the Department of Energy in” and inserting “the Administration in”;

(B) by striking “under the Department of Energy”; and inserting “under the”;

(C) by striking “any Department of Energy” and inserting “any”; and

(D) by striking “mission of the Department of Energy” and inserting “mission of the Administration”.

SEC. 3134. CONSOLIDATED REPORTING REQUIREMENTS RELATING TO NUCLEAR STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE.

(a) Consolidated Plan for Stewardship, Management, and Certification of Warheads in the Nuclear Weapons Stockpile.—

(1) In general.—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended to read as follows:
“SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE PLAN.

“(a) Plan Requirement.—The Administrator, in consultation with the Secretary of Defense and other appropriate officials of the departments and agencies of the Federal Government, shall develop and annually update a plan for sustaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, stockpile surveillance, program direction, infrastructure modernization, human capital, and nuclear test readiness. The plan shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

“(b) Submissions to Congress.—(1) In accordance with subsection (c), not later than March 15 of each even-numbered year, the Administrator shall submit to the congressional defense committees a summary of the plan developed under subsection (a).

“(2) In accordance with subsection (d), not later than March 15 of each odd-numbered year, the Administrator shall submit to the congressional defense committees a detailed report on the plan developed under subsection (a).

“(3) The summaries and reports required by this subsection shall be submitted in unclassified form, but may include a classified annex.
“(c) **Elements of Biennial Plan Summary.—**

Each summary of the plan submitted under subsection (b)(1) shall include, at a minimum, the following:

“(1) A summary of the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type.

“(2) A summary of the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types.

“(3) A summary of the methods and information used to determine that the nuclear weapons stockpile is safe and reliable, as well as the relationship of science-based tools to the collection and interpretation of such information.

“(4) A summary of the status of the nuclear security enterprise, including programs and plans for infrastructure modernization and retention of human capital, as well as associated budgets and schedules.

“(5) A summary of the status of achieving the purposes of the program established under section 4207(b).
“(6) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

“(7) Such other information as the Administrator considers appropriate.

“(d) ELEMENTS OF BIENNIAL DETAILED REPORT.—

Each detailed report on the plan submitted under subsection (b)(2) shall include, at a minimum, the following:

“(1) With respect to stockpile stewardship and management—

“(A) the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type;

“(B) for each five-year period occurring during the period beginning on the date of the report and ending on the date that is 20 years after the date of the report—

“(i) the planned number of nuclear warheads (including active and inactive) for each warhead type in the nuclear weapons stockpile; and

“(ii) the past and projected future total lifecycle cost of each type of nuclear weapon;
“(C) the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types;

“(D) a description of the process by which the Administrator assesses the lifetimes, and requirements for life extension or replacement, of the nuclear and non-nuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile;

“(E) a description of the process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile;

“(F) any concerns of the Administrator which would affect the ability of the Administrator to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads);

“(G) mechanisms to provide for the manufacture, maintenance, and modernization of each warhead type in the nuclear weapons stockpile, as needed;
“(H) mechanisms to expedite the collection of information necessary for carrying out the stockpile management program required by section 4204, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials;

“(I) mechanisms to ensure the appropriate assignment of roles and missions for each national security laboratory and nuclear weapons production facility, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel;

“(J) mechanisms to ensure that each national security laboratory has full and complete access to all weapons data to enable a rigorous peer-review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205;

“(K) mechanisms for allocating funds for activities under the stockpile management program required by section 4204, including allo-
cations of funds by weapon type and facility;
and

“(L) for each of the five fiscal years fol-
lowing the fiscal year in which the report is
submitted, an identification of the funds needed
to carry out the program required under section
4204.

“(2) With respect to science-based tools—

“(A) a description of the information need-
ed to determine that the nuclear weapons stock-
pile is safe and reliable;

“(B) for each science-based tool used to
collect information described in subparagraph
(A), the relationship between such tool and
such information and the effectiveness of such
tool in providing such information based on the
criteria developed pursuant to section 4202(a); and

“(C) the criteria developed under section
4202(a) (including any updates to such cri-
teria).

“(3) An assessment of the stockpile stewardship
program under section 4201 by the Administrator,
in consultation with the directors of the national se-
curity laboratories, which shall set forth—
“(A) an identification and description of—
   “(i) any key technical challenges to
   the stockpile stewardship program; and
   “(ii) the strategies to address such
   challenges without the use of nuclear test-
   ing;
   “(B) a strategy for using the science-based
   tools (including advanced simulation and com-
   puting capabilities) of each national security
   laboratory to ensure that the nuclear weapons
   stockpile is safe, secure, and reliable without
   the use of nuclear testing.
   “(C) an assessment of the science-based
   tools (including advanced simulation and com-
   puting capabilities) of each national security
   laboratory that exist at the time of the assess-
   ment compared with the science-based tools ex-
   pected to exist during the period covered by the
   future-years nuclear security program; and
   “(D) an assessment of the core scientific
   and technical competencies required to achieve
   the objectives of the stockpile stewardship pro-
   gram and other weapons activities and weap-
   ons-related activities of the Administration, in-
   cluding—
“(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

“(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

“(4) With respect to the nuclear security infrastructure—

“(A) a description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements prescribed in—

“(i) the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) if such strategy has been submitted as of the date of the plan;

“(ii) the most recent quadrennial defense review if such strategy has not been submitted as of the date of the plan; and
“(iii) the most recent nuclear posture review as of the date of the plan;

“(B) a schedule for implementing the measures described under subparagraph (A) during the 10-year period following the date of the plan; and

“(C) the estimated levels of annual funds the Administrator determines necessary to carry out the measures described under subparagraph (A), including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

“(5) With respect to the nuclear test readiness of the United States—

“(A) an estimate of the period of time that would be necessary for the Administrator to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test;

“(B) a description of the level of test readiness that the Administrator, in consultation with the Secretary of Defense, determines to be appropriate;

“(C) a list and description of the workforce skills and capabilities that are essential to car-
rying out an underground nuclear test at the Nevada National Security Site;

“(D) a list and description of the infrastructure and physical plants that are essential to carrying out an underground nuclear test at the Nevada National Security Site; and

“(E) an assessment of the readiness status of the skills and capabilities described in subparagraph (C) and the infrastructure and physical plants described in subparagraph (D).

“(6) With respect to the program established under section 4207(b), a description of the progress made to the date of the report in achieving the purposes of such program.

“(7) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

“(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—(1) For each detailed report on the plan submitted under subsection (b)(2), the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall conduct an assessment that includes the following:

“(A) An analysis of the plan, including—

“(i) whether the plan supports the requirements of the national security strategy of the
United States or the most recent quadrennial defense review, as applicable under subsection (d)(4)(A), and the Nuclear Posture Review; and “(ii) whether the modernization and refurbishment measures described under subparagraph (A) of paragraph (4) and the schedule described under subparagraph (B) of such paragraph are adequate to support such requirements. “(B) An analysis of whether the plan adequately addresses the requirements for infrastructure recapitalization of the facilities of the nuclear security enterprise. “(C) If the Nuclear Weapons Council determines that the plan does not adequately support modernization and refurbishment requirements under subparagraph (A) or the nuclear security enterprise facilities infrastructure recapitalization requirements under subparagraph (B), a risk assessment with respect to— “(i) supporting the annual certification of the nuclear weapons stockpile; and “(ii) maintaining the long-term safety, security, and reliability of the nuclear weapons stockpile.
“(2) Not later than 180 days after the date on which
the Administrator submits the plan under subsection
(b)(2), the Nuclear Weapons Council shall submit to the
congressional defense committees a report detailing the as-
essment required under paragraph (1).

“(f) DEFINITIONS.—In this section:

“(1) The term ‘budget’, with respect to a fiscal
year, means the budget for that fiscal year that is
submitted to Congress by the President under sec-
tion 1105(a) of title 31, United States Code.

“(2) The term ‘future-years nuclear security
program’ means the program required by section
3253 of the National Nuclear Security Administra-

“(3) The term ‘nuclear security budget mate-
rinals’, with respect to a fiscal year, means the mate-
rials submitted to Congress by the Administrator for
the National Nuclear Security Administration in
support of the budget for that fiscal year.

“(4) The term ‘quadrennial defense review’
means the review of the defense programs and poli-
cies of the United States that is carried out every
four years under section 118 of title 10, United
States Code.
“(5) The term ‘weapons activities’ means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

“(6) The term ‘weapons-related activities’ means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

“(A) nuclear nonproliferation;

“(B) nuclear forensics;

“(C) nuclear intelligence;

“(D) nuclear safety; and

“(E) nuclear incident response.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4203 and inserting the following new item:

“Sec. 4203. Nuclear weapons stockpile stewardship, management, and infrastructure plan.”.

(b) REPEAL OF REQUIREMENT FOR BIENNIAL REPORT ON STOCKPILE STEWARDSHIP CRITERIA.—

(1) IN GENERAL.—Section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522) is amended by striking subsections (c) and (d).
(2) TECHNICAL AMENDMENT.—The heading of such section is amended to read as follows: “STOCKPILE STEWARDSHIP CRITERIA”.

(3) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4202 and inserting the following new item:

“Sec. 4202. Stockpile stewardship criteria.”.

(c) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN ON MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.—Section 4203A of the Atomic Energy Defense Act (50 U.S.C. 2523A) is repealed.

(d) REPEAL OF REQUIREMENT FOR ANNUAL UPDATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

(e) NUCLEAR TEST BAN READINESS PROGRAM.—Section 4207 of the Atomic Energy Defense Act (50 U.S.C. 2527) is amended by striking subsection (e).

(f) REPEAL OF REQUIREMENT FOR REPORTS ON NUCLEAR TEST READINESS.—

(1) AEDA.—
(A) IN GENERAL.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is repealed.

(B) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4208.


SEC. 3135. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) GAO ENVIRONMENTAL MANAGEMENT REPORTS.—Section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2713) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “The Comptroller” and all that follows through “(2),” and inserting “Beginning on the date on which the report under subsection (b)(2) is submitted, the Comptroller General shall conduct a review”;

(B) by striking paragraph (2);
(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking “the end of the period described in paragraph (2)” and inserting “August 30, 2012”; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “subsection (c)(3)” and inserting “subsection (c)(2)”;

(B) in paragraph (2), by striking “90 days” and all that follows through “(c)(3)” and inserting “April 30, 2016, or the date that is 210 days after the date on which all American Recovery and Reinvestment Act funds have been obligated or expended (or are no longer available to be obligated or expended), whichever is earlier”.

(b) WORKFORCE RESTRUCTURING PLAN UPDATES.—

(1) IN GENERAL.—Section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704), as amended by section 3131(q)(1), is amended—

(A) in subsection (b)(1), by striking “and any updates of the plan under subsection (e)”;

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(B) by striking subsection (e);

(C) in subsection (f)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3), as added by such section 3131(q)(1), as paragraph (2); and

(D) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(2) CONFORMING AMENDMENT.—Section 4643(d)(1) of the Atomic Energy Defense Act (50 U.S.C. 2733(d)(1)) is amended by striking “section 4604(g)” and inserting “section 4604(f)”.

(e) UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION QUARTERLY REPORT.—Section 148 of the Atomic Energy Act of 1954 (42 U.S.C. 2168) is amended by striking subsection e.

Subtitle D—Reports

SEC. 3141. NOTIFICATION OF NUCLEAR CRITICALITY AND NON-NUCLEAR INCIDENTS.

(a) Notification.—

(1) In General.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by adding after section 4645, as added by section 3151, the following new section:
SEC. 4646. NOTIFICATION OF NUCLEAR CRITICALITY AND NON-NUCLEAR INCIDENTS.

(a) Notification.—The Secretary of Energy and the Administrator, as the case may be, shall submit to the appropriate congressional committees a notification of a nuclear criticality incident resulting from a covered program that results in an injury or fatality or results in the shut-down, or partial shut-down, of a covered facility by not later than 15 days after the date of such incident.

(b) Elements of Notification.—Each notification submitted under subsection (a) shall include the following:

(1) A description of the incident, including the cause of the incident.

(2) In the case of a criticality incident, whether the incident caused a facility, or part of a facility, to be shut-down.

(3) The affect, if any, on the mission of the Administration or the Office of Environmental Management of the Department of Energy.

(4) Any corrective action taken in response to the incident.

(e) Database.—(1) The Secretary and the Administrator shall each maintain a record of incidents described in paragraph (2).
“(2) An incident described in this paragraph is any of the following incidents resulting from a covered program:

“(A) A nuclear criticality incident that results in an injury or fatality or results in the shut-down, or partial shut-down, of a covered facility.

“(B) A non-nuclear incident that results in serious bodily injury or fatality at a covered facility.

“(d) COOPERATION.—In carrying out this section, the Secretary and the Administrator shall ensure that each management and operating contractor of a covered facility cooperates in a timely manner.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees; and

“(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(2) The term ‘covered facility’ means—

“(A) a facility of the nuclear security enterprise; and
“(B) a facility conducting activities for the defense environmental cleanup program of the Office of Environmental Management of the Department of Energy.

“(3) The term ‘covered program’ means—

“(A) programs of the Administration; and

“(B) defense environmental cleanup programs of the Office of Environmental Management of the Department of Energy.”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4645 the following new item:

“Sec. 4646. Notification of nuclear criticality and non-nuclear incidents.”.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy and the Administrator for Nuclear Security shall each submit to the appropriate congressional committees a report detailing any incidents described in paragraph (2) that occurred during the 10-year period before the date of the report.

(2) INCIDENTS DESCRIBED.—An incident described in this paragraph is any of the following incidents that occurred as a result of programs of the National Nuclear Security Administration or defense
environmental cleanup programs of the Office of En-
vironmental Management of the Department of En-
ergy:

(A) A nuclear criticality incident that re-
sulted in an injury or fatality or resulted in the
shut-down, or partial shut-down, of a facility of
the nuclear security enterprise or a facility con-
ducting activities for such defense environ-
mental cleanup programs.

(B) A non-nuclear incident that results in
serious bodily injury or fatality at such a facil-
ity.

(3) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—In this subsection, the term “appropriate
congressional committees” means—

(A) the congressional defense committees;
and

(B) the Committee on Energy and Com-
merce of the House of Representatives and the
Committee on Energy and Natural Resources of
the Senate.

SEC. 3142. REPORTS ON LIFETIME EXTENSION PROGRAMS.

(a) PROTOTYPES.—The Atomic Energy Defense Act
(50 U.S.C. 2501 et seq.) is amended by inserting after
section 4214 the following new section:
SEC. 4215. REPORTS ON LIFETIME EXTENSION PROGRAMS.

“(a) Reports Required.—Before proceeding beyond phase 6.2 activities with respect to any lifetime extension program, the director of the national security laboratory responsible for such program shall submit to the congressional defense committees a report on the lifetime extension option selected for such program, including—

“(1) whether such option selected is refurbishment, reuse, or replacement; and

“(2) why such option was selected, including an assessment of the advantages and disadvantages of the two options not selected.

“(b) Phase 6.2 Activities Defined.—In this section, the term ‘phase 6.2 activities’ means, with respect to a lifetime extension program, the phase 6.2 feasibility study and option down-select.”.

(b) Clerical Amendment.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4214 the following new item:

“Sec. 4215. Reports on lifetime extension programs.”.

SEC. 3143. NATIONAL ACADEMY OF SCIENCES STUDY ON PEER REVIEW AND DESIGN COMPETITION RELATED TO NUCLEAR WEAPONS.

(a) Study.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nu-
clear Security shall enter into an agreement with the National Academy of Sciences to conduct a study of peer review and design competition related to nuclear weapons.

(b) **Elements.**—The study required by subsection (a) shall include an assessment of—

(1) the quality and effectiveness of peer review of designs, development plans, engineering and scientific activities, and priorities related to both nuclear and non-nuclear aspects of nuclear weapons;

(2) incentives for effective peer review;

(3) the potential effectiveness, efficiency, and cost of alternative methods of conducting peer review and design competition related to both nuclear and non-nuclear aspects of nuclear weapons, as compared to current methods;

(4) the known instances where current peer review practices and design competition succeeded or failed to find problems or potential problems; and

(5) such other matters related to peer review and design competition related to nuclear weapons as the Administrator considers appropriate.

(c) **Cooperation and Access to Information and Personnel.**—The Administrator shall ensure that the National Academy of Sciences receives full and timely cooperation, including full access to information and per-
sonnel, from the National Nuclear Security Administration and the management and operating contractors of the Administration for the purposes of conducting the study under subsection (a).

(d) Report.—

(1) In general.—The National Academy of Sciences shall submit to the Administrator a report containing the results of the study conducted under subsection (a) and any recommendations resulting from the study.

(2) Submittal to Congress.—Not later than December 15, 2014, the Administrator shall submit to the Committees on Armed Services of the House of Representatives and Senate the report submitted under paragraph (1) and any comments or recommendations of the Administrator with respect to the report.

(3) Form.—The report submitted under paragraph (1) shall be in unclassified form, but may include a classified annex.

SEC. 3144. REPORT ON DEFENSE NUCLEAR NON-PROLIFERATION PROGRAMS.

(a) Report Required.—

(1) In general.—Not later than March 1 of each year from 2013 through 2015, the Adminis-
trator for Nuclear Security shall submit to the appropriate congressional committees a report on the budget, objectives, and metrics of the defense nuclear nonproliferation programs of the National Nuclear Security Administration.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification and explanation of uncommitted balances that are more than the acceptable carryover thresholds, as determined by the Secretary of Energy, on a program-by-program basis.

(B) An identification of foreign countries that are sharing the cost of implementing defense nuclear nonproliferation programs, including an explanation of such cost sharing.

(C) A description of objectives and measurements for each defense nuclear nonproliferation program.

(D) A description of the proliferation of nuclear weapons threat and how each defense nuclear nonproliferation program activity counters the threat.

(E) A description and assessment of non-proliferation activities coordinated with the De-
partment of Defense to maximize efficiency and avoid redundancies.

(F) A description of how the defense nuclear nonproliferation programs are prioritized to meet the most urgent nonproliferation requirements.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

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

SEC. 3145. STUDY ON REUSE OF PLUTONIUM PITS.

(a) STUDY.—Not later than 120 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a study of plutonium pits, including—

(1) the availability of plutonium pits—

(A) as of the date of the report; and
(B) after such date as a result of the dismantlement of nuclear weapons; and 

(2) an assessment of the potential for reusing plutonium pits in future life extension programs.

(b) MATTERS INCLUDED.—The study submitted under subsection (a) shall include the following:

(1) The feasibility and practicability of potential full or partial reuse options with respect to plutonium pits.

(2) The benefits and risks of reusing plutonium pits.

(3) The potential costs and cost savings of such reuse.

(4) The effects of such reuse on the requirements for plutonium pit manufacturing.

SEC. 3146. STUDY ON A MULTI-Agency GOVERNANCE MODEL FOR NATIONAL SECURITY LABORATORIES.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall commission an independent assessment regarding the transition of the national security laboratories to multi-agency federally funded research and development centers with direct sustainment and sponsorship by multiple national
security agencies. The assessment shall be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security science and engineering laboratories and with ready access to policy experts throughout the United States.

(2) BACKGROUND MATERIAL.—The assessment shall leverage previous studies, including—

(A) the report published in 2009 by the Stimson Center titled “Leveraging Science for Security: A Strategy for the Nuclear Weapons Laboratories in the 21st Century”; and

(B) the Phase 1 report published in 2012 by the National Academy of Sciences titled “Managing for High-Quality Science and Engineering at the NNSA National Security Laboratories”.

(3) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include the following elements:

(A) An assessment of a new governance structure that—
(i) gives multiple national security agencies, including the Department of De-
fense, the Department of Homeland Secu-

rity, the Department of Energy, and the
intelligence community, direct sponsorship of the national security laboratories as fed-

erally funded research and development centers so that such agencies have more di-

rect and rapid access to the assets avail-

able at the laboratories and the responsi-

bility to provide sustainable support for the science and technology needs of the agen-

cies at the laboratories;

(ii) reduces costs to the Federal Gov-

ernment for the use of the resources of the laboratories, while enhancing the steward-

ship of these national resources and maxi-
mizing their service to the nation;

(iii) enhances the overall quality of the scientific research and engineering ca-
pability of the laboratories, including their ability to recruit and retain top scientists and engineers; and

(iv) maintains as paramount the capa-

bilities required to support the nuclear
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stockpile stewardship and related nuclear missions.

(B) A recommendation as to which, if any, other laboratories associated with any national security agency should be included in the new governance structure.

(C) Options for implementing the new governance structure that minimize disruption of performance and costs to the government while rapidly achieving anticipated gains.

(D) Legislative changes and executive actions that would need to be made in order to implement the new governance structure.

(b) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2014, the designated private entity shall submit to the Administrator and the congressional defense committees a report that contains the findings of the assessment.

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

(e) DEFINITION.—In this section, the term “national security laboratory” has the meaning given that term in
section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

Subtitle E—Other Matters

SEC. 3151. USE OF PROBABILISTIC RISK ASSESSMENT TO ENSURE NUCLEAR SAFETY.

(a) IN GENERAL.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by adding after section 4644 the following new section:

“SEC. 4645. USE OF PROBABILISTIC RISK ASSESSMENT TO ENSURE NUCLEAR SAFETY OF FACILITIES OF THE ADMINISTRATION AND THE OFFICE OF ENVIRONMENTAL MANAGEMENT.

“(a) NUCLEAR SAFETY AT NNSA AND DOE FACILITIES.—The Administrator and the Secretary of Energy shall ensure that the methods for assessing, certifying, and overseeing nuclear safety at the facilities specified in subsection (b) use national and international standards and nuclear industry best practices, including probabilistic or quantitative risk assessment if sufficient data exists.

“(b) FACILITIES SPECIFIED.—Subsection (a) shall apply—

“(1) to the Administrator with respect to the national security laboratories and the nuclear weapons production facilities; and
“(2) to the Secretary of Energy with respect to
defense nuclear facilities of the Office of Environ-
mental Management of the Department of Energy.”.

(b) Clerical Amendment.—The table of contents
at the beginning of the Atomic Energy Defense Act is
amended by inserting after the item relating to section
4644 the following new item:

“Sec. 4645. Use of probabilistic risk assessment to ensure nuclear safety of fa-
cilities of the Administration and the Office of Environmental
Management.”.

SEC. 3152. ADVICE TO PRESIDENT AND CONGRESS REGARDING
SAFETY, SECURITY, AND RELIABILITY OF
UNITED STATES NUCLEAR WEAPONS STOCK-PILE AND NUCLEAR FORCES.

(a) In General.—Section 1305 of the National De-
fense Authorization Act for Fiscal Year 1998 (42 U.S.C.
7274p) is—

(1) transferred to the Atomic Energy Defense
Act (50 U.S.C. 2501 et seq.);

(2) inserted after section 4215 of such Act, as
added by section 3142(a);

(3) redesignated as section 4216; and

(4) amended—

(A) by amending subsection (f) to read as
follows:

“(f) Expression of Individual Views.—No indi-
vidual, including representatives of the President, may
take any action against, or otherwise constrain, a director of a national security laboratory or a nuclear weapons production facility, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command from presenting the professional views of the individual to the President, the National Security Council, or Congress regarding—

“(1) the safety, security, reliability, or credibility of the nuclear weapons stockpile and nuclear forces; or

“(2) the status of, and plans for, the capabilities and infrastructure that support and sustain the nuclear weapons stockpile and nuclear forces.”; and

(B) by redesignating subsection (g) as subsection (h); and

(C) by inserting after subsection (f) the following new subsection (g):

“(g) DELIVERY OF CLASSIFIED INFORMATION TO CONGRESS.—(1) The directors of the national security laboratories, the directors of the nuclear weapons production facilities, the members of the Joint Nuclear Weapons Council, and the Commander of the United States Strategic Command are each authorized to provide directly to Congress classified information with respect to matters described by paragraph (1) or (2) of subsection (f).
“(2) The Administrator and Secretary of Defense shall ensure that direct classified mail channels are established between the national security laboratories, nuclear weapons production facilities, members of the Joint Nuclear Weapons Council, the United States Strategic Command, and the congressional defense committees to carry out this subsection.”.

(b) CONFORMING AMENDMENT.—Section 4215 of the Atomic Energy Defense Act, as added by subsection (a), is amended—

(1) by striking “nuclear weapons laboratories” each place it appears and inserting “national security laboratories”;

(2) by striking “nuclear weapons laboratory” each place it appears and inserting “national security laboratory”;

(3) by striking “nuclear weapons production plants” each place it appears and inserting “nuclear weapons production facilities”;

(4) by striking “nuclear weapons production plant” each place it appears and inserting “nuclear weapons production facility”; and

(5) by amending subsection (h), as redesignated by subsection (a)(4)(B), to read as follows:
“(h) Representative of the President Defined.—In this section, the term ‘representative of the President’ means the following:

“(1) Any official of the Department of Defense or the Department of Energy who is appointed by the President and confirmed by the Senate.

“(2) Any member or official of the National Security Council.

“(3) Any member or official of the Joint Chiefs of Staff.

“(4) Any official of the Office of Management and Budget.”.

(c) Clerical Amendment.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4215 the following new item:

“Sec. 4216. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile.”.

SEC. 3153. CLASSIFICATION OF CERTAIN RESTRICTED DATA.

Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended—

(1) in subsection d.—

(A) by inserting “(1)” before “The Com-

mission”; and

(B) by adding at the end the following:
“(2) The Commission may restore to the Restricted Data category information related to the design of nuclear weapons (in this subsection referred to as ‘design information’) removed under paragraph (1) if the Commission and the Department of Defense jointly determines that—

“(A) the programmatic requirements that caused the design information to be removed from the Restricted Data category are no longer applicable or have diminished;

“(B) the design information would be more appropriately protected as Restricted Data; and

“(C) restoring the design information to the Restricted Data category is in the interest of national security.

“(3) In carrying out paragraph (2), design information shall be restored to the Restricted Data category in accordance with regulations implemented pursuant to this section.”; and

(2) in subsection e.—

(A) by inserting “(1)” before “The Commission”; 

(B) by striking “Central” and inserting “National”; and

(C) by adding at the end the following:
“(2) The Commission may restore to the Restricted Data category information related to foreign nuclear programs (in this subsection referred to as ‘foreign nuclear information’) removed under paragraph (1) if the Commission and the Director of National Intelligence jointly determine that—

“(A) the programmatic requirements that caused the foreign nuclear information to be removed from the Restricted Data category are no longer applicable or have diminished;

“(B) the foreign nuclear information would be more appropriately protected as Restricted Data; and

“(C) restoring the foreign nuclear information to the Restricted Data category is in the interest of national security.

“(3) In carrying out paragraph (2), foreign nuclear information shall be restored to the Restricted Data category in accordance with regulations implemented pursuant to this section.”.

SEC. 3154. INDEPENDENT COST ASSESSMENTS FOR LIFE EXTENSION PROGRAMS, NEW NUCLEAR FACILITIES, AND OTHER MATTERS.

(a) Cost Assessment.—To inform the decisions made by the Nuclear Weapons Council established by sec-
tion 179 of title 10, United States Code, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in coordination with the Administrator for Nuclear Security, shall assess the cost of options and alternatives for—

(1) new nuclear weapon life extension programs; and

(2) new nuclear facilities within the nuclear security enterprise that are estimated to cost more than $500,000,000.

(b) REPORT.—Not later than 30 days after the date on which each assessment conducted under subsection (a) is completed, the Administrator for Nuclear Security and the Secretary of Defense shall jointly submit to the congressional defense committees a report containing the results of such assessment.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(d) AUTHORITY FOR FURTHER ASSESSMENTS.—Upon the request of the Administrator for Nuclear Security, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in consultation with the Administrator, may conduct a cost assessment of any initiative of the National Nuclear Security
Administration that is estimated to cost more than $500,000,000.

SEC. 3155. ASSESSMENT OF NUCLEAR WEAPON PIT PRODUCTION REQUIREMENT.

(a) Assessment.—The Secretary of Defense and the Secretary of Energy, in coordination with the Commander of the United States Strategic Command, shall jointly assess the annual plutonium pit production requirement needed to sustain a safe, secure, and reliable nuclear weapon arsenal.

(b) Reports.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the congressional defense committees a report regarding the assessment conducted under section (a), including—

(A) an explanation of the rationale and assumptions that led to the current 50 to 80 plutonium pit production requirement, including the factors considered in determining such requirement;

(B) an analysis of whether there are any changes to the current 50 to 80 plutonium pit
production requirement, including the reasons for any such changes;

(C) the implications for national security, for maintaining the nuclear weapons stockpile (including the impact on options available for life extension programs), and for costs of having pit production capacity at—

(i) 10 to 20 pits per year;
(ii) 20 to 30 pits per year;
(iii) 30 to 50 pits per year; and
(iv) 50 to 80 pits per year; and

(D) the implications of various pit production capacities on the requirements for the nuclear weapon hedge or reserve forces of the United States.

(2) UPDATE.—If the report under paragraph (1) does not incorporate the results of the Nuclear Posture Review Implementation Study, the Secretary of Defense and the Secretary of Energy, in coordination with the Commander of the United States Strategic Command, shall jointly submit to the congressional defense committees an update to the report under paragraph (1) that incorporates the results of such study by not later than 90 days after
the date on which such committees receive such study.

(c) Form.—The reports under paragraphs (1) and (2) of subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 3156. INTELLECTUAL PROPERTY RELATED TO URANIUM ENRICHMENT.

(a) In general.—Subject to subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for defense nuclear nonproliferation, the Secretary of Energy may make available not more than $150,000,000 for the development and demonstration of domestic national-security-related enrichment technologies as provided in subsection (c).

(b) Certification.—Not later than 30 days before the date on which the Secretary makes an amount available under subsection (a), the Secretary shall submit to the congressional defense committees—

(1) written certification that such amount is needed for national security purposes; and

(2) a description of such purposes.

(c) Administration.—An amount made available by the Secretary under subsection (a) shall be used to provide, directly or indirectly, Federal funds, resources, or other assistance for the research, development, or deploy-
ment of domestic national-security-related enrichment technology, subject to the following requirements:

(1) The Secretary shall provide such assistance using merit selection procedures.

(2) The Secretary may provide such assistance only if the Secretary executes an agreement with the recipient (or any affiliate, successor, or assignee) of such funds, resources, or other assistance (in this section referred to as the “recipient”) that requires—

(A) the achievement of specific technical criteria by the recipient by specific dates not later than June 30, 2014;

(B) that the recipient—

(i) immediately upon execution of the agreement, grant to the United States for use by or on behalf of the United States, through the Secretary, a royalty-free, non-exclusive license in all enrichment-related intellectual property and associated technical data owned, licensed, or otherwise controlled by the recipient as of the date of the enactment of this Act, or thereafter developed or acquired to meet the requirements of the agreement;
(ii) amend any existing agreement between the Secretary and the recipient to permit the Secretary to use or permit third parties on behalf of the Secretary to use intellectual property and associated technical data related to the award of funds, resources, or other assistance royalty-free for Government purposes, including completing or operating enrichment technologies and using them for national defense purposes, including providing nuclear material to operate commercial nuclear power reactors for tritium production; and

(iii) as soon as practicable, deliver to the Secretary all technical information and other documentation in its possession or control necessary to permit the Secretary to use all intellectual property related to domestic enrichment technologies described in this subparagraph; and

(C) any other condition or restriction the Secretary determines necessary to protect the interests of the United States.

(d) CONTROL OF PROPERTY.—If the Secretary determines that a recipient has not achieved the technical cri-
teria required under an agreement under subsection (c)(2) by the date specified pursuant to subparagraph (A) of such subsection, the recipient shall, as soon as practicable, surrender custody, possession, and control, or return, as appropriate, any real or personal property owned or leased by the recipient, to the Secretary in connection with the deployment of enrichment technology, along with all capital improvements, equipment, fixtures, appurtenances, and other improvements thereto, and any further obligation by the Secretary under any such lease shall terminate.

(e) Application of Requirements.—The limitations and requirements in this section shall apply to funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the development and demonstration of domestic national security-related enrichment technology.

(f) Exception.—Subsections (c) and (d) shall not apply with respect to the issuance of any loan guarantee pursuant to section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

SEC. 3157. SENSE OF CONGRESS ON COMPETITION AND FEES RELATED TO THE MANAGEMENT AND OPERATING CONTRACTS OF THE NUCLEAR SECURITY ENTERPRISE.

It is the sense of Congress that—
(1) In the past decade, competition of the management and operating contracts for the national security laboratories has resulted in significant increases in fees paid to the contractors—funding that otherwise could be used to support program and mission activities of the National Nuclear Security Administration;

(2) Competition of the management and operating contracts of the nuclear security enterprise is an important mechanism to help realize cost savings, seek efficiencies, improve performance, and hold contractors accountable;

(3) When the Administrator for Nuclear Security considers it appropriate to achieve these goals, the Administrator should conduct competition of these contracts while recognizing the unique nature of federally funded research and development centers; and

(4) The Administrator should ensure that fixed fees and performance-based fees contained in management and operating contracts are as low as possible to maintain a focus on national service while attracting high-quality contractors and achieving the goals of the competition.
SEC. 3158. PILOT PROGRAM ON TECHNOLOGY COMMERCIALIZATION.

(a) Pilot Program.—The Secretary of Energy, in consultation with the Technology Transfer Coordinator appointed under section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391(a)), may carry out a competitively awarded pilot program involving one non-profit entity and a national laboratory within the National Nuclear Security Administration for the purpose of accelerating technology transfer from national laboratories to the marketplace.

(b) Selection of Entity and National Laboratory.—In carrying out a pilot program under subsection (a), the Secretary of Energy and the Technology Transfer Coordinator shall jointly select a non-profit entity and a national laboratory for the purpose of carrying out the pilot program under this section. In making such selections, the Secretary and Coordinator shall consider each of the following:

(1) A commitment to participate made by a national laboratory within the National Nuclear Security Administration being considered for selection.

(2) The availability of technologies, licenses, intellectual property, and other matters at a national laboratory being considered for selection.
(c) PROGRAM ELEMENTS.—The pilot program shall
be carried out as follows:

(1) Under the pilot program, the Secretary and
the Coordinator shall evaluate and validate the per-
formance of technology transfer activities at the se-
lected laboratory.

(2) The pilot program shall involve collabora-
tion with other offices and agencies within the De-
partment of Energy and the National Nuclear Secu-

(3) Under the pilot program, the non-profit en-
tity selected to carry out the pilot program shall
work to create business startups and increase the
number of cooperative research and development
agreements and sponsored research projects at the
selected laboratory. The non-profit entity shall work
with interested businesses in identifying appropriate
technologies at the national laboratory and facili-
tating the commercialization process.

(4) The Secretary of Energy and the Coordi-
nator shall use the results of the pilot program as
the basis for informing key performance parameters
and strategies that could be implemented in various
national laboratories across the country.
(d) DURATION.—A pilot program carried out under subsection (a) shall be not more than two years in duration.

(e) REPORTS.—

(1) INITIAL REPORTS.—Not later than one year after the date on which a pilot program under subsection (a) begins, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Science and Technology in the House of Representatives, and the Committee on Commerce, Science and Transportation in the Senate, a report that provides an update on the implementation of the pilot program under this section, including an identification of the selected non-profit entity and national laboratory.

(2) FINAL REPORT.—Not later than 90 days after the completion of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Science and Technology in the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate a report on the pilot program, including any findings and recommendations of the Secretary. The
non-profit entity shall submit a report detailing its experiences working with the laboratory and submit recommendations for improvement of technology commercialization.

(f) DEFINITIONS.—In this section, the term “national laboratory” means—

(1) a national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); or

(2) a national security laboratory (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There is authorized to be appropriated for fiscal year 2013 $31,415,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. IMPROVEMENTS TO THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) ESTABLISHMENT.—Section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended—

(1) in subsection (b)—
(A) in paragraph (3), by striking “Energy or any contractor of the Department of Energy” and inserting “Energy, the National Nuclear Security Administration, or any contractor of the Department or Administration”; and

(B) by striking paragraph (4);

(2) in subsection (e)—

(A) in the heading, by striking “AND VICE CHAIRMAN” and inserting “, VICE CHAIRMAN, AND MEMBERS”; 

(B) in paragraph (2), by striking “The Chairman” and inserting “In accordance with paragraphs (5) and (6), the Chairman”; and

(C) by adding at the end the following new paragraphs:

“(5) Each member of the Board, including the Chairman and Vice Chairman, shall—

“(A) have equal responsibility and authority in establishing decisions and determining actions of the Board regarding recommendations, budgets, senior staff, hearings and witnesses, investigations, subpoenas, and setting policies and regulations governing operations of the Board;
“(B) have full, simultaneous access to all information relating to the performance of the Board’s functions, powers, and mission; and

“(C) have one vote.

“(6) Any member of the Board may propose an individual to be appointed to a senior staff position of the Board and require a determination by the Board under paragraph (5)(A) on whether such individual shall be appointed.”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “Except as provided under paragraph (2), the” and inserting “The”; (B) by striking paragraph (2); and (C) by redesignating paragraph (3) as paragraph (2); and

(4) by amending subsection (e) to read as follows:

“(e) QUORUM.—(1) Three members of the Board shall constitute a quorum.

“(2) A quorum shall be required to take the actions of the Board described in subsection (c)(5)(A).”.

(b) MISSION AND FUNCTIONS.—
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(1) IN GENERAL.—Section 312 of the Atomic
Energy Act of 1954 (42 U.S.C. 2286a) is amend-
ed—

(A) in the heading, by inserting “MISSION
AND” before “FUNCTIONS”;

(B) by redesignating subsections (a) and
(b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as
so redesignated, the following new subsection
(a):

“(a) MISSION.—The mission of the Board shall be
to provide independent analysis, advice, and recommenda-
tions to the Secretary of Energy to ensure the adequate
protection of public health and safety at defense nuclear
facilities of the Department of Energy. Such analysis, ad-
vice, and recommendations shall be based upon risk when-
ever sufficient data exists.”;

(D) in subsection (b), as so redesignated—

(i) in the heading, by striking “IN
GENERAL” and inserting “FUNCTIONS”;

and

(ii) in paragraph (5)—

(I) by inserting “, and specifi-
cally assess risk (whenever sufficient
data exists),” after “shall consider”;
and
(II) by inserting “, the costs and
benefits, and the practicability” after
“economic feasibility”.

(2) CLERICAL AMENDMENT.—The table of con-
tents for the Atomic Energy Act of 1954 is amended
by striking the item relating to section 312 and in-
serting the following new item:
“Sec. 312. Mission and functions of the board.”.

(c) POWERS.—Section 313 of the Atomic Energy Act
of 1954 (42 U.S.C. 2286b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “or a
member authorized by the Board”; and

(B) in paragraph (2)(A), by striking the
first sentence and inserting the following: “Sub-
openas may be issued only with the approval of
a majority of the members of the Board and
shall be served by any person designated by the
Chairman, any member, or any person as other-
wise provided by law.”; and

(2) in subsection (b), by adding at the end the
following new paragraph:
“(3) Of the funds appropriated to the Board to carry
out this chapter, each member of the Board, other than
the Chairman, may employ at least one technical advisor
to serve in the immediate office of the member to provide
assistance to the member in carrying out the responsibil-
ities of the member under this chapter. If employed in the
immediate office of a member, such advisor shall report
to such member and, notwithstanding section
311(c)(2)(A), may not be subject to the appointment, di-
rection, or supervision of the Chairman.”; and

(3) in subsection (j)(2), by striking “section
312(1)” and inserting “section 312(b)(1)”.

(d) BOARD RECOMMENDATIONS.—Section 315 of the
Atomic Energy Act of 1954 (42 U.S.C. 2286d) is amended
to read as follows:

“SEC. 315. BOARD RECOMMENDATIONS.

“(a) DRAFTS AND SUBMISSION OF RECOMMENDA-
TIONS.—(1) Subject to subsections (f) and (g), the Board
shall submit to the Secretary of Energy a draft of any
recommendations under section 312 and any related find-
ings, supporting data, and analyses before the date on
which such recommendations are finalized.

“(2) The Secretary may provide to the Board com-
ments on the recommendations not later than 45 days
after the date on which the Secretary receives the draft
submission of the Board under paragraph (1). The Board
may grant, upon request by the Secretary, not more than
an additional 30 days for the Secretary to submit com-
ments to the Board.

“(3) After the period of time in which the Secretary
may provide recommendations under paragraph (2)
elapses, the Board may publish in the Federal Register
either the original or a revised version of the recommenda-
tions based on the comments of the Secretary, together
with a request for the submission to the Board of public
comments on such recommendations. Interested persons
shall have 30 days after the date of publication in which
to submit comments, data, views, or arguments to the
Board concerning the recommendations. The Board shall
furnish the Secretary with copies of all comments, data,
views, and arguments submitted to it under this para-
graph.

“(b) DISPOSITION OF RECOMMENDATIONS.—(1) Not
later than 60 days after publication of the recommenda-
tions under subsection (a)(3), the Secretary of Energy
shall publish in the Federal Register and transmit to the
Board, in writing, a statement of the final decision of the
Secretary with respect to whether the Secretary accepts
or rejects, in whole or in part, such recommendations, in-
cluding a description of any actions to be taken in re-
response to the recommendations, any expected schedule,
cost, technical, or program impacts of such recommenda-
tions, and the views of the Secretary regarding such recom-
mendations. The Board may grant, upon request by the Secre-
tary, not more than an additional 30 days for the Secretary to transmit such statement to the Board.

“(2) The Board may hold hearings for the purpose of obtaining public comments on its recommendations and the disposition of such recommendations by the Secretary of Energy.

“(c) REJECTION OF RECOMMENDATIONS.—If the Secretary of Energy, in a statement under subsection (b)(1), rejects (in whole or part) any recommendation made by the Board under subsection (a), the Board may transmit to the Secretary and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a letter describing the views and per-
spectives of the Board regarding the Secretary’s disposition of the Board’s recommendations.

“(d) IMPLEMENTATION PLAN.—The Secretary of En-
ergy shall prepare a plan for the implementation of each Board recommendation, or part of a recommendation, that is accepted by the Secretary in the statement under sub-
section (b)(1). Not later than 120 days after the date on which such statement is published, the Secretary shall transmit to the Board such implementation plan. The Sec-
retary may implement any such recommendation (or part
of any such recommendation) before, on, or after the date
on which the Secretary transmits the implementation plan
to the Board under this subsection.

“(e) IMPLEMENTATION.—(1) Subject to paragraph
(2), not later than one year after the date on which the
Secretary of Energy transmits an implementation plan
with respect to a recommendation (or part thereof) under
subsection (d), the Secretary shall carry out and complete
the implementation plan. If complete implementation of
the plan takes more than one year, the Secretary of En-
ergy shall submit a report to the Committees on Armed
Services and on Appropriations of the Senate and the
House of Representatives setting forth the reasons for the
delay and when implementation will be completed.

“(2) If the Secretary of Energy determines that the
implementation of a Board recommendation (or part
thereof) is impracticable because of budgetary consider-
ations, or that the implementation would affect the Sec-
retary’s ability to meet the annual nuclear weapons stock-
pile requirements established pursuant to section 91 of
this Act, the Secretary shall submit to the President and
the Committees on Armed Services and Appropriations of
the Senate and the House of Representatives a report con-
taining the recommendation and the Secretary’s deter-
mination.
“(f) IMMINENT OR SEVERE THREAT.—(1) In any case in which the Board determines that a recommendation submitted to the Secretary of Energy under section 312 relates to an imminent or severe threat to public health and safety, the Board and the Secretary of Energy shall proceed under this subsection in lieu of subsections (a) and (b).

“(2) The Board shall transmit to the President, the Secretary of Defense, and the Secretary of Energy a recommendation relating to an imminent or severe threat to public health and safety. Not later than 15 days after the date on which such recommendation is received, the Secretary of Energy shall submit the comments and views of the Secretary to the President. The President shall review such comments and views and shall make the decision concerning the acceptance or rejection of the Board’s recommendation.

“(3) After receipt by the President of the recommendation from the Board under this subsection, the Board shall promptly make such recommendation available to the public and shall submit such recommendation to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives. The President shall promptly notify such committees of the de-
cision made by the President under paragraph (2) and the reasons for that decision.

“(g) LIMITATION.—Notwithstanding any other provision of this section, the requirements to make information available to the public under this section—

“(1) shall not apply in the case of information that is classified; and

“(2) shall be subject to the orders and regulations issued by the Secretary of Energy under sections 147 and 148 of this Act to prohibit dissemination of certain information.”.

(e) REPORTS.—Section 316 of the Atomic Energy Act of 1954 (42 U.S.C. 2286e) is amended by striking “to the Speaker of” each place it appears.

(f) INFORMATION TO CONGRESS.—Section 320 of the Atomic Energy Act of 1954 (42 U.S.C. 2286h–1) is amended by striking “the Congress” and inserting “Committees on Armed Services and Appropriations of the Senate and the House of Representatives”.

(g) INSPECTOR GENERAL.—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended by adding at the end the following new section:
SEC. 322. INSPECTOR GENERAL.

“The Board shall enter into an agreement with an agency of the Federal Government to procure the services of the Inspector General of such agency for the Board.”

(h) SAFETY STANDARDS.—Nothing in this section nor in the amendments made by this section shall be construed to cause a reduction in nuclear safety standards.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $14,909,000 for fiscal year 2013 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2013.

Funds are hereby authorized to be appropriated for fiscal year 2013, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of...
the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $77,253,000, of which—

(A) $67,253,000 shall remain available until expended for Academy operations; and

(B) $10,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $16,045,000, of which—

(A) $2,400,000 shall remain available until expended for student incentive payments;

(B) $2,545,000 shall remain available until expended for direct payments to such academies; and

(C) $11,100,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $12,717,000, to remain available until expended.
(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $186,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 6661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $3,750,000, all of which shall remain available until expended for administrative expenses of the program.

SEC. 3502. APPLICATION OF THE FEDERAL ACQUISITION REGULATION.

Section 3502(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398 (114 Stat. 1645A–490), is amended by striking “the enactment of this Act” and inserting “contract award”.

SEC. 3503. LIMITATION OF NATIONAL DEFENSE RESERVE FLEET VESSELS TO THOSE OVER 1,500 GROSS TONS.

Section 57101(a) of title 46, United States Code, is amended by inserting “of 1,500 gross tons or more or such
other vessels as the Secretary of Transportation shall de-
termine are appropriate” after “Administration”.

SEC. 3504. DONATION OF EXCESS FUEL TO MARITIME

ACADEMIES.

Section 51103(b)(1) of title 46, United States Code,
is amended by striking so much as precedes paragraph
(2) and inserting the following:

“(b) Property for Instructional Purposes.—
“(1) In general.—The Secretary of Transpor-
tation may cooperate with and assist the institutions
named in paragraph (2) by making vessels, fuel,
shipboard equipment, and other marine equipment,
owned by the United States Government and deter-
mined by the entity having custody and control of
such property to be excess or surplus, available to
those institutions for instructional purposes, by gift,
loan, sale, lease, or charter on terms and conditions
the Secretary considers appropriate. The consent of
the Secretary of Navy shall be obtained with respect
to any property from National Defense Reserve
Fleet vessels, 50 U.S.C. App. 1744, where such ves-
sels are either Ready Reserve Force vessels or other
National Defense Reserve Fleet vessels determined
to be of sufficient value to the Navy to warrant their
further preservation and retention.”.
SEC. 3505. CLARIFICATION OF HEADING.

(a) In General.—The heading of section 57103 of title 46, United States Code, is amended to read as follows:

“§ 57103. Donation of nonretention vessels in the national defense reserve fleet”.

(b) Conforming Amendment.—The item relating to section 57103 in the analysis of chapter 571 of such title is amended to read as follows:

“57103. Donation of nonretention vessels in the national defense reserve fleet.”.

SEC. 3506. TRANSFER OF VESSELS TO THE NATIONAL DEFENSE RESERVE FLEET.

Section 57101 of title 46, United States Code, is amended by adding at the end the following:

“(c) Authority of Federal Entities to Transfer Vessels.—All Federal entities are authorized to transfer vessels to the National Defense Reserve Fleet without reimbursement subject to the approval of the Secretary of Transportation and the Secretary of the Navy with respect to Ready Reserve Force vessels and the Secretary of Transportation with respect to all other vessels.”.

SEC. 3507. AMENDMENTS RELATING TO THE NATIONAL DEFENSE RESERVE FLEET.

Subparagraphs (B), (C), and (D) of sections 11(c)(1) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)) are amended to read as follows:
“(B) activate and conduct sea trials on each vessel at a frequency that is deemed necessary;
“(C) maintain and adequately crew, as necessary, in an enhanced readiness status those vessels that are scheduled to be activated in 5 or less days;
“(D) locate those vessels that are scheduled to be activated near embarkation ports specified for those vessels; and”.

SEC. 3508. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

(a) Section 53101 of title 46, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

“(4) FOREIGN COMMERCE.—The term foreign commerce means—

“(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

“(B) commerce or trade between foreign countries.”;

(2) by striking paragraph (5);
(3) by redesignating paragraphs (6) through (13) as paragraphs (5) through (12), respectively; and

(4) by amending paragraph (5), as so redesignated, to read as follows:

“(5) PARTICIPATING FLEET VESSEL.—The term participating fleet vessel means any vessel that—

“(A) on October 1, 2015—

“(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

“(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

“(B) on December 31, 2014, is covered by an operating agreement under this chapter.”.

(b) Section 53102(b) of such title is amended to read as follows:

“(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

“(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);
“(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

“(3) the vessel is self-propelled and—

“(A) is a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet; or

“(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

“(4) the vessel—

“(A) is suitable for use by the United States for national defense or military purposes in time of war or national emergency, as determined by the Secretary of Defense; and

“(B) is commercially viable, as determined by the Secretary; and

“(5) the vessel—

“(A) is a United States-documented vessel; or

“(B) is not a United States-documented vessel, but—

“(i) the owner of the vessel has demonstrated an intent to have the vessel doc-
umented under chapter 121 of this title if it is included in the Fleet; and

“(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.”.

(c) Section 53103 of such title is amended—

(1) by amending subsection (b) to read as follows:

“(b) Extension of Existing Operating Agreements.—

“(1) Offer to extend.—Not later than 60 days after the date of enactment of this paragraph, the Secretary shall offer, to an existing contractor, to extend, through September 30, 2025, an operating agreement that is in existence on the date of enactment of this paragraph. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time.

“(2) Time limit.—An existing contractor shall have not later than 120 days after the date the Secretary offers to extend an operating agreement to agree to the extended operating agreement.
“(3) Subsequent Award.—The Secretary may award an operating agreement to an applicant that is eligible to enter into an operating agreement for fiscal years 2016 through 2025 if the existing contractor does not agree to the extended operating agreement under paragraph (2).”; and

(2) by amending subsection (c) to read as follows:

“(c) Procedure for Awarding New Operating Agreements.—The Secretary may enter into a new operating agreement with an applicant that meets the requirements of section 53102(c) (for vessels that meet the qualifications of section 53102(b)) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After consideration of military requirements, priority shall be given to an applicant that is a United States citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an operating agreement with the applicant or provide a written reason for denying the application.”.

(d) Section 53104 of such title is amended—
(1) in subsection (c), by striking paragraph (3); and

(2) in subsection (e), by striking “an operating agreement under this chapter is terminated under subsection (c)(3), or if”.

(e) Section 53105 of such title is amended—

(1) by amending subsection (e) to read as follows:

“(e) Transfer of Operating Agreements.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the operating agreement) to any person that is eligible to enter into the operating agreement under this chapter if the Secretary and the Secretary of Defense determine that the transfer is in the best interests of the United States. A transaction shall not be considered a transfer of an operating agreement if the same legal entity with the same vessels remains the contracting party under the operating agreement.”; and

(2) by amending subsection (f) to read as follows:

“(f) Replacement Vessels.—A contractor may replace a vessel under an operating agreement with another vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the

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Secretary of Defense, approves the replacement of the vessel.”.

(f) Section 53106 of such title is amended—

(1) in subsection (a)(1), by striking “and (C) $3,100,000 for each of fiscal years 2012 through 2025.” and inserting the following:

“(C) $3,100,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(D) $3,500,000 for each of fiscal years 2019, 2020, and 2021; and

“(E) $3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.”;

(2) in subsection (c)(3)(C), by striking “a LASH vessel.” and inserting “a lighter aboard ship vessel.”; and

(3) by striking subsection (f).

(g) Section 53107(b)(1) is amended to read as follows:

“(1) IN GENERAL.—An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense dur-
ing a time of war or national emergency, or whenever the Secretary of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).”.

(h) Section 53109 is repealed.

(i) Section 53111 is amended—

(1) by striking “and” at the end of paragraph (2); and

(2) by amending paragraph (3) to read as follows:

“(3) $186,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(4) $210,000,000 for each of fiscal years 2019, 2020, and 2021; and

“(5) $222,000,000 for each fiscal year thereafter through fiscal year 2025.”.

(j) Effective Date of Amendments.—The amendments made by—

(1) paragraphs (2), (3), and (4) of section 3308(a) of this Act take effect on December 31, 2014; and

(2) section 3308(f)(2) of this Act take effect on December 31, 2014.
SEC. 3509. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

(a) IDENTIFICATION OF ACTIONS.—Section 501(b) of title 46, United States Code, is amended—

(1) by inserting “(1)” before “When the head”;

and

(2) by adding at the end the following:

“(2) The Administrator of the Maritime Administration shall—

“(A) in each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

“(B) provide each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

“(C) publish each such determination on the Internet site of the Department of Transportation within 48 hours after it is provided to the Secretary of Transportation.

“(3)(A) The Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall notify the Committees on Appropriations, Transportation...
and Infrastructure, and Armed Services of the House of Representatives and the Committees on Appropriations, Commerce, Science, and Transportation, and Armed Services of the Senate—

“(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving the request; and

“(ii) of the issuance of any waiver of compliance of such a law not later than 48 hours after such issuance.

“(B) The Secretary shall include in each notification under subparagraph (A)(ii) an explanation of—

“(i) the reasons the waiver is necessary; and

“(ii) the reasons actions referred to in subparagraph (A) are not feasible.”.

SEC. 3510. DEPARTMENT OF DEFENSE NATIONAL STRATEGIC PORTS STUDY AND COMPTROLLER GENERAL STUDIES AND REPORTS ON STRATEGIC PORTS.

(a) SENSE OF CONGRESS ON COMPLETION OF DOD REPORT.—It is the sense of Congress that the Secretary of Defense should expedite completion of the study of strategic ports in the United States called for in the conference report to accompany the National Defense Authorization Act for Fiscal Year 2012 (Conference Report 112–
so that it can be submitted to Congress before September 30, 2012.

(b) Submission of Report to Comptroller General.—In addition to submitting the report referred to in subsection (a) to Congress, the Secretary of Defense shall submit the report to the Comptroller General of the United States for consideration under subsection (c).

(c) Comptroller General Studies and Reports on Strategic Ports.—

(1) Comptroller General Review.—Not later than 90 days after receipt of the report referred to in subsection (a), the Comptroller General shall conduct an assessment of the report and submit to the congressional defense committees a report of such assessment.

(2) Comptroller General Study and Report.—Not later than 270 days after the enactment of this Act, the Comptroller General of the United States shall conduct a study of the Department of Defense’s programs and efforts related to the state of strategic ports with respect to the Department’s operational and readiness requirements, and report to the congressional defense committees on the findings of such study. The report should include an assessment of—
(A) the extent to which the facilities at strategic ports meet the Department of Defense’s requirements;

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

(C) the Department’s ability to oversee, coordinate, and provide security for military deployments through strategic ports.

(d) STRATEGIC SEAPORT DEFINED.—In this section, the term “strategic port” means a United States port designated by the Secretary of Defense as a significant transportation hub important to the readiness and cargo throughput capacity of the Department of Defense.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.
(b) Merit-Based Decisions.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) Relationship to Transfer and Programming Authority.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) Applicability to Classified Annex.—This section applies to any classified annex that accompanies this Act.
(c) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.
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<td>TOTAL, MISSILE PROCUREMENT, ARMY</td>
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**PROCUREMENT OF W&TCV, ARMY**  
**TRACKED COMBAT VEHICLES**

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Program increase | 140,080

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Program increase | 62,080

**ARTILLERY AMMUNITION**

**MORTAR AMMUNITION**

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Pricing adjustments for target practice round and light-weight dual-purpose round | -18,088

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**MORTAR AMMUNITION**

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**TANK AMMUNITION**

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**ARTILLERY AMMUNITION**

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**TOTAL, PROCUREMENT OF W&TCV, ARMY** | 1,501,706 | 1,884,200 |
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**TRAINER AIRCRAFT**

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**OTHER AIRCRAFT**

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**MODIFICATION OF AIRCRAFT**

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**AIRCRAFT SPARES AND REPAIR PARTS**

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Spare rate growth—F-35C, F-35B, E-2D | [40,000]

**AIRCRAFT SUPPORT EQUIP & FACILITIES**

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**TOTAL, AIRCRAFT PROCUREMENT, NAVY**

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**WEAPONS PROCUREMENT, NAVY**

**MODIFICATION OF MISSILES**

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**STRATEGIC MISSILES**

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**TACTICAL MISSILES**

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Program increase | [10,000]

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HR 4310 RFS
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**OTHER PROCUREMENT, NAVY**

**SHIP PROPULSION EQUIPMENT**

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**NAVIGATION EQUIPMENT**

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**PERISCOPE****

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**OTHER SHIPBOARD EQUIPMENT**

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**REACTOR PLANT EQUIPMENT**

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**OCEAN ENGINEERING**

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**SMALL BOATS**

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**PRODUCTION FACILITIES EQUIPMENT**

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**ELECTRONIC WARFARE EQUIPMENT**

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### PROCUREMENT, MARINE CORPS

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**Artillery and Other Weapons**

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HR 4310 RFS
### SEC. 4101. PROCUREMENT

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**AIRCRAFT PROCUREMENT, AIR FORCE**

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(In Thousands of Dollars)

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**SEC. 4101. PROCUREMENT (In Thousands of Dollars)**

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1. **SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.**

2. **SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.**

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HR 4310 RFS
### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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#### PROCUREMENT OF AMMUNITION, AIR FORCE

- **CARTRIDGES**
  - 11,592

- **BOMBS**
  - 23,211

- **FUZES**
  - 2,600

- **TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE**
  - 116,203

#### MISSILE PROCUREMENT, AIR FORCE

- **TACTICAL**
  - 543,350

- **TOTAL, MISSILE PROCUREMENT, AIR FORCE**
  - 34,350

#### OTHER PROCUREMENT, AIR FORCE

- **CARGO AND UTILITY VEHICLES**
  - 2,010

- **SPECIAL PURPOSE VEHICLES**
  - 2,675

- **BASE MAINTENANCE SUPPORT**
  - 984

- **ELECTRONICS PROGRAMS**
  - 9,120

- **WEATHER OBSERVATION PROJECTS**
  - 5,600

- **GENERAL INFORMATION TECHNOLOGY**
  - 11,157

- **ORGANIZATION AND BASE MODIFICATIONS**
  - 10,654

- **PERSONAL SAFETY & RESCUE EQUIP**
  - 8,000

- **BASE SUPPORT EQUIPMENT**
  - 60,090

- **MOBILITY EQUIPMENT**
  - 9,400

- **CLASSIFIED PROGRAMS**
  - 2,672,317

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**HR 4310 RFS**
### Title XLII—Research, Development, Test and Evaluation

#### SEC. 4201. Research, Development, Test and Evaluation.

#### SEC. 402. Procurement for Overseas Contingency Operations

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#### SEC. 4201. Research, Development, Test and Evaluation

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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

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### ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES

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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

### (In Thousands of Dollars)

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### ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES

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**TOTAL** | **5,747,232** | **5,923,357** |

**RDT&E MANAGEMENT SUPPORT** | **845,077** | **845,077** |

**OPERATIONAL SYSTEMS DEVELOPMENT** | **1,170,872** | **1,170,872** |

**SUBTOTAL** | **14,973,282** | **14,973,282** |
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Program increase: [200,000]

SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT 3,975,546 4,247,096

TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY 16,882,877 17,718,402

RESEARCH, DEVELOPMENT, TEST & EVAL, AF BASIC RESEARCH

1 0601102F  DEFENSE RESEARCH SCIENCES 361,787 361,787
2 0601101F  UNIVERSITY RESEARCH INITIATIVES 141,153 141,153
3 0601100F  HIGH ENERGY LASER RESEARCH (IF) 11,265 11,265

SUBTOTAL, BASIC RESEARCH 516,034 516,034

APPLIED RESEARCH

4 0602102F  MATERIALS 114,166 114,166
5 0602201F  AEROSPACE VEHICLE TECHNOLOGIES 120,719 120,719
6 0602202F  HUMAN EFFECTIVENESS APPLIED RESEARCH 89,319 89,319
7 0602203F  AEROSPACE PROPULSION 22,343 22,343
8 0602204F  AEROSPACE SENSORS 127,637 127,637
9 0602601F  SPACE TECHNOLOGY 98,375 98,375
10 0602602F  CONVENTIONAL MUNITIONS 77,175 77,175
11 0602603F  DIRECTED ENERGY TECHNOLOGY 104,362 104,362
12 0602604F  DOMINANT INFORMATION SCIENCE AND METHODS 98,375 98,375

SUBTOTAL, APPLIED RESEARCH 1,109,053 1,109,053
### Advanced Technology Development

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**Subtotal, Advanced Technology Development**: 596,737

### Advanced Component Development 

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**Subtotal, Advanced Component Development**: 1,181,177

### Advanced Technology Development & Prototypes

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**Subtotal, Advanced Component Development & Prototypes**: 1,199,677

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**SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION**

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**RDT&E MANAGEMENT SUPPORT**

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**OPERATIONAL SYSTEMS DEVELOPMENT**

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HR 4310 RFS
## SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

### (In Thousands of Dollars)

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### SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT

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### TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF

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### RESEARCH, DEVELOPMENT, TEST & EVAL, DW

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**SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)**

**TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD)**

3,194,413

3,184,413
## Sec. 4201. Research, Development, Test and Evaluation

### (In Thousands of Dollars)

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### RDT&E MANAGEMENT SUPPORT

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### Operational Systems Development

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**HR 4310 RFS**
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

#### (In Thousands of Dollars)

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### OPERATIONAL TEST & EVAL, DEFENSE RDT&E MANAGEMENT SUPPORT

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### SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT

**4,667,738**

### TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW

**17,982,161**

### OPERATIONAL TEST & EVAL, DEFENSE RDT&E MANAGEMENT SUPPORT

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### TOTAL RDT&E

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**70,387,256**
SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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SECTION 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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1 TITLE XLIII—OPERATION AND MAINTENANCE

2 SEC. 4301. OPERATION AND MAINTENANCE.

SECTION 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

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ADMIN & SRVWIDE ACTIVITIES

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**TRAINING AND RECRUITING**

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**ADMIN & SRVWD ACTIVITIES**

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**TOTAL, OPERATION & MAINTENANCE, NAVY**

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**OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES**

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**TRAINING AND RECRUITING**

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### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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**OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES**

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**ADMIN & SRVWD ACTIVITIES**

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**SUBTOTAL, ADMIN & SRVWD ACTIVITIES** | 127,079 |

**UNDISTRIBUTED ADJUSTMENTS**

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**TOTAL, OPERATION & MAINTENANCE, ARMY RES** | 3,162,008 | 3,183,808 |

**OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES**

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**SUBTOTAL, OPERATING FORCES** | 1,224,046 | 1,224,046 |

**ADMIN & SRVWD ACTIVITIES**

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**SUBTOTAL, ADMIN & SRVWD ACTIVITIES** | 22,936 |

**TOTAL, OPERATION & MAINTENANCE, NAVY RES** | 1,246,982 | 1,246,982 |

**OPERATION & MAINTENANCE, MC RESERVE** | 1,264,940 | 1,264,940 |
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### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

#### (In Thousands of Dollars)

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**OPERATION & MAINTENANCE, ARMY OPERATING FORCES**

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**ADMIN & SRVWIDE ACTIVITIES**

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**UNDISTRIBUTED ADJUSTMENTS**

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**TOTAL, UNDISTRIBUTED ADJUSTMENTS**

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**OPERATION & MAINTENANCE, NAVY OPERATING FORCES**

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HR 4310 RFS
### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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#### OPERATION & MAINTENANCE, MARINE CORPS

**OPERATING FORCES**

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#### OPERATION & MAINTENANCE, AIR FORCE

**OPERATING FORCES**

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#### MOBILIZATION

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HR 4310 RFS


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<tr>
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HR 4310 RFS
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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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<td>INFRASTRUCTURE</td>
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<td>EQUIPMENT &amp; TRANSPORTATION</td>
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<td>120</td>
<td>TRAINING AND OPERATIONS</td>
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<td>SUBTOTAL, RELATED ACTIVITIES</td>
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<td>TOTAL, AFGHANISTAN SECURITY FORCES FUND</td>
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<td>375,000</td>
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<td>Program Decrease</td>
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<td>TOTAL, OPERATION &amp; MAINTENANCE</td>
<td>62,512,514</td>
<td>60,977,114</td>
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TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

<table>
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<th>Item</th>
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<td>MILITARY PERSONNEL</td>
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<td>Army medical evacuation paramedic certification training</td>
<td>[2,000]</td>
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<tr>
<td>Basic allowance for housing for members of the National Guard (Section 603)</td>
<td>[6,000]</td>
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<tr>
<td>Non-medical attendant travel (Section 621)</td>
<td>[2,000]</td>
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<tr>
<td>Reserve Components administrative absence (Section 604)</td>
<td>[2,000]</td>
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<tr>
<td>Restore accrual payments to the Medicare eligible health care trust fund</td>
<td>[672,000]</td>
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<tr>
<td>Retain 128 Air National Guard AGRs for two air sovereignty alert locations</td>
<td>[8,300]</td>
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<tr>
<td>Retain Air Force Force Structure</td>
<td>[30,000]</td>
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<tr>
<td>Retain Air Force Reserve Force Structure</td>
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<tr>
<td>Retain Air National Guard Force Structure</td>
<td>[70,826]</td>
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<tr>
<td>Retain Global Hawk</td>
<td>[22,200]</td>
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<td>Unobligated balances</td>
<td>[–352,000]</td>
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<tr>
<td>USMC military personnel in lieu of LAV funding</td>
<td>[131,730]</td>
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SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<table>
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<tr>
<td>WORKING CAPITAL FUND, ARMY</td>
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<td>PREPOSITIONED WAR RESERVE STOCKS</td>
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<td>WORKING CAPITAL FUND, AIR FORCE</td>
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<td>SUPPLIES AND MATERIALS (MEDICAL/DENTAL)</td>
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<td><strong>TOTAL, WORKING CAPITAL FUND, AIR FORCE</strong></td>
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<td><strong>45,452</strong></td>
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<td>WORKING CAPITAL FUND, DEFENSE-WIDE</td>
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<td>DEFENSE LOGISTICS AGENCY (DLA)</td>
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<td><strong>TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE</strong></td>
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<td><strong>39,135</strong></td>
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<td>WORKING CAPITAL FUND, DECA</td>
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<td><strong>TOTAL, WORKING CAPITAL FUND, DECA</strong></td>
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<td>NATIONAL DEFENSE SEALIFT FUND</td>
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<td>MPF MLP</td>
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<td>POST DELIVERY AND OUTFITTING</td>
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<td>LG MED SPD RO/RO MAINTENANCE</td>
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<td>READY RESERVE FORCE</td>
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<td><strong>TOTAL, NATIONAL DEFENSE SEALIFT FUND</strong></td>
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<td>IN-HOUSE CARE</td>
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<td>EDUCATION AND TRAINING</td>
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<td>BASE OPERATIONS/COMMUNICATIONS</td>
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<td>Foreign currency fluctuation</td>
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<td>Overfunding in electronic health record</td>
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<td>[–30,000]</td>
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<tr>
<td>Restore estimated savings in TRICARE Prime and</td>
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<tr>
<td>Standard enrollment fees and deductibles for TRicare Standard</td>
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<td>[273,000]</td>
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<tr>
<td>Restore pharmacy co-pay estimated savings</td>
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<td>TRICARE rate adjustments</td>
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<td>Overfunding in electronic health record</td>
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<td><strong>TOTAL, DEFENSE HEALTH PROGRAM</strong></td>
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<td><strong>32,758,618</strong></td>
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<td>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</td>
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<td>OPERATION &amp; MAINTENANCE</td>
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<td>RDT&amp;E</td>
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<td>PROCUREMENT</td>
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## SEC. 4501. OTHER AUTHORIZATIONS

### (In Thousands of Dollars)

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**DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF**

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<tr>
<td>DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE</td>
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<td>DRUG DEMAND REDUCTION PROGRAM</td>
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<td><strong>TOTAL, DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</strong></td>
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**OFFICE OF THE INSPECTOR GENERAL**

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<tbody>
<tr>
<td>OPERATION &amp; MAINTENANCE</td>
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<td>PROCUREMENT</td>
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<td><strong>TOTAL, OFFICE OF THE INSPECTOR GENERAL</strong></td>
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**CEMETERIAL EXPENSES, ARMY**

<table>
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<th>FY 2013 Request</th>
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<tr>
<td>OPERATION &amp; MAINTENANCE</td>
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<tr>
<td>CONSTRUCTION</td>
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<td>FACILITIES MAINTENANCE</td>
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<td><strong>TOTAL, CEMETERIAL EXPENSES, ARMY</strong></td>
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**TOTAL OTHER AUTHORIZATIONS** | 37,273,808 | 37,528,708 |

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## SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

### (In Thousands of Dollars)

<table>
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<th>Program Title</th>
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<tbody>
<tr>
<td><strong>WORKING CAPITAL FUND, ARMY</strong></td>
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<tr>
<td>PREPOSITIONED WAR RESERVE STOCKS</td>
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<td><strong>TOTAL, WORKING CAPITAL FUND, ARMY</strong></td>
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**WORKING CAPITAL FUND, AIR FORCE**

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<th>Program Title</th>
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<tr>
<td>C-17 CLS ENGINE REPAIR</td>
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<td>TRANSPORTATION FALLEN HEROES</td>
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<tr>
<td><strong>TOTAL, WORKING CAPITAL FUND, AIR FORCE</strong></td>
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**WORKING CAPITAL FUND, DEFENSE-WIDE**

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<th>Program Title</th>
<th>FY 2013 Request</th>
<th>House Authorized</th>
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<tbody>
<tr>
<td>DEFENSE LOGISTICS AGENCY (DLA)</td>
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<tr>
<td><strong>TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE</strong></td>
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**DEFENSE HEALTH PROGRAM**

<table>
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<th>FY 2013 Request</th>
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<tbody>
<tr>
<td>IN-HOUSE CARE</td>
<td>483,326</td>
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<tr>
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**DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF**

HR 4310 RFS
### TITLE XLVI—MILITARY CONSTRUCTION

#### SEC. 4601. MILITARY CONSTRUCTION.

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HR 4310 RFS
## SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

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HR 4310 RFS
### SEC. 4601. MILITARY CONSTRUCTION

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**Total Military Construction, Defense-Wide** 3,654,623 3,569,623

**Colorado**
- Chemical Demil Pueblo Depot Ammunition Demilitarization Facility, Ph XIV 36,000 36,000
- Kentucky Blue Grass Army Depot Ammunition Demilitarization Ph XIII 115,000 115,000

**Total Chemical Demilitarization Construction, Defense** 151,000 151,000

**NATO**
- NATO Security Investment Program NATO Security Investment Program 254,163 254,163

**Total NATO Security Investment Program** 254,163 254,163

**Alabama**
- Army NG Fort McClellan Live Fire Shoot House 5,400 5,400
- Army NG Steacy California Field Maintenance Shop 6,800 6,800
- Army NG Fort Irwin, California Maneuver Area Training & Equipment Site Phl 25,000 25,000
- Army NG Camp Haile, Delaware Combined Support Maintenance Shop 32,000 32,000
- Army NG Bethany Beach Regional Training Institute Phl 5,500 5,500
- Army NG Ft. Bragg, North Carolina Combined Arms Collective Training FAC 20,000 20,000
- Army NG Camp Blanding Combined Arms Collective Training FAC 9,000 9,000
- Army NG JFHQ Ph4 Barrig RCI 8,500 8,500
- Army NG Keploe Military Support Facility Phl 28,000 28,000
- Army NG Orchard Training Area Combined Arms Collective Training FAC 40,000 40,000
- Army NG Fort Huachuca Field Maintenance Shop 9,000 9,000
- Army NG South Bend Armed Forces Reserve Center Add Alt 21,000 21,000
- Army NG Camp Dodge Urban Assault Course 3,000 3,000
- Army NG Topeka Kansas Taxway, Ramp & Hangar Alterations 9,500 9,500
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Total Military Construction, Army National Guard: 613,799

California
Army Res Fort Hunter Liggett UPH Barracks: 4,300
Army Res Tustin Army Reserve Center: 27,000
Army Res Fort Hunter Liggett Access Control Point: 0
Army Res Fort Hunter Liggett ORPC: 64,000

Illinois
Army Res Fort Sheridan Army Reserve Center: 28,000

Maryland
Army Res Baltimore Add/Alt Army Reserve Center: 10,000

Army Res Aberdeen Proving Ground Army Reserve Center: 21,000

Massachusetts
Army Res Devens Reserve Forces Training Area Automatic Record Fire Range: 4,800
Army Res Devens Reserve Forces Training Area Combat Pistol/MP Firearms Qualification: 3,700

Nevada
Army Res Las Vegas Army Reserve Center/AMSA: 21,000

New Jersey
Army Res Joint Base McGuire-Dix-Lakehurst Automated Infantry Squad Battle Course: 7,400

Pennsylvania
Army Res Cummert Lake Defense Access Road: 0

Washington
Army Res Joint Base Lewis-McChord Army Reserve Center: 40,000

HR 4310 RFS
## Sec. 4601. Military Construction

### (In Thousands of Dollars)

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HR 4310 RFS
SEC. 4602. OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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<th>Account</th>
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<th>Agreement</th>
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<td>Joint HQ/Operations Center Facility</td>
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<td>Containerized Living and Work Units</td>
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TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<table>
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<th>Program</th>
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<td>Life extension programs</td>
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HR 4310 RFS
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Subtotal, Readiness in technical base and facilities ......................................... 1,789,694 1,789,694
Construction:
   13–D–301 Electrical infrastructure upgrades, LANL/LNL ........................... 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 ...... 17,909 17,909
   09–D–404 Test capabilities revitalization II, Sandia National Laboratories, ...... 11,352 11,352
   08–D–802 High explosive pressing facility Pantex Plant, Amarillo, TX .......... 24,800 24,800
   06–D–141 PED/Construction, UPF Y–12, Oak Ridge, TN ......................... 340,000 340,000
   04–D–125 Chemistry and metallurgy facility replacement project, Los Alfa .... 0 100,000
Total, Construction ..................................................................................... 450,134 550,134
Total, Readiness in technical base and facilities ................................................ 2,239,828 2,339,828
Secure transportation asset
   Operations and equipment ........................................................................... 114,965 114,965
   Program direction ....................................................................................... 104,396 104,396
Total, Secure transportation asset ................................................................... 219,361 219,361
Nuclear counterterrorism incident response ...................................................... 247,552 247,552
Site stewardship
   Operations and maintenance ...................................................................... 90,001 72,639
Total, Site stewardship .................................................................................... 90,001 72,639
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 7,900,979
Total, Weapons Activities ............................................................................ 7,577,341 7,900,979

Defense Nuclear Nonproliferation

Nonproliferation and verification R&D
   Operations and maintenance ...................................................................... 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 .................................................................... 498,979 498,979
      U.S. plutonium disposition ...................................................................... 29,786 29,786
      Total, Operations and maintenance ....................................................... 528,765 528,765
   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 .................................................................... 466,021 493,021
Legacy contractor pensions ............................................................................ 62,000 62,000
Total, Defense Nuclear Nonproliferation ....................................................... 2,458,631 2,485,631
### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### (In Thousands of Dollars)

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<td>13–D–905 Remote-handled low-level waste facility, INL</td>
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<td>13–D–904 KN Radiological work and storage building, KSO</td>
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<td>13–D–903, KN Prototype Staff Building, KSO</td>
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<td>10–D–903, Security upgrades, KAPL</td>
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<td>08–D–190 Expended Core Facility M–290 recovering discharge station, Nav</td>
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<td>Total, Construction</td>
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<td>Subtotal, Naval Reactors</td>
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<td>Rescission of prior year balances</td>
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#### Office Of The Administrator

<table>
<thead>
<tr>
<th>Program</th>
<th>FY2013 Request</th>
<th>House Authorized</th>
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<tbody>
<tr>
<td>Office of the administrator</td>
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<td>Total, Office Of The Administrator</td>
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#### Defense Environmental Cleanup

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<tr>
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<td>Central plateau remediation</td>
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<td>Total, Hanford site</td>
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<td>Idaho National Laboratory</td>
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<td>Idaho cleanup and waste disposition</td>
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<td>Total, Idaho National Laboratory</td>
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<td>Lawrence Livermore National Laboratory</td>
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<td>Sandia National Laboratories</td>
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<td>Los Alamos National Laboratory</td>
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<td>Office of River Protection:</td>
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<td>Waste treatment and immobilization plant</td>
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<td>01–D–416 A–E/ORIP–0060 / Major construction</td>
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<td>Tank farms activities</td>
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<td>Rad liquid tank waste stabilization and disposal</td>
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HR 4310 RFS
### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### (In Thousands of Dollars)

**Program FY2013 Request**  
**House Authorized**

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<th>Program</th>
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<td>05-D-405 Salt waste processing facility, Savannah River</td>
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<td>Total, Savannah River site</td>
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<td><strong>Waste Isolation Pilot Plant</strong></td>
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<td>Paducah</td>
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<td>Portsmouth</td>
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<td>Waste Isolation Pilot Project</td>
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<td>West Valley</td>
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<td>Total, Office of Legacy Management</td>
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<td><strong>Defense-related activities</strong></td>
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<tr>
<td>Subtotal, Other defense activities</td>
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<tr>
<td><strong>Total, Other Defense Activities</strong></td>
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<td>685,702</td>
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</tbody>
</table>

Passed the House of Representatives May 18, 2012.

Attest: KAREN L. HAAS,

*Clerk.*