MAY 10, 2012

RULES COMMITTEE PRINT 112-22

TEXT OF H.R. 4310, THE NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2013

[Showing the text of the bill as ordered reported by the Committee on Armed Services]

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2013”.

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

4 (a) DIVISIONS.—This Act is organized into four divisions as follows:

5 (1) Division A—Department of Defense Authorizations.

6 (2) Division B—Military Construction Authorizations.

7 (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

8 (4) Division D—Funding Tables.

9 (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. 101. Authorization of appropriations.

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Sec. 125. Multiyear procurement authority for Arleigh Burke-class destroyers and associated systems.
Sec. 126. Multiyear procurement authority for Virginia-class submarine program.
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Sec. 146. Limitation on availability of funds for evolved expendable launch vehicle program.
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Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
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Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2012 project.
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TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

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Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

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Subtitle B—Other Matters

Sec. 2611. Modification of authority to carry out certain fiscal year 2010 projects.

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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.

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Subtitle B—Other Matters
Sec. 2711. Consolidation of Department of Defense base closure accounts and authorized uses of base closure account funds.

Sec. 2712. Air Armament Center, Eglin Air Force Base.

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Sec. 2803. One-year extension of authority to use operation and maintenance funds for construction projects outside the United States.

Sec. 2804. Treatment of certain defense nuclear facility construction projects as military construction projects.

Sec. 2805. Execution of Chemistry and Metallurgy Research Building Replacement nuclear facility and limitation on alternative plutonium strategy.

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Sec. 2812. Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations.

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Sec. 2815. Plan to protect critical Department of Defense critical assets from electromagnetic pulse weapons.

Subtitle C—Energy Security

Sec. 2821. Congressional notification for contracts for the provision and operation of energy production facilities authorized to be located on real property under the jurisdiction of a military department.

Sec. 2822. 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.

Sec. 2823. Availability and use of Department of Defense energy cost savings to promote energy security.

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.

Sec. 2832. Certification of military readiness need for firing range on Guam as condition on establishment of range.

Sec. 2833. Repeal of conditions on use of funds for Guam realignment.

Subtitle E—Land Conveyances
Sec. 2841. Modification to authorized land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska.

Sec. 2842. Modification of financing authority, Broadway Complex of the Department of the Navy, San Diego, California.

Sec. 2843. Land conveyance, John Kunkel Army Reserve Center, Warren, Ohio.

Sec. 2844. Land conveyance, Castner Range, Fort Bliss, Texas.

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Sec. 2846. Transfer of administrative jurisdiction, Fort Lee Military Reservation and Petersburg National Battlefield, Virginia.

Subtitle F—Other Matters

Sec. 2861. 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.

Sec. 2863. Sense of Congress regarding establishment of military divers memorial at Washington Navy Yard.


Sec. 2865. Naming of training and support complex, Fort Bragg, North Carolina.

Sec. 2866. Naming of electrochemistry engineering facility, Naval Support Activity Crane, Crane, Indiana.

Sec. 2867. Retention of core functions of the Electronic Systems Center at Hanscom Air Force Base, Massachusetts.

Sec. 2868. Retention of core functions of the Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Sec. 2901. Authorized Navy construction and land acquisition projects.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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Sec. 3111. Authorized personnel levels of the Office of the Administrator.

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Sec. 3115. Safety, health, and security of the National Nuclear Security Administration.

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Sec. 3118. Cost-benefit analyses for competition of management and operating contracts.
Sec. 3119. Limitation on availability of funds for Inertial Confinement Fusion Ignition and High Yield Campaign.
Sec. 3120. Limitation on availability of funds for Global Security through Science Partnerships Program.
Sec. 3121. Limitation on availability of funds for Center of Excellence on Nuclear Security.
Sec. 3122. Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina.

Subtitle C—Improvements to National Security Energy Laws

Sec. 3131. Improvements to the Atomic Energy Defense Act.
Sec. 3132. Improvements to the National Nuclear Security Administration Act.
Sec. 3134. Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure.
Sec. 3135. Repeal of certain reporting requirements.

Subtitle D—Reports

Sec. 3141. Notification of nuclear criticality and non-nuclear incidents.
Sec. 3142. Reports on lifetime extension programs.
Sec. 3143. National Academy of Sciences study on peer review and design competition related to nuclear weapons.
Sec. 3144. Report on defense nuclear nonproliferation programs.
Sec. 3145. Study on reuse of plutonium pits.

Subtitle E—Other Matters

Sec. 3151. Use of probabilistic risk assessment to ensure nuclear safety.
Sec. 3152. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile and nuclear forces.
Sec. 3153. Classification of certain restricted data.
Sec. 3154. Independent cost assessments for life extension programs, new nuclear facilities, and other matters.
Sec. 3155. Assessment of nuclear weapon pit production requirement.
Sec. 3156. Intellectual property related to uranium enrichment.
Sec. 3157. Sense of Congress on competition and fees related to the management and operating contracts of the nuclear security enterprise.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION
Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.
Sec. 3502. Application of the Federal acquisition regulation.
Sec. 3503. Procurement of ship disposal.
Sec. 3504. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.
Sec. 3505. Donation of excess fuel to maritime academies.
Sec. 3506. Clarification of heading.
Sec. 3507. Transfer of vessels to the National Defense Reserve Fleet.
Sec. 3508. Amendments relating to the National Defense Reserve Fleet.
Sec. 3509. Extension of Maritime Security Fleet program.

DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

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

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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

TITLE XLIII—OPERATION AND MAINTENANCE

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

TITLE XLIV—MILITARY PERSONNEL

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

TITLE XLV—OTHER AUTHORIZATIONS

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

TITLE XLVI—MILITARY CONSTRUCTION

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

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.
SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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 subsection:

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

“(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 National Defense Authorization Act for Fiscal Year 2012 (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 Com-
mand.

(b) CONDITION FOR OUT-YEAR CONTRACT PAY-
MENTS.—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 appropria-
tions 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 sys-
tems, and commercial broadband satellite systems associ-
ated with such vessels.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The
Secretary of the Navy may enter into a contract, begin-
ning in fiscal year 2013, for advance procurement associ-
ated 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 appropria-
tions or funds for that purpose for such later fiscal year.

SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-
GINIA-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, be-
ning 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 pro-
gram.

(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, begin-
nning in fiscal year 2013, for advance procurement associ-
ated 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 fol-
lowing:

(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 break-
downs.

(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 ac-
ceptance of the LCS.

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

(I) Security of the ship and systems, in-
cluding 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 sec-
tion 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 AMPHIBIOUS 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 permi-
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”.

(b) Authorization to Operate B–1 Aircraft.—Section 137(b)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2221) is amended by striking “316” and inserting “301”.

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May 10, 2012 (6:09 p.m.)
(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 DIVESTMENT OR RETIREMENT OF C–27J AIRCRAFT.

(a) IN GENERAL.—After fiscal year 2013, 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 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 committees 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 Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1318) are submitted to the congressional defense committees.

(b) LIFE-CYCLE COST ANALYSIS.—

(1) CBO.—The Director of the Congressional Budget Office shall submit to the congressional defense 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 program for avionics and mission planning systems.

(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 upgraded or modernized; and

(B) the future costs associated with the potential upgrades to avionics and mission systems that may be required in the future for legacy C–130 aircraft to remain relevant and mission effective.

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 under-
lying 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 sub-
mitted under subsection (b), the Comptroller General of
the United States shall submit to the congressional de-
defense committees a review of such report, including the
costs and benefits of the planned retirements and reloca-
tions 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 Con-
gress that—

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

(2) the plan by the Air Force to commit, begin-
ing in fiscal year 2013, to an annual production
rate of launch vehicle booster cores should maintain
mission assurance, stabilize the industrial base, re-
duce costs, and provide opportunities for competi-
tion.

(b) LIMITATION.—Of the funds authorized to be ap-
propriated by this Act or otherwise made available for fis-
cal 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 com-
mittees—

(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 pro-
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 Sec-
retary to determine which such activity or sub-
program 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 estab-
lished 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 undocumented interface or waveform as a requirement or criterion for evaluation.”.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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 Requirements, Restrictions, and Limitations

SEC. 211. NEXT-GENERATION LONG-RANGE STRIKE BOMBER AIRCRAFT NUCLEAR CERTIFICATION REQUIREMENT.

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

(1) capable of carrying strategic nuclear weapons 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-

(A) Aegis ashore sites; or
(B) an AN/TPY–2 radar located in Tur-

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

(a) INITIAL LIMITATION.—None of the funds autor-
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-
defense 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 infrared 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 Con-
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 EQUIP-
MENT 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 domestic supply; and

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

(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 classified 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 Sec-
retary 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 accounts to prepare for near term weaponization opportunities.

(c) FORM.—The report under subsection (a) shall be unclassified, but may include a classified annex.
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 ro-
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 economic growth and improve quality of life.
SEC. 253. BRIEFING ON POWER AND ENERGY RESEARCH

CONDUCTED AT UNIVERSITY AFFILIATED RESEARCH 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 Research 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 renewable energy, including—

(A) lighting;

(B) heating;

(C) ventilation and air-conditioning systems; 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.


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.

(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).

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”;

(4) in paragraph (2)(C), by striking the period and inserting “if the modifications or upgrades are being applied during a customary depot-level maintenance action; 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 nuclear refueling or defueling of...
“(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 (c) 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 Defense 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 capability” and inserting “core depot-level maintenance and repair capabilities”;

(B) in subsection (a)(2), by striking “This core depot-level maintenance and repair capability” 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 inserting “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)”.

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 para-

graph:

“(4) The term ‘installation-support services’
means those services, supplies, resources, and sup-
port 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 re-

SERVE AIR FLEET.

(a) EXTENSION.—Subsection (k) of section 9515 of
title 10, United States Code, is amended by striking “De-
cember 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 “pas-

senger”; and

(2) in subsection (j), by striking “, except that

it only means such transportation for which the Sec-

retary 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”.

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 fol-
lowing 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 Bu-
reau shall administer the Center to provide training oppor-
tunities 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 uni-
versity program and other internationally recognized insti-
tutions.

“(c) Conduct of Center.—The Chief of the Na-
tional Guard Bureau may provide for the conduct of the
Center in such State as the Chief considers appropriate.

“(d) Persons Eligible to Participate in Cen-
ter Training.—(1) The Chief of the National Guard Bu-
reau 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 authorized 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 consistent with regulations issued by the Secretary of Defense.

“(f) CENTER PERSONNEL.—(1) The Chief of the National 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 authorizations under a table of distribution and allowance that ensures 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 purpose 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.”.

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 Reconnaissance (in this section referred to as “C4ISR”) systems, including satellite communications, classified Internet 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 systems 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 systems 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, prevent 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 sustaining combat and logistics operations in C4ISR-denied 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.

(e) 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”; and

(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 SHIP-
YARDS.

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 oper-
ational 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 DE-
FENSE 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”.

May 10, 2012 (6:09 p.m.)
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 Civilian and Military Manpower and Contractor Support” to determine whether the methodology used in the memorandum reflects the actual, relevant, and quantifiable costs to taxpayers of performance by Federal civilian employees, military personnel, and contractors.

(b) Consultation.—In conducting the review required by subsection (a), the Comptroller General shall consult with the Under Secretary of Defense for Personnel and Readiness, the Director of Cost Assessment and Program Evaluation, the Director of the Office of Management 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-
ocopters 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 members 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 responses 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.
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 DIESTABLISHMENT 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 Sec-
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 re-
view.

SEC. 353. LIMITATION ON AUTHORIZATION OF APPROPRIA-
TIONS FOR THE NATIONAL MUSEUM OF THE
UNITED STATES ARMY.

Of the amounts authorized to be appropriated for Op-
eration 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 commit-
tees 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 com-
pleted.
SEC. 354. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-
TIREMENT OR INACTIVATION OF TICON-
DEROGA CLASS CRUISERS OR DOCK LAND-
ING 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 ex-
pended 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 retire-
ment.

(c) MAINTAINED LEVELS.—The Secretary of the
Navy, in supporting the operational requirements of the
combatant commands, shall maintain the operational ca-
pability and perform the necessary maintenance of each
cruiser and dock landing ship belonging to the Navy until
the later of the following dates:

(1) The date of the enactment of the National

(2) September 30, 2013.
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:

“(e)(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 (c) 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 sub-
section:

“(b) RECOGNITION OF SERVICE OF MILITARY WORK-
ING DOGS.—The Secretary of Defense shall create a deco-
ration or other appropriate recognition to recognize mili-
tary working dogs under the jurisdiction of the Secretary
that are killed in action or perform an exceptionally meri-
torious or courageous act in service to the United States.”.

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 in-
serting 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 sub-
sections (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 pre-
scribed by the President in the most recent annual na-
tional 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, supple-
mental, or overseas contingency operations funding.

SEC. 404. EXCLUSION OF MEMBERS WITHIN THE INTE-
GRATED 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 mem-
ers 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.
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.”.

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**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”.

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**SEC. 505. TEMPORARY INCREASE IN THE TIME-IN-RANK LIMITATION FOR LIEUTENANT 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—
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(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 REQUIREMENTS MAY BE REDUCED FOR RETIREMENT IN GRADE UPON VOLUNTARY RETIREMENT.

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 subparagraph (G), two officers, whichever number is greater”; and

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

“(G) Notwithstanding subparagraph (E), during fiscal years 2013 through 2017, the total number of brigadier 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.—

(1) In general.—Chapter 37 of title 10,
United States Code, is amended by adding at the
end the following new section:

§ 656. Diversity in military leadership: plan

“(a) Plan.—The Secretary of Defense shall develop
and implement a plan to accurately measure the efforts
of the Department of Defense to achieve a dynamic, sus-
tainable 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 implementing the plan under subsection (a), the Secretary of Defense shall develop a standard set of metrics and collection procedures that are uniform across the armed forces. The metrics required by this subsection shall be designed—

“(1) to accurately capture the inclusion and capability 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 readiness; 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 shall develop a uniform definition of diversity.

“(d) CONSULTATION.—Not less than annually, the Secretary of Defense shall meet with the Secretaries of the military departments, the Joint Chiefs of Staff, 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(e) 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.”.
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
Chefs of Staff for National Guard mat-
ters and for Reserve matters

“(a) ESTABLISHMENT OF POSITIONS.—The Sec-
retary of Defense shall establish the following positions
within the Joint Staff:

“(1) Assistant to the Chairman of the Joint
Chefs of Staff for National Guard Matters.

“(2) Assistant to the Chairman of the Joint
Chefs of Staff for Reserve Matters.

“(b) SELECTION.—(1) The Assistant to the Chair-
man of the Joint Chiefs of Staff for National Guard Mat-
ters 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 recognized 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 Reserve who—

“(A) are recommended for such selection by the Secretary of the military department concerned;

“(B) have had at least 10 years of commissioned service in their reserve component 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 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 Superseded 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.”.

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 primary 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(e) 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 female 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 officers—

(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 assigning duties to the member.

(b) Limited Waiver Authority.—The first general officer or flag officer in the chain of command of a member 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 inserting 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.”.

(c) 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 CHAR

GERS 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).

(c) 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 sub-
section (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 consider-
ation 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 sub-
section (a)(2) to refer the report or complaint to the
Defense Criminal Investigative Service, Army Crimi-
nal Investigative Command, Naval Criminal Inves-
tigative Service, or Air Force Office of Special Inves-
tigations, as the case may be.

SEC. 533. INDEPENDENT REVIEW AND ASSESSMENT OF UNI-
FORM CODE OF MILITARY JUSTICE AND JUDI-
DICIAL PROCEEDINGS OF SEXUAL ASSAULT

(a) INDEPENDENT REVIEW AND ASSESSMENT.—The
Secretary of Defense shall establish an independent panel
to conduct an independent review and assessment of judi-
cial proceedings under the Uniform Code of Military Jus-
(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.

(e) 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 ass-
ault, 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 actions 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 punishments 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 following 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 evidence of the previous sexual conduct of the alleged 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 prosecution trial counsel, including an inventory of the experience of JAG lead trial counsel in each instance and any existing standards or requirements for lead counsel, including their experience 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 preparing the reports, the panel may review, and incorporate as appropriate, the findings of applicable ongoing 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 administrative 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 re-
quire that—

(1) the records established pursuant to sub-
section (a) be retained by the Department of De-
fense 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 RE-
GARDING EFFORTS TO PREVENT AND RE-
SPOND TO HAZING INCIDENTS INVOLVING
MEMBERS OF THE ARMED FORCES.

(a) BRIEFING AND PLAN REQUIRED.—Not later than
May 1, 2013, the Secretary of Defense 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—

(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 in-
cidents involving members of the Armed Forces, in-
cluding 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—

(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.

(c) RECOMMENDATIONS.—As part of the briefing re-
quired by subsection (a), the Secretary of Defense shall
submit such recommendations for changes to the Uniform
Code of Military Justice and the Manual for Courts-Mar-
tial as the Secretary of Defense considers necessary to im-
prove 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) HAZING DESCRIBED.—For purposes of carrying
out this section, the Secretary of Defense 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.

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 profes-
sional and educational requirements of the commis-
sioning 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.

**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:

“§ 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 families 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 selected 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.
“(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 eligibility 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 members of the armed forces are eligible for selection to participate in the Program:

“(A) Any member who—

“(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or

“(iii) has been transferred to the Retired 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 con-
tinuous 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 honor-
able, as characterized by the Secretary concerned. A
member selected to participate in the Program be-
fore the retirement of the member or the separation
or release of the member from active duty may con-
tinue to participate in the Program after the retire-
ment, 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 eli-
gible members of the armed forces to receive assist-
ance under the Program, the Secretary—

“(A) shall give priority to members who—

“(i) have educational or military expe-
rience in science, mathematics, special edu-
cation, foreign language, or career or tech-
nical 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 component 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 partici-
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 Sec-
retary 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 Sec-
retary.

“(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 (e)(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 reimburse-
ment 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 pro-
grams

“(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 as-
signs (in this section referred to as the ‘association’) to
manage any aspect of the athletic and physical fitness pro-
grams of the Naval Academy.

“(b) AUTHORITY TO PROVIDE SUPPORT TO ASSOCIA-
tion.—(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 athletic 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 association to represent the Department of the Navy in connection with licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying 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 paragraph (1) may be accepted, used, and retained by the Secretary, 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.

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 military 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 station 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 result of the willful misconduct of the member.
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.—Subsection (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.—Subsection (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 a 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 determining 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 applicable to a child custody proceeding involving a temporary 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 standard.
“(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 because 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 considered, for all purposes relating to the covered refinancing mortgage (including such inquiry or application and eligibility for, and compliance with, any underwriting criteria and standards regarding such covered refinancing mortgage) to occupy the residence that secures the existing mortgage to be paid or prepaid by such covered refinancing mortgage as the principal residence of the servicemember during the period of such relocation.

“(b) LIMITATION.—Subsection (a) shall not apply with respect to a servicemember who inquires about or applies for a covered refinancing mortgage if, during the 5-year period preceding the date of such inquiry or application, 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 association, that was the principal residence of a servicemember 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 find-
ings:

(1) The hopes and prayers of the American peo-
ple 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 Ameri-
cans 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 worldwide 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 com-
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.

(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 SYNOPTES 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 SYNOPSIS 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 synopsis 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 section 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 vic-
tim of a sexual assault or related offense, the num-
ber of applications denied, and, for each application
denied, a description of the reasons why the applica-
tion was denied.”.

(c) Application of Amendments.—The amend-
ments 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

SEC. 575. INCLUSION OF SEXUAL HARASSMENT INCIDENTS
IN ANNUAL DEPARTMENT OF DEFENSE RE-
PORTS ON SEXUAL ASSAULTS.

Effective with the report required to be submitted by
March 1, 2013, under section 1631 of the Ike Skelton Na-
tional 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 in-
clude in each annual report required by that section infor-
mation 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 con-
cerned shall apply subsection (b) of such section 1631 by
substituting the term “sexual harassment” for “sexual as-
sault” 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 Data-
base 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.
(e) CONSULTATION.—In developing the sexual har-
assment 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 Re-
response Office.
(2) The Office of Diversity Management.
(3) Appropriate non-Governmental organiza-
tions that have expertise in areas related to sexual
harassment and sexual assault in the Armed Forces.
(d) RELATION TO OTHER REPORTING REQUIRE-
MENTS.—The reporting requirements of this section are
in addition to, and an expansion of, the Armed Forces
Workplace and Gender Relations Surveys required by sec-
tion 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).
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 newspaper, 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 oper-
ations 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 Willcox 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 serv-
ices 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 Monu-
ment at Berkley Plantation, Virginia.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that the bugle call commonly known as “Taps”
should be designated as the National Song of Remem-
brance.

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 uni-
form, 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 sec-
tion, 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 CEME-
TERY.—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”.

May 10, 2012 (6:09 p.m.)
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 par-
ticipants of the program, and the outcomes for the partici-
pants of the program.

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 re-
quired 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-MEM-
BER 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 HOUS-
ING FOR ARMY NATIONAL GUARD AND AIR
NATIONAL GUARD MEMBERS WHO TRANSI-
TION 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 para-
graph:

“(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 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 be-
tween 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/Mobilation 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.
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 fa-
cility 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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May 10, 2012 (6:09 p.m.)
(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.—”;


(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 amend-
ments 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
of emergency augmentation of the Regular Coast Guard forces.”.

(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.

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 MEMBERS 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 Authorization 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 Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall terminate 180 days after the date on which the member is separated.”.

(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 October 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 characterized by the Secretary concerned, shall not terminate earlier 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 ensure that each individual who receives medical or dental care under a covered contract meets the standards of medical and dental readiness of the Secretary upon the mobilization 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 ensure that the members meet applicable standards of medical and dental readiness.

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 position. 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 Secretary 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, operated 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 combined, including organizations that have been designated 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 installation 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 sector; 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 section 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 individuals 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 section, 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 processes 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 collections.

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 determine 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 subparagraph:
“(C) Beginning October 1, 2013, the Secretary may only increase in any year the cost-sharing amount established 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 requirements 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 MILITARY HEALTH SYSTEM.

Section 716(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1477) is amended by striking “until a 120-day period” and all that follows through the period and inserting the following: “until the Secretary implements and completes any recommendations included in the report submitted by the Comptroller General of the United States under subsection (b)(3) and notifies the congressional defense committees of such implementation and completion.”.
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, reduce, 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 to 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 affect 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.
(3) The term “partial task trainers” means training aids that allow individuals to learn or practice specific medical procedures.

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)”; and

(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 En-
ergy in accordance with the Department of Energy’s
Work for Others Program, under which the property
or services are provided by a management and oper-
ating 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 fol-
lowing:

(1) A statement certifying whether the procure-
ment policies, procedures, and internal controls of
the Department of Energy provide sufficient protec-
tion 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.
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:

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§ 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.—
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“(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 adding at the end the following new section:

“§ 1706. Government performance of certain acquisition 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 recruiting, 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 O-
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. REQUIREMENT FOR PROCUREMENT OF INFRARED TECHNOLOGIES FROM NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:
“(6) INFRARED TECHNOLOGIES.—Infrared technologies, including focal plane arrays sensitive to infrared wavelengths, read-out integrated circuits, cryogenic coolers, Dewar technology, infrared sensor engine assemblies, and infrared imaging systems.”

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-

ULTS 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)”;

(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.
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 activities 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 Manufacturing and Industrial Base Policy and should fully execute its duties and responsibilities.
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(b) APPOINTMENT OF DEPUTY ASSISTANT SECRETARY.—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 “appointed by the Secretary of Defense.”.

c) RESPONSIBILITIES OF DEPUTY ASSISTANT SECRETARY.—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, including quadrennial defense reviews conducted pursuant 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 139c 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 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 Defense, 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:

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“(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.”.
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(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 (established under section 196 of this title) during the preceding 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 department.—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”.

(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.

(e) 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 intended primary capabilities of such space program in each such program segment and in such space program 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 program segment; and

(B) an identification of the steps the Department 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 capability being operable by one program segment at least one year after the date such capability is operable 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 fol-
lowing 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 Con-
gress that—

(1) there are significant investments in over-
head persistent infrared technology that span mul-
tiple agencies and support a variety of missions, in-
cluding missile warning, missile defense, battle space
awareness, and technical intelligence; and

(2) further efforts should be made to fully ex-
plot 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 assessment 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 required 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 certification that the United States is no longer involved in negotiations on an international agreement concerning outer space activities.

(4) Appropriate congressional committees.—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 Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(e) Report on foreign counter-space programs.—
(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.

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”.

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May 10, 2012 (6:09 p.m.)
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.—Nothing in this section shall be construed to limit the authority of the Secretary of Defense to conduct 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
347 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”.

(c) 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 EXPE-
DITED FEDERAL HIRING FOLLOWING COM-
PLETION OF NATIONAL SECURITY EDU-
CATION PROGRAM SCHOLARSHIP.

Section 802(k) of the David L. Boren National Secu-
rity Education Act of 1991 (50 U.S.C. 1902(k)) is amend-
ed to read as follows:

“(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

“(1) APPOINTMENT AUTHORITY.—The Sec-
retary of Defense, the Secretary of Homeland Secu-
rity, the Secretary of State, or the head of a Federal
agency or office identified by the Secretary of De-
fense under subsection (g) as having national secu-

rity responsibilities—

“(A) may, without regard to any provision
of title 5 governing appointments in the com-
petitive service, appoint an eligible program
participant—

“(i) to a position in the excepted serv-

ice that is certified by the Secretary of De-
fense 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 sub-
section, to a position in the excepted serv-

ice.
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 indi-
vidual 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 para-
graph:

“(3) The Secretary of Defense shall provide an an-
nual 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 CEN-
TERS FOR SECURITY STUDIES.

(a) Extension.—Paragraph (1) of section 941(b) of
the Duncan Hunter National Defense Authorization Act
for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C.
184 note), is amended by striking “through 2012” and
inserting “through 2013”.
(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).

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 De-
partment of Defense in this division for fiscal year
2013 between any such authorizations for that fiscal
year (or any subdivisions thereof). Amounts of au-
thorizations so transferred shall be merged with and
be available for the same purposes as the authoriza-
tion to which transferred.
(2) LIMITATION.—Except as provided in para-
graph (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 trans-
fer 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.

(e) 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
by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

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 associated with a combatant commander operational or contingency plan or other validated global force requirement; 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 ESTABLISH AND OPERATE NATIONAL GUARD COUNTERDRUG SCHOOLS.


(1) in subsection (c)—

(A) by striking paragraph (1) and redesignating paragraphs (2) through (5) as paragraphs (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 COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

SEC. 1014. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.


Subtitle C—Naval Vessels and Shipyards

SEC. 1021. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

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 authorized the President to “use all necessary and appropriate force” against those responsible for the attacks of September 11, 2001, and those who harbored 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 President 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 cit-
izen may not be detained in the United States pur-
suant to the AUMF without due process of law,
stating the following:

(A) “Striking the proper constitutional bal-
ance 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 citizen-
ship.”.

(B) “It is during our most challenging and
uncertain moments that our Nation’s commit-
ment 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 deten-

(I) “We reaffirm today the fundamental nature of a citizen’s right to be free from invol-

without due process of law, and we weigh the opposing governmental interests against the curtailment of liberty that such confinement en-

tails.”.

(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 Sep-
tember 11, 2001, or harbored those responsible for
those attacks, or a person who was a part of or sub-
stantially 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 “Nothing
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 Re-
bellion 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. HABEAS CORPUS RIGHTS.
Nothing in the Authorization for Use of Military
Force (Public Law 107–40; 50 U.S.C. 1541 note) or the
(Public Law 112–81) shall be construed to deny the avail-
ability of the writ of habeas corpus in a court ordained
or established by or under Article III of the Constitution
for any person who is detained in the United States pursu-
ant to the Authorization for Use of Military Force (Public
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 DETAINED 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 Gov-
ernment 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 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 indi-
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 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.

(c) 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 Department 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 indi-
vidual that is issued by a court or competent tri-

bunal 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-
dress 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 subpara-
graph (D) or (E) of subsection (b)(1), an
explanation why it is not possible to certify
that the risks addressed in the subpara-
graph 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 Con-
gress” 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 Perma-
nent Select Committee on Intelligence of the
House of Representatives.

(2) The term “individual detained at Guanta-
namo” 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 Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

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.

(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 Guanta-
namo for the purposes of detention or imprisonment in
the custody or under the control of the Department of De-
fense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a)
shall not apply to any modification of facilities at United
States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DE-
FINED.—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 DE-
TAINED 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 ap-
propriate, shall submit to the covered congressional com-
mittees a report assessing the factors that cause or con-
tribute to the recidivism of individuals detained at Guan-
tanamo that are transferred or released to a foreign coun-
try, including a discussion of trends, by country and re-
gion, 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 re-
port assessing the effectiveness of international agree-
ements relating to the transfer or release of individuals de-
tained 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 pursu-

ant 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 Serv-
ices 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 de-
taining such individuals at sea on board United
States naval vessels;

(B) an assessment of any force protection
issues associated with detaining such individ-
uals 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 in-
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 capacity, willingness, and historical track records of the country for reintegrating or rehabilitating similar 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 certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of Afghanistan to prosecute or detain long-term such individuals.
(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Armed Services 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 FORMERLY DETAINED AT THE DETENTION FACILITY 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 Con-
gress 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 “**weapons**” after “**Nuclear**”;

   (B) by striking “nuclear employment strategy” each place it appears and inserting “nuclear weapons employment strategy”;

   (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:

“492. Biennial assessment and report on the delivery platforms for nuclear
weapons and the nuclear command and control system.

“493. Reports to Congress on the modification of the force structure for the
strategic nuclear weapons delivery systems of the United
States.”.

(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 re-
duce 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 nu-
clear 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 con-
fidence in the long-term viability of our weapons sys-
tems, then our ability to reduce the number of weap-
ons 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 U.S. nuclear stockpile as long as
nuclear weapons exist, the United States must
possess a modern physical infrastructure—com-
prised of the national security laboratories and
a complex of supporting facilities.”; and

(B) “[I]mplementation of the Stockpile
Stewardship Program and the nuclear infra-
structure investments recommended in the NPR
will allow the United States to shift away from
retaining large numbers of non-deployed war-
heads as a hedge against technical or geo-
political surprise, allowing major reductions in
the nuclear stockpile. These investments are es-
sential to facilitating reductions while sus-
taining deterrence under New START and be-
yond.”.
(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 U.S. 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 colleagues, Bill Perry, George Shultz, Sam Nunn, and I have called for significant investments in a repaired and modernized nuclear weapons infrastructure and added resources for the three national laboratories.”
(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 essentially the only nuclear power in the world that is not carrying out these kinds of modernization programs.”.

(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 Congress—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

SEC. 1053. LIMITATION AND REPORT IN THE EVENT OF IN-
SUFFICIENT FUNDING FOR MODERNIZATION
OF NUCLEAR WEAPONS STOCKPILE.

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

(1) consistent with Condition 9 of the Resolu-
tion of Advice and Consent to Ratification of the
New START Treaty of the Senate, agreed to on De-
cember 22, 2011, the United States is committed to
ensuring the safety, security, reliability, and credi-
bility of its nuclear forces; and

(2) the United States is committed to—

(A) proceeding with a robust stockpile
stewardship program and maintaining and mod-
ernizing 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 require-
ments for hedging against possible international
developments or technical problems;

(B) reinvigorating and sustaining the nu-
clear security laboratories of the United States
and preserving the core nuclear weapons com-
petencies 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 pursu-
ant 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 LIMITA-
TION.—

(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 Administration may be used to reduce the number of deployed nuclear warheads until—

“(i) after the date on which such report is submitted, the President certifies in writing to the appropriate congressional committees that the resource shortfall identified in such report has been addressed; and

“(ii) a period of 120 days has elapsed following the date on which such certification is made.

“(C) EXCEPTION.—The limitation in subparagraph (B) shall not apply to—
“(i) 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 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.

“(ii) 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) 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 U.S. 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 up-
dated assessment of deterrence requirements; 

further improvements in U.S., allied, and part-

er 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 out-

weighed by the unacceptable costs of the re-

sponse.”;

(B) “Second, implementation of the Stock-

pile Stewardship Program and the nuclear in-

frastructure 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 geo-

political surprise, allowing major reductions in 

the nuclear stockpile. These investments are es-

sential to facilitating reductions while sus-

taining deterrence under New START and be-

yond.”; and 

(C) “Third, Russia’s nuclear force will re-

main a significant factor in determining how 

much and how fast we are prepared to reduce
U.S. 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 U.S. 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 stated 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 adversaries, 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 sequestration 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 stated 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 maintain a nuclear arsenal that is more than is needed to guarantee an adequate deterrent,” then Com-
mander of the United States Strategic Command,

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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 following:

“(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 con-
gressional 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 Na-
tional 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 appropria-
tions Act; and

(3) the sequestration mechanism under section
251A of the Balanced Budget and Emergency Def-
icit Control Act of 1985 has been repealed or the se-
questration 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 strategic 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, includ-
ing activities related to surveillance, assessment, cer-
tification, testing, and maintenance of nuclear war-
heads and delivery systems; or

“(2) strategic delivery systems that are retired
or awaiting dismantlement on the date of the certifi-
cation 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 sec-
tions 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 ef-
forts 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 U.S. allies and partners, and may not be conducive to maintaining a stable, long-term strategic relationship, especially as nuclear forces are significantly reduced.”.

(3) The Senate stated in the Resolution of Advice 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 reductions 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 comparable number of accountable strategic offensive arms possessed by the United States to such an extent that a strategic imbalance endangers the national 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 fol-
lowing new subsection:

“(d) PREVENTION OF ASYMMETRY IN REDUC-
TIONS.—

“(1) CERTIFICATION.—During any year in
which the President recommends to reduce the num-
ber 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 cer-
tify in writing to the congressional defense commit-
tees 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 certification 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 strategic 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 following the date on which such report is transmitted.

“(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 strategic 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).”.

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.”.
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 National 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 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 Strategic Command certifies to the appropriate congressional committees whether such recommended reductions in the nuclear forces of the United States will—

“(A) impair the ability of the United States to address—

“(i) unplanned strategic or geopolitical 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 February 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 proceed 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 infra-
structure investment requested in the Presi-
dent’s FY 2011 budget. As critical infrastruc-
ture is restored and modernized, it will allow
the United States to begin to shift away from
retaining large numbers of non-deployed war-
heads as a technical hedge, allowing additional
reductions in the U.S. stockpile of non-deployed
nuclear weapons over time.”;

(B) “In order to sustain a safe, secure,
and effective U.S. nuclear stockpile as long as
nuclear weapons exist, the United States must
possess a modern physical infrastructure—com-
prised of the national security laboratories and
a complex of supporting facilities.”;

(C) “Funding the Chemistry and Metall-
lurgy Research Replacement Project at Los Al-
amos National Laboratory to replace the exist-
ing 50-year old Chemistry and Metallurgy Re-
search facility in 2021.”;

(D) “Developing a new Uranium Proc-
essing Facility at the Y–12 Plant in Oak Ridge,
Tennessee to come on line for production oper-
ations 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 war-
heads 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 De-
partment of Defense or the National Nuclear Security Ad-
ministration 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 sec-
tion 495 the following:

“496. Nuclear warheads on intercontinental ballistic missiles of the United
States.”.

SEC. 1060. NONSTRATEGIC NUCLEAR WEAPON REDUC-
TIONS 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 security of our populations. Therefore, we will . . . maintain an appropriate mix of nuclear and conventional forces”; and

(C) “[NATO will] ensure the broadest possible 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 encapsulated by the 1999 Strategic Concept that said,
“The presence of United States conventional and nuclear forces in Europe remains vital to the security 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 Subcommittee 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 nu-
clear 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 U.S. allies be-
lieve that those weapons need to be there, we
need to make sure that we provide that secu-

rity.”; 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 reduc-
tion, even a substantial reduction, in Russian
tactical nuclear weapons because if it is . . .
that the credibility of the American nuclear de-
terrent 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 inter-
mediate 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 nu-
clear alliance of NATO is an important compo-

ten of ensuring and linking the national secu-

rity of the United States and its European al-

lies;

(B) the nuclear forces of the United States
are a key component of the NATO nuclear alli-

ance; 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 con-
figured 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 articu-
late a declaratory policy concerning the use of nu-
clear weapons that binds the United States.

“(c) LIMITATION ON REDUCTION, CONSOLIDATION,
OR WITHDRAWAL OF NUCLEAR FORCES BASED IN Eu-
ROPE.—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 sub-
mit to the appropriate congressional committees a notifi-
cation 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, consolid-
ation, 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 com-
mitments undertaken pursuant to article 5 of the
North Atlantic Treaty, signed at Washington, Dis-

“(c) 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 (c)(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 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.”.

(e) 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 increasingly 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 deploying 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 developments 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.

Subtitle F—Studies and Reports

SEC. 1066. ASSESSMENT OF DEPARTMENT OF DEFENSE USE OF ELECTROMAGNETIC SPECTRUM.

(a) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce,
Science, and Transportation of the Senate a report 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.

(b) INTERIM UPDATE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing to update such committees on the status of the report required under subsection (b).

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

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 re-
lated 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 matters; and

(2) include an implementation plan outlining tasks, metrics, and timelines to establish such a center.

(e) ADDITIONAL REPORTING REQUIREMENTS.—Section 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 investments necessary to implement such strategy; and

“(F) an identification of the roles and responsibilities within the Department to implement 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.
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 CEREMONIAL PURPOSES.

Section 4683(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) In order to meet the needs of an eligible 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 insufficient to meet organizational requirements, prescribe policies and procedures to establish a rotational loan program based on the needs of eligible organizations.

“(B) Nothing in this paragraph shall be construed to supersede any Federal law or regulation governing the use or ownership of firearms.
“(C) The Secretary may not delegate the authority under this paragraph.”

SEC. 1073. PROHIBITION ON THE USE OF FUNDS FOR MANUFACTURING BEYOND LOW-RATE INITIAL PRODUCTION AT CERTAIN PROTOTYPE INTEGRATION FACILITIES.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used for manufacturing production beyond the greater of low-rate initial production or 1000 units at a prototype integration facility of any of the following components of the Army Research, Development, and Engineering Command:

(1) The Armament Research, Development, and Engineering Center.

(2) The Aviation and Missile Research, Development, and Engineering Center.

(3) The Communications-Electronics Research, Development, and Engineering Center.

(4) The Tank Automotive Research, Development, 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 National Airspace System.”.

(b) **INTERAGENCY COLLABORATION.**—

(1) **IN GENERAL.**—The Secretary of Defense shall collaborate with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to conduct research and seek solutions to challenges associated with the safe integration of unmanned 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 ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.**—Collaboration under paragraph (1) may include research and development of scientific and technical issues, equipment, and technology in support of the plan to safely accelerate the integration of unmanned aircraft systems as required by subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 126 Stat. 72).

(3) **NONDUPLICATIVE EFFORTS.**—If the Secretary 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.”.
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
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-
TEGRIC 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 section 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 required 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 develop 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 strategy 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 “repairs”.
(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 “De-

fense”.

(11) Section 855 (125 Stat. 1521) is amended by striking “Section 139e(b)(12)” and inserting
“Section 139e(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 amend-
(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”.


(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 Defense for Nuclear and Chemical and Biological 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 Secretary of Defense for Research and Engineering”:

(i) Sections 2362(a)(1) and 2521(e)(5) of title 10, United States Code.


(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 “Directors” 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”;

(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(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))” and inserting “section 1702(c) 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 1907 of title 41”; and

(ii) in paragraph (2), 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”; and

(B) in subsection (m)—

(i) in paragraph (2), by striking “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and inserting “section 105 of title 41”; and

(ii) in paragraph (3), by striking “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and inserting “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(c) is amended—
(A) in paragraph (3), by striking “subsections (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(c)(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 inserting “section 2438(f) of this title”.

(4) Section 2925 is amended—

(A) in subsection (a)(1), by striking “section 533” and inserting “section 553”; and

(B) in subsection (b)(1), by striking “section 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 striking “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”. 
(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(e), 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 138(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 redesig-
nating 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 subpara-
graph (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 Appropria-
tions of the House of Representatives” in sub-
sections (b)(1)(B) and (h)(1) and inserting “the con-
gressional defense committees”.

(17) Section 2438(a)(3) is amended by insert-
ing “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”;

(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 “Procurememt” 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”.


(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;”;
   
   (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.

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 Personnel 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 identified 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.

(c) 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 Management and Budget shall issue directives and establish standards relating to the implementation 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 Executive 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 Homeland 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 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 expenses of the National Security Professional Development Integration Office 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 National Security Professional Development 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
13434 or to design, administer, or report on the creation of a national security professional development system, cadre of national security professionals, or any personnel 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 em-
ployee shall be performed without reimburse-
ment.

(D) **Return to Prior Position.**—Except
as otherwise provided by the Committee, an em-
ployee 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 em-
ploying the employee.

(3) **Selection of ICI Positions Open for
Rotational Service.**—

(A) In General.—The head of each cov-
ered 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 subsection 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 section 112 of the Internal Revenue Code of 1986; and

(C) shall require that an employee performing 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 Service.—

(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 involuntarily.—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 position in another covered agency or interagency body.

(6) **Training and Education of Personnel Performing Interagency Rotational Service.**—Each employee performing interagency rotational 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 functions.

(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 agency 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 positions 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-
crued by the covered agency or interagency
body in which such original positions are lo-
cated.

(8) OPEN AND FAIR COMPETITION.—Each cov-
ered agency or interagency body that has an ICI po-
sition available for service by an employee from an-
other 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 agen-
cy 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 Cooperation 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 manage-
ment 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 em-
ployee 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 interagency 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 re-
quired under subparagraph (A) for a fiscal year, the Committee shall submit to Con-
gress 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 individ-
uals 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 indi-
cating what actions the head of the covered agency has taken or plans to take in re-
sponse to the failure.

(3) Other rotational requirements.—

(A) Credit for service in another component within an agency.—Service per-
formed 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 constitute 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 reconstruction will be located.

(ii) SERVICE.—During the first 4 fiscal years after the fiscal year in which this Act is enacted, any service 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—

(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 metropolitan 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 suggestions obtained through the consultations with Congress required under subparagraph (B);

(vi) include an assessment of performance measures over a multi-year period, such as—

(I) the percentage of ICI positions available for service by employees from another covered agency for which such employees performed such service;

(II) the number of personnel participating 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 covered agencies submitted under subsection (f)(2)(B)(ii);

(V) the training and education of personnel who perform interagency rotational 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 interagency body under this subtitle enabled the employees performing the service to gain an adequately detailed understanding of and perspective on the covered agency or interagency body, including an assessment 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 (c)(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 posi-
tion in the covered agency; or

(C) had 1 or more employees of the cov-
ered 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 inter-
agency rotational service under this subtitle has im-
proved or is expected to improve interagency inte-
gration.

(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”.

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May 10, 2012 (6:09 p.m.)
(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”.

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 authorized under subsection (a); and

“(ii) not more than $25,000,000 may be obligated or expended for small-scale military construction activities (as described in subsection (b)(1)) under all programs authorized under subsection (a).

“(B) AVAILABILITY OF FUNDS FOR PROGRAMS DURING FISCAL YEAR 2014.—

“(i) IN GENERAL.—Subject to clause (ii), not more than 20 percent of amounts available under this subsection for the authority 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 concurrence 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-RECI PROCA L EX CHANGES 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 REIMBURSEMENT OF CERTAIN COALITION NATIONS 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 recently 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.”.

(e) 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 committed 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.”.

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 Sec-
retary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional 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 Protection Forces on a reimbursable basis to those desiring 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 expense 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 operation 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 mitigate internal threats to such forces to the greatest extent possible, while continuing to meet the objectives 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 Congress 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 contractors 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 national 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 Afghani-
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stan 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 pro-
viding security or force protection for members of
the Armed Forces deployed to Afghanistan are inde-
pendently 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 fol-
lowing:

(A) Data on attempted and successful at-
tacks by the Afghan National Security Forces,
the Afghan Public Protection Force, and pri-
ivate security contractors on United States
Armed Forces and civilian personnel of the De-
partment 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 re-
requirement to submit the report under subsection (a); and

(2) notifies the congressional defense committees in writing of the determination under paragraph (1).

c (e) 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 (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;
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 Af-
ghanistan or Pakistan;

the specific objectives in Afghanistan are to
deny safe haven to Al Qaeda and to deny the
Taliban the ability to overthrow the Afghan Govern-
ment;

the Taliban, Haqqanis, and associated ins-
surgents continue to enjoy safe havens in Pakistan,
but are unlikely to be capable of overthrowing the
Afghan Government unless the United States with-
draws forces precipitously from Afghanistan;

the Haqqani Network provides unique capa-
bilities and capacity to the Afghan Taliban, and ad-
ditionally, serves as a combat multiplier to the Af-
ghan 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 for-
eign fighters into the Afghan insurgency;

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”; and

(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 such time as 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 before amounts in the Fund are made available to the Secretary of Defense”; and

(5) in paragraph (4) (as redesignated), by striking “the update required under paragraph (2)” and inserting “the updates required under paragraphs (2) and (3)”.
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-
fense Authorization Act for Fiscal Year 2010 on or after such date of enactment.

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 amend-
ed—

(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 enter-
tprises, academic institutions, and commercial en-
tities, 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 (e) 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 U.S. 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,
regarding—
(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.

(c) 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:

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§ 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 Representa-
tives a notification of—

“(1) whether the Russian Federation has recog-
nized during the previous year the sovereign right of the United States to pursue quantitative and quali-
tative 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 (in-
cluding under the auspices of the Bilateral Consult-
ative 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 capabili-
ties, military capabilities in space, or conven-
tional prompt global strike capabilities; or

“(B) reducing the number of non-strategic nuclear weapons deployed in Europe.

“(c) NEW START TREATY DEFINED.—In this sec-
tion, the term ‘New START Treaty’ means the Treaty be-
tween 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) APPROPRIATE CONGRESSIONAL COMMITTEES 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.

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 1997 (50 U.S.C. 2362 note).

(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-
Authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative 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 Department 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 expenditure 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.

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 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 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.

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.

SEC. 1532. ONE-YEAR EXTENSION OF PROJECT AUTHORITY AND RELATED REQUIREMENTS OF TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS 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 Authorization 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 “October 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 sector development, industrial development, and other projects” and inserting “mining and natural resource industry development”; and

(2) by striking “focus on improving the commercial 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

(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 repeated; and
(v) authority for the Commander, International Security Assistance Force (or his designee)—

(I) to provide an arming authorization for APPF personnel authorized 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 appropriate records of APPF personnel authorized 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, including 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 rec-
ommendations to address those issues or
other recommendations to improve future
performance of the APPF, as the Sec-
retary considers appropriate.

(D) FIRST REPORT.—The first quarterly
report submitted after the date of the enact-
ment of this Act shall include an estimate of
the cost to the Department of Defense of the
APPF, including funds within the Afghan Secu-
ritry 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 con-
tractors 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-
ritry 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 READI-
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.

(c) REPEAL.—Subtitle G of title VIII of the National
Defense Authorization Act for Fiscal Year 2008 (Public
Law 110-181; 10 U.S.C. 117 note) is repealed.

SEC. 1602. ASSESSMENT OF EFFECTS OF FOREIGN BOY-
COTTS.

Section 2505 of title 10, United States Code, is
amended—
(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (e) 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 transition 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”.

(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 paragraph:

“(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 practicable, the presence of counterfeit parts in the supply 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 requirements; and

(E) the contract award can be made at a fair market price.
(2) Eligibility.—

(A) Advanced small business concern.—An entity shall be considered an advanced small business concern and eligible for participation in the pilot program if the entity—

(i) is independently owned and operated and is not dominant in its field of operation; and

(ii) has fewer than—

(I) twice the number of employees the Small Business Administration has assigned as a size standard to the North American Industrial Classification Standard code in which the entity is operating; or

(II) three times the average annual receipts the Small Business Administration has assigned as a size standard to the North American Industrial 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 competition for such contract; and

(B) provide notice of the contract opportunity (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 facili-
tate an assessment at the conclusion of the pilot pro-
gram;

(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 Regula-
tions);

(4) establish an appeals process to handle chal-
lenges to self-certifications of advanced small busi-
ness concerns, with the certification of eligibility re-
siding with the Small Business Administration’s Of-

ci
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 su-
persede goals or programs authorized by the Small
Business Act (15 U.S.C. 637 et seq.) or the Small

(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 (c)(1).

(5) Such recommendations as the Secretary considers appropriate, including a recommendation regarding whether to extend the pilot program or terminate it early.
(c) TERMINATION.—The pilot program shall termi-
nate on the date that is three years after the date on which
the guidance for the pilot program is issued pursuant to
subsection (e).

(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 COMMIT-
tees.—The term “appropriate congressional com-
mittees” 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 Rep-
resentatives.

(3) OFFICE OF SMALL BUSINESS PROGRAMS.—
The term “Office of Small Business Programs”
means the Office of Small Business Programs de-
scribed 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 De-
fense 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 fol-
lowing new item:

“204. Small Business Advocate for defense audit agencies.”.

SEC. 1614. INDEPENDENT ASSESSMENT OF FEDERAL PRO-
CUREMENT 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 Sec-
retary of Defense shall enter into a contract with a feder-
ally funded research and development center to conduct
an independent assessment of the Department’s procure-
ment 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

(2) a comparison of the industrial composition of prime contractors participating in such test program 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 negotiations regarding small business contract goals for the Department;

(6) an examination of the execution of small business subcontracting plans, including an assessment of the degree to which initial teaming agreements 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);

(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 following:

“(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 Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress. Each such report shall include—

“(A) information concerning the numbers and types of contract audits conducted by the Department during the reporting period; and

“(B) information concerning any Department of Defense audit agency that, during the reporting period, has either failed an audit or is overdue for a peer review required to be conducted in accordance with subsection (c)(10).”.

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May 10, 2012 (6:09 p.m.)
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:”

(c) 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 following:

“(C) review barriers to small business participation 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 development, and other data of the procurement center commensurate with the level of such representative’s approve security clearance classification;”; 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 per-
formed by a Federal employee;

“(H) be an advocate for the maximum
practicable utilization of small business con-
cerns in Federal contracting, including by advoc-
cating against the bundling of contract require-
ments when not justified; and

“(I) carry out any other responsibility as-
signed 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 fol-
lowing:

“(3) APPEALS.—A procurement center rep-
resentative”.

(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-
onomically 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 sub-
paragraph (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 percent-
age 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-

tablishing 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
“(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 programs have been resolved by enactment of this Act; and

(3) examine whether the regulations issued pursuant 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 required 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 section 8(a), 8(m), 15(a), 31, or 36, a covered small business concern—
“(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 opport-
nunity for public comment), a percentage specified in
paragraphs (1) through (4) of subsection (a) if the
Administrator determines that such change is nec-
essary to reflect conventional industry practices
among business concerns that are below the numer-
ical 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 sub-
section (a) does not apply, the Administrator is au-
thorized to establish, by rule (after providing notice
and an opportunity for public comment), a require-
ment that a covered small business concern may not
expend on subcontractors more than a specified per-
centage 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-
activities 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 Re-
ports 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 “sub-
section, or” and inserting “subsection,”;

(3) in subparagraph (B) by striking “sub-
contract,” and inserting “subcontract, or”;

(4) by inserting after subparagraph (B) the fol-
lowing:

“(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 Administra-
tion.—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 contractors” and inserting “as a supplement to evaluations performed by the contracting agency, either on a contract-by-contract basis or, in the case of contractors”; 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 SUBCONTRACTING PLANS.—

“(A) IN GENERAL.—Except as provided in subparagraph (E), if a procurement center representative 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 subparagraph (B).

“(B) PROCESS.—

“(i) IN GENERAL.—Except as provided in clause (ii), a procurement center representative or commercial market representative 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 providing written notice of such determination to head of the procuring activity of the contracting agency. Such notice shall include recommendations for altering the plan to provide the maximum practicable opportunity described in that subparagraph.

“(ii) EXCEPTION.—In the case of the Department of Defense, a procurement center representative or commercial market representative who makes the determination under subparagraph (A) with respect to a subcontracting plan may delay acceptance 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 CONCERNS 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 business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

“(E) EXCEPTION.—The procurement center representative or commercial market representative may not delay the acceptance of a subcontracting plan if the appropriate personnel of the contracting agency certify that the agency’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 subcontracting plan.”.

SEC. 1656. NOTICES OF SUBCONTRACTING OPPORTUNITIES.

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-
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 standards pursuant to this section, the Administrator shall consider, and address, and make publicly available 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 environment 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 number of concerns not currently considered small that would be considered small under the proposed 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 avail-
able, 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 Ad-
ministrator shall not limit the number of size stand-
ards 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 solicita-
tion 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 participa-
tion 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 con-
tractor 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 procure-
ment 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 con-
tract 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 procure-
ment 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 ac-
quision 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 con-
tractors; and

“(ee) the impact of the bun-
dling 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, includ-
ing a description of any changes
to the proportion of any such in-
dustry that is composed of small
business concerns.

“(h) Bundling Accountability Measures.—

“(1) Teaming Requirements.—Each Federal
agency shall include in each solicitation for any mul-
tiple 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.

(e) 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-

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 ESTAB-
LISHED IN ADMINISTRATION.—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 proceedings.

SEC. 1684. ANNUAL REPORT ON SUSPENSIONS AND DEBARMENTS PROPOSED BY SMALL BUSINESS ADMINISTRATION.

(a) REPORT REQUIREMENT.—The Administrator of the Small Business Administration shall submit each year to the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report on the suspension 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 proposed 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 Off-

icer and senior procurement executive of such agen-

cy advice and comments on acquisition strategies, market research, and justifications related to section 44 of this Act;

“(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 carrying 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, and”;

(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, and”;

(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;”;

(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 procurement powers; and

“(5) to submit, annually, 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 comments submitted under paragraph (2) during the 1-year period ending on the date on which the report is submitted, including 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 paragraph (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—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 Admin-
administration 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.”.

(e) 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.”

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 Security 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 construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

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</table>
Army: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington</td>
<td>Fort Lee</td>
<td>$81,000,000</td>
</tr>
<tr>
<td></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></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 mili-
tary construction, land acquisition, and military family
housing functions of the Department of the Army as speci-
fied 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-
tion 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
4658), authorizations set forth in the table in subsection
(b), as provided in section 2101 of that Act (122 Stat.
(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:

**Army: 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>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:

**Army: 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>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 Phase 2 .................</td>
<td>$10,200,000</td>
</tr>
</tbody>
</table>
Army: Extension of 2010 Project Authorizations—Continued

<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>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 AFB 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 construction 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 construction 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:

### Navy: 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>$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>Twentynine 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>Parris 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>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>Diego Garcia</td>
<td>$1,691,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>$25,123,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Iwakuni</td>
<td>$8,206,000</td>
</tr>
<tr>
<td>Romania</td>
<td>Deveselu</td>
<td>$45,205,000</td>
</tr>
</tbody>
</table>
Navy: Outside the United States—Continued

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>Rota</td>
<td>$17,215,000</td>
</tr>
<tr>
<td>Worldwide (Unspecified)</td>
<td>Unspecified Worldwide Locations</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) Washing-
ton, for construction of Explosives Handling Wharf No.
2 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 appropri-
tions 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
4658), the authorization set forth in the table in sub-
section (b), as provided in section 2201 of that Act (122
(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</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>

9 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:
Navy: Extension of 2010 Project Authorization

<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 inside 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>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 appropriations in section 2304 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<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:

**Air Force: Extension of 2010 Project Authorization**

<table>
<thead>
<tr>
<th>Location</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 appropriations in section 2403(a) and available for military construction projects inside 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 inside 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>
</tbody>
</table>
### Defense Agencies: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</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></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>Colorado</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>CONUS Classified</td>
<td>$59,577,000</td>
</tr>
<tr>
<td>Delaware</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawaii</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indiana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kentucky</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Louisiana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Mexico</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Carolina</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pennsylvania</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Carolina</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Texas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washington</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

|                |                                                   |              |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations 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>Guantamano Bay</td>
<td>$40,200,000</td>
</tr>
<tr>
<td></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>$55,733,000</td>
</tr>
<tr>
<td></td>
<td>Zukeran</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></td>
<td>Deveselu</td>
<td>$157,900,000</td>
</tr>
<tr>
<td>Romania</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>United Kingdom</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></td>
<td>Parks RFTA</td>
<td>$9,256,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Aerospace Data Facility</td>
<td>$3,310,000</td>
</tr>
<tr>
<td></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>Whitman</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$2,700,000</td>
</tr>
<tr>
<td></td>
<td>MCB Camp Lejeune</td>
<td>$5,701,000</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></td>
<td>Susquehanna</td>
<td>$2,550,000</td>
</tr>
</tbody>
</table>
**Energy Conservation Projects: Inside the United States—Continued**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tennessee</td>
<td>Tobyhanna Army Depot</td>
<td>$3,950,000</td>
</tr>
<tr>
<td></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></td>
<td>Fort Bliss</td>
<td>$2,600,000</td>
</tr>
<tr>
<td></td>
<td>Laughlin</td>
<td>$4,800,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>MCB Quantico</td>
<td>$7,943,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon Reservation</td>
<td>$2,360,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon Reservation</td>
<td>$2,120,000</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 Sighenella</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 Barracks, 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/Country</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 military construction and land acquisition for chemical demilitarization as specified in the funding table in section 4601.

SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal

(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:

Army National Guard: Inside the United States

<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>$3,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Camp Blanding</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kapolei</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Oarehouse 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>Topeka</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Frankfort</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Camp Edwards</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Camp Grayling</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Camp Ripley</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>St. Paul</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></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>
</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>Montana</td>
<td>Monett</td>
<td>$820,000</td>
</tr>
<tr>
<td></td>
<td>Perryville</td>
<td>$700,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Perryville</td>
<td>$820,000</td>
</tr>
<tr>
<td>New York</td>
<td>Stonestown</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Chillicothe</td>
<td>$3,100,000</td>
</tr>
<tr>
<td></td>
<td>Delaware</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Camp Gruber</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Camp Williams</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>Vermont</td>
<td>North Hyde Park</td>
<td>$4,397,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Logan</td>
<td>$14,200,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Wausau</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

(b) Outside 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 outside the United States, and in the amounts, set forth in the following table:

<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 funding 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>Country</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-Lakelhurst</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>

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**

<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>
<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:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Fresno Yosemite International Airport Air National Guard</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:
Air Force Reserve

<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>

1 **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**

2 **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.

(e) Authority to Carry Out Army Reserve Cen-
ter 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 ac-
quire 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 construction 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, Kalealoha, Hawaii.—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 Kalealoha, Hawaii, for construction of a Combined Support Maintenance Shop, the Secretary of the Army may construct up to 137,548 square feet of a Combined 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 Maintenance 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 Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Minden, Louisiana, for construction of a Readiness Center, the Secretary of the Army may construct up to 90,944 square feet of a Readiness Center.
(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 Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Watertown, South Dakota, for construc-
tion of a Readiness Center, the Secretary of the Army may
construct up to 97,865 square feet of a Readiness Center.

SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN
FISCAL YEAR 2009 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of
the Military Construction Authorization Act for Fiscal
4658), the authorization set forth in the table in sub-
section (b), as provided in section 2604 of that Act (122
Stat. 4706), 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>Mississippi</td>
<td>Gulfport-Biloxi Airport.</td>
<td>Relocate Munitions Complex</td>
<td>$3,400,000</td>
</tr>
</tbody>
</table>

SEC. 2614. EXTENSION OF AUTHORIZATION 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 authorizations set forth in the tables in sub-
section (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</td>
<td>Army Reserve Center</td>
<td>$19,500,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Bridgeport</td>
<td>Army Reserve Center/Land</td>
<td>$18,500,000</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</td>
<td>Relocate Base Entrance</td>
<td>$6,500,000</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 section 2906 of such Act as specified in the funding table in section 4601.


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 authorized 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 section 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) E STABLISHMENT 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.

“(c) 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-
(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 appropriations 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 account.—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 closure 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 in-
vestment made with such funds in the acquisition,
construction, or improvement of that particular real
property or facility. The depreciated value of the in-
vestment shall be computed in accordance with regu-
lations 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 congress-
ional 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.

TITLE XXVIII—MILITARY CON-
STRUCTION GENERAL PROVI-
SIONS

Subtitle A—Military Construction

Program and Military Family

Housing Changes

SEC. 2801. PREPARATION OF MILITARY INSTALLATION

MASTER PLANS.

(a) MILITARY INSTALLATION MASTER PLANS.—Sub-
chapter III of chapter 169 of title 10, United States Code, 
is amended by inserting after section 2863 the following 
new section:

“§ 2864. Military installation master plans

“(a) PLANS REQUIRED.—At a time interval pre-
scribed 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 develop-
ment, 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 privatiza-
tion projects: sustainment

“(a) OVERSIGHT AND ACCOUNTABILITY MEAS-
URES.—Each Secretary concerned shall prescribe regu-
tations to effectively oversee and manage a military housing
privatization project carried out under this subchapter
during the sustainment phase of the project following com-
pletion of the construction or renovation of the housing
units. The regulations shall include the following require-
ments 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 mainte-
nance 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 preceding 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 maintain-
ance and repair for each privatization project, in-
cluding 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 occu-
pancy 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.

Subsection (h) of section 2808 of the Military Con-
struction Authorization Act for Fiscal Year 2004 (division
B of Public Law 108–136; 117 Stat. 1723), as most re-
cently amended by section 2804(a)(2) of the Military Con-
struction Authorization Act for Fiscal Year 2012 (division
B of Public Law 112–81; 125 Stat. 1685), is amended—
(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”.

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:

Defense Nuclear Facility Projects

<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 expertise of the National Nuclear Security Administration 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 Administrator for Nuclear Security of the National Nuclear Security Administration to transfer the constructed facility to the authority of the Administrator for operations.

(g) SENSE OF CONGRESS.—It is the sense of Congress 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 Nuclear Security Administration shall transfer to the Secretary 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 impact 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 Met-
allurgy 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.

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 ELECTRO-
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, Untied 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”.

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 Decision 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 may transfer appropriated funds available 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 ELMDORF 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”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “The Secretary of the Air Force” and inserting “The Secretary of the Interior”; and

(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 RE-
SERVE CENTER, WARREN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of
the Army may convey, without consideration, to the Vil-
lage 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-
ter 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 Vil-
lage, 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 in-
curred by the Secretary, or to reimburse the Sec-
retary for such costs incurred by the Secretary, to
carry out the conveyance under subsection (a), in-
including survey costs, costs for environmental docu-
mentation, and any other administrative costs re-
lated to the conveyance. If amounts are collected
from the Village in advance of the Secretary incur-
ring the actual costs, and the amount collected ex-
ceeds 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 para-
graph (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.

(c) 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.

SEC. 2844. LAND CONVEYANCE, CASTNER RANGE, FORT BLISS, TEXAS.

(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 paragraph (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 condi-
tions 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 Battlefield and administer the land as part of the park in accordance with laws and regulations applicable to the park.

(b) Transfer of Administrative Jurisdiction To Secretary of the Army.—The Secretary of the Interior shall transfer to the Secretary of the Army, without reimbursement, administrative jurisdiction over a parcel of land consisting of approximately 1.170 acres and depicted 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 following new section:

“§ 2115. Inclusion of religious symbols as part of military memorials

“(a) INCLUSION OF RELIGIOUS SYMBOLS AUTHORIZED.—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
1 States Armed Forces. The term includes works of archi-
2 tecture and art described in section 2105(b) of this title.”.
3
4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by adding
6 at the end the following new item:
7 “2115. Inclusion of religious symbols as part of military memorials.”.
8
6 SEC. 2862. REDESIGNATION OF THE CENTER FOR HEMI-
7 SPHERIC DEFENSE STUDIES AS THE WILLIAM
8 J. PERRY CENTER FOR HEMISPHERIC DE-
9 FENSE STUDIES.
10 (a) REDESIGNATION.—The Department of Defense
11 regional center for security studies known as the Center
12 for Hemispheric Defense Studies is hereby renamed the
13 “William J. Perry Center for Hemispheric Defense Stud-
14 ies”.
15 (b) CONFORMING AMENDMENTS.—(1) Section 184 of
16 title 10, United States Code, is amended—
17 (A) in subsection (b)(2)(C), by striking “The
18 Center for Hemispheric Defense Studies” and in-
19 serting “The William J. Perry Center for Hemi-
20 spheric Defense Studies”; and
21 (B) in subsection (f)(5), by striking “the Center
22 for Hemispheric Defense Studies” and inserting
23 “the William J. Perry Center for Hemispheric De-
24 fense Studies”.

May 10, 2012 (6:09 p.m.)
(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.”.

(c) 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”.

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 capabili-
ties 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-PAT- TERSON 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.

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:

**Navy: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SW Asia</td>
<td>SW Asia</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 ADMINISTRATION.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department 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 Infrastructure Upgrades, Lawrence Livermore National Laboratory, Livermore, California, and Los Alamos 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 Radio- logical 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 Authorizations, Restrictions, and Limitations

SEC. 3111. AUTHORIZED PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR.

(a) CAP ON FULL-TIME EQUIVALENT POSITIONS.—

(1) IN GENERAL.—The National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) is amended by inserting after section 3241 the following new section:
SEC. 3241A. AUTHORIZED PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR.

“(a) Full-time Equivalent Personnel Levels.—(1) Beginning 180 days after the date of the enactment 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 systems 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 defense committees an assessment of such report.

**SEC. 3112. BUDGET JUSTIFICATION MATERIALS.**

Section 3251(b) of the National Nuclear Security Administration 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 Administrator shall include an assessment of how the budget maintains the core nuclear weapons skills of the Administration, 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, se-
curity, or performance of the Administration.

“(B) If the Administrator makes an exemption under
subparagraph (A), the Administrator shall annually sub-
mit 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 system established under paragraph (1).

“(b) CONTRACTOR ACCOUNTABILITY.—The Administrator shall—

“(1) ensure that each management and operating contract includes robust mechanisms to ensure the accountability of a covered contractor; and

“(2) exercise such mechanisms as the Administrator determines appropriate to ensure the performance of the covered contractor.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘covered contractor’ means a contractor who enters into a management and operating 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 National 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 establish a management structure for the nuclear security enterprise 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 oper-
(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 recommendation will be implemented and the reasoning for implementing or not implementing such recommendation.”.

(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 NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Security of Assets and Information.—

(1) In general.—Section 3231 of the National 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 Administrator 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 operations, the Administrator shall ensure that the Administration 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 complying and oversight by the Administration is conducted—

“(A) in accordance with best industry and Government 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 Administrator may not establish or prescribe any order, rule, or regulation regarding occupational safety and health unless such order, rule, or regulation is pursuant to an occupational safety and health standard described in paragraph (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 regard-
ing why any such waivers made under subparagraph (A) are required to ensure safety.”; and

(D) by adding after subsection (e), 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 that risks to the health and safety of the employees of the Administration, contractors of the Administration, and the general public from such nuclear operations are as low as reasonably practicable and that adequate protection is provided.

“(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 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.”.

(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 Safety.—Not later than March 1, 2013, the Administrator shall submit to the congressional defense committees a report that includes—

(1) an implementation plan describing the actions needed to fully transition the policy, regulatory, and oversight authority for the nuclear safety of the nuclear security enterprise from the Department 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 Adminis-
trator 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 fund-
ed research and development centers, if applicable; and

(5) any other matters the Administrator considers appropriate.

(c) 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 Administrator for Nuclear Security during fiscal years 2012 through 2017.

(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 cer-
tifies to the congressional defense committees that
fusion ignition has been achieved at the National Ig-
nition Facility at Lawrence Livermore National Lab-
oratory; or

(2) the Administrator submits to such commit-
tees a detailed report on fusion ignition, including—

(A) a thorough description of the remain-
ing technical challenges and gaps in under-
standing with respect to such ignition;

(B) a plan and schedule for reevaluating
the ignition program and incorporating experi-
mental 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 re-
search 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 im-
proved; 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 Lab-
oratories or the Omega laser system at the University of
Rochester.

SEC. 3120. LIMITATION ON AVAILABILITY OF FUNDS FOR
GLOBAL SECURITY THROUGH SCIENCE PART-
ERSHIPS PROGRAM.

(a) LIMITATION.—Of the funds authorized to be ap-
propriated by this Act or otherwise made available for fis-
cal year 2013 for the National Nuclear Security Adminis-
tration, not more than $8,000,000 may be obligated or
expended for the Global Security through Science Partners-
ships 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.  

(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 Sec-
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 reviewed 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 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. 3122. TWO-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION 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”;

(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”.

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))”.

(e) 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:

“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.”.

(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 LABORA-
TORIES 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 Secretary 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 laboratory”; 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 inserting “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 subsection (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 contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 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 inserting “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 “DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX” and inserting “NUCLEAR SECURITY 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(e) of the Atomic Energy Defense Act (50 U.S.C. 2794(e)) 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”.

(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 Adminis-
tration Act (50 U.S.C. 2481), as amended by para-
graph (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.”.

(2) In section 3253(b)(3) (50 U.S.C.
2453(b)(3)), by striking “section 3158 of the Strom

(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—

(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(e)(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 Contractor Personnel.—Section 3220 of the National 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 Department of Energy” and inserting “any
officer, employee, or agent of the Department of Energy, except as provided by 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 SECURITY.—Section 3232 of 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.
as amended by section 3131(h), is amend-
ed—

(A) by striking “Secretary” each place it
appears and inserting “Administrator”; and

(B) in subsection (b), by striking “Depart-
ment of Energy” and inserting “Administra-
tion”.

(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 “Adminis-
trator”.

(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 in-
serting “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”.
(16) 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”.

(17) 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”.

(18) 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”.

(19) 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”.

(20) 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”.

(21) 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”; and

(ii) by striking “Department of Energy” and inserting “Administration”; and

(B) in subsection (b), by striking “Secretary” each place it appears and inserting “Administrator”.

(22) 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”;

(ii) in subsection (a)—

(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.”.

(23) 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”.

(24) 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,”.

(25) 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”.

(26) 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”.

(27) 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”.

(28) 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”; and

(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”.

(29) **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 (e), 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 de-
tailed report on the plan developed under subsection (a).

“(3) The summaries and reports required by this sub-
section 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 re-
place warhead types.

“(3) A summary of the methods and informa-
tion used to determine that the nuclear weapons
stockpile is safe and reliable, as well as the relation-
ship of science-based tools to the collection and in-
terpretation 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;
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 as-
essment 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 allocations of funds by weapon type and facility; and

“(L) for each of the five fiscal years following 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 needed to determine that the nuclear weapons stockpile 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 criteria).

“(3) An assessment of the stockpile stewardship program under section 4201 by the Administrator, in consultation with the directors of the national security 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 testing;

“(B) a strategy for using the science-based tools (including advanced simulation and computing 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 computing capabilities) of each national security laboratory that exist at the time of the assessment 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 program and other weapons activities and weapons-related activities of the Administration, including—

“(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 Na-
tional 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 de-
fense 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 sub-
paragraph (A), including a discussion of the cri-
teria, evidence, and strategies on which such es-
timated 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 weap-
on 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 carrying 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 en-
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 assessment 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 section 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 Administration Act (50 U.S.C. 2453).

“(3) The term ‘nuclear security budget materials’, with respect to a fiscal year, means the materials 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 policies 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.”.

(e) 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 (e) and (d); and
(2) by redesignating subsection (e) as subsection (e).

(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 (e)(3)” and inserting “subsection (e)(2)”; and 

(B) in paragraph (2), by striking “90 days” and all that follows through “(e)(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)”;

(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)”.

(c) **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.

“(c) 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 congres-
sional 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 Environmental Management of the Department of Energy:

(A) A nuclear criticality incident that resulted 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 conducting activities for such defense environmental cleanup programs.

(B) A non-nuclear incident that results in serious bodily injury or fatality at such a facility.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, 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.

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 Nuclear 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 personnel, 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 rec-
ommendations 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 Administrator 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 de-
fense 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 nonproliferation activities coordinated with the Department 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.
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 Environmental 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 facilities 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 STOCKPILE AND NUCLEAR FORCES.

(a) IN GENERAL.—Section 1305 of the National Defense 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 individual, 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 credi-
bility of the nuclear weapons stockpile and nuclear
forces; or

“(2) the status of, and plans for, the capabili-
ties and infrastructure that support and sustain the
nuclear weapons stockpile and nuclear forces.”; and

(B) by redesignating subsection (g) as sub-
section (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 produc-
tion facilities, the members of the Joint Nuclear Weapons
Council, and the Commander of the United States Stra-
tegic Command are each authorized to provide directly to
Congress classified information with respect to matters de-
scribed by paragraphs (1) or (2) of subsection (f).

“(2) The Administrator and Secretary of Defense
shall ensure that direct classified mail channels are estab-
lished 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 Commission”; 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 informa-
tion’) 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 applica-
ble or have diminished;

“(B) the design information would be more ap-
propriately protected as Restricted Data; and

“(C) restoring the design information to the
Restricted Data category is in the interest of na-
tional security.

“(3) In carrying out paragraph (2), design informa-
tion 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 Com-
mission”;

(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 pro-
grams (in this subsection referred to as ‘foreign nuclear
information’) removed under paragraph (1) if the Com-
mission and the Director of National Intelligence jointly
determine that—

“(A) the programmatic requirements that
caused the foreign nuclear information to be re-
moved 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 cat-
egory in accordance with regulations implemented pursuant
to this section.”.

SEC. 3154. INDEPENDENT COST ASSESSMENTS FOR LIFE
EXTENSION PROGRAMS, NEW NUCLEAR FA-
CILITIES, 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 Assess-
ment 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.

(e) 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.

(e) 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 deployment 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 criteria required under an agreement under subsection (e)(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.

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 Nu-
clear 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 (c)—

(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.—

(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 recommendations to the Secretary of Energy to ensure that—

“(1) risks to public health and safety at the defense nuclear facilities of the Department of Energy are as low as reasonably practicable; and

“(2) public health and safety are adequately protected.”;

(D) in subsection (b), as so redesignated—
(i) in the heading, by striking “IN GENERAL” and inserting “FUNCTIONS”;

(ii) in paragraph (1), by inserting “risks to public health and safety are as low as reasonably practicable and” after “to ensure that”;

(iii) in paragraph (4), by striking “to ensure adequate protection of public health and safety” each place it appears and inserting “to ensure that risks to public health and safety are as low as reasonably practicable and public health and safety are adequately protected”; and

(iv) in paragraph (5)—

(I) by striking “to ensure adequate protection of public health and safety” and inserting “to ensure that risks to public health and safety are as low as reasonably practicable and public health and safety are adequately protected”; and

(II) by inserting “, and specifically assess,” after “shall consider”;
(III) 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-
poenas 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 responsibilities 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, direction, 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 RECOMMENDATIONS.—(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 findings, supporting data, and analyses before the date on which such recommendations are finalized.

“(2) The Secretary may provide to the Board comments 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 comments 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 recommendations 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 paragraph.

“(b) DISPOSITION OF RECOMMENDATIONS.—(1) Not later than 60 days after publication of the recommendations 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, including a description of any actions to be taken in response to the recommendations, any expected schedule, cost, technical, or program impacts of such recommendations, and the views of the Secretary regarding such recommendations. The Board may grant, upon request by the Secretary, an extension of time of up to 30 days. The Secretary may request an extension of time of up to 60 days. The Board shall provide a written explanation of any extension of time granted by the Board.”
Secretary, 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 perspectives of the Board regarding the Secretary’s disposition of the Board’s recommendations.

“(d) IMPLEMENTATION PLAN.—The Secretary of Energy 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 subsection (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 Secretary 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 Energy 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 considerations, or that the implementation would affect the Secretary’s ability to meet the annual nuclear weapons stockpile 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 containing the recommendation and the Secretary’s determination.
“(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 provi-
sion 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 regula-
tions issued by the Secretary of Energy under sec-
tions 147 and 148 of this Act to prohibit dissemina-
tion 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 “Com-
mittees on Armed Services and Appropriations of the Sen-
ate and the House of Representatives”.

(g) INSPECTOR GENERAL.—Chapter 21 of the Atom-
ic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amend-
ed 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.”.

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. PROCUREMENT OF SHIP DISPOSAL.

Section 113(e)(15) of title 40, United States Code, is amended—

(1) by inserting “disposal for recycling and all contracts related thereto (including contracts for towing, dry-docking, sale or purchase of services for recycling, or management of vessels during disposal),” after “charter, construction, reconstruction,”;
(2) by striking “merchant”; and

(3) by inserting “and with the Federal Acquisition Regulation” after “under this subtitle”.

SEC. 3504. 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 determine are appropriate” after “Administration”.

SEC. 3505. 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 Transportation 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 determined 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.”.

9 SEC. 3506. CLARIFICATION OF HEADING.

(a) IN GENERAL.—The heading of section 57103 of
title 46, United States Code, is amended to read as fol-

§ 57103. Donation of nonretention vessels in the na-
tional 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.”.

18 SEC. 3507. TRANSFER OF VESSELS TO THE NATIONAL DE-
FENSE RESERVE FLEET.

Section 57101 of title 46, United States Code, is
amended by adding at the end the following:

“(e) AUTHORITY OF FEDERAL ENTITIES TO TRANS-
FER VESSELS.—All Federal entities are authorized to
transfer vessels to the National Defense Reserve Fleet
without reimbursement subject to the approval of the Sec-
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. 3508. 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. 3509. 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 documented 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 condi-
tions of the extended operating agreement shall in-
clude 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 Sec-
retary 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 fol-
lows:

“(c) PROCEDURE FOR AWARDING NEW OPERATING
AGREEMENTS.—The Secretary may enter into a new oper-
ating agreement with an applicant that meets the require-
ments of section 53102(c) (for vessels that meet the qual-
ifications 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 appli-
cant at least 30 days to submit an application for a new
operating agreement. After consideration of military re-
quirements, 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 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 (e)(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 during 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.

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.

(e) 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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### SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

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**MODIFICATIONS**

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**SPARES AND REPAIR PARTS**

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**SUPPORT EQUIPMENT & FACILITIES**

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**TOTAL, MISSILE PROCUREMENT, ARMY**

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**PROCUREMENT OF W&TCV, ARMY**

**TRACKED COMBAT VEHICLES**

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**MODIFICATION OF TRACKED COMBAT VEHICLES**

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**SUPPORT EQUIPMENT & FACILITIES**

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**WEAPONS & OTHER COMBAT VEHICLES**

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### Sec. 4101. Procurement

*(In Thousands of Dollars)*

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<td>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</td>
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Note: Spares cost growth for F-35C, F-35B, E-2D [-40,000]
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<td>067</td>
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**TOTAL, AIRCRAFT PROCUREMENT, NAVY** 17,129,296 17,228,296

**WEAPONS PROCUREMENT, NAVY**

**MODIFICATION OF MISSILES**

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<tr>
<td>001</td>
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**SUPPORT EQUIPMENT & FACILITIES**

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**STRATEGIC MISSILES**

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<td>003</td>
<td>TOMAHAWK</td>
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**TACTICAL MISSILES**

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<td>004</td>
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<td>Program increase</td>
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<td>SIDEWINDER</td>
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<td>JSOW</td>
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<td>STANDARD MISSILE</td>
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<td>008</td>
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<td>HELLFIRE</td>
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**MODIFICATION OF MISSILES**

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**ORDNANCE SUPPORT EQUIPMENT**

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<td>HARM MODS</td>
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**SUPPORT EQUIPMENT & FACILITIES**

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<td>FLEET SATELLITE COMM FOLLOW-ON</td>
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**ORDNANCE SUPPORT EQUIPMENT**

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**TORPEDOES AND RELATED EQUIP**

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**MOD OF TORPEDOES AND RELATED EQUIP**

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**SUPPORT EQUIPMENT**

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**DESTINATION TRANSPORTATION**

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**GUNS AND GUN MOUNTS**

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<td>SMALL ARMS AND WEAPONS</td>
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### SEC. 4101. PROCUREMENT

**In Thousands of Dollars**

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<td>COAST GUARD WEAPONS</td>
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<td>013</td>
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## SEC. 4101. PROCUREMENT

(In Thousands of Dollars)

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### SEC. 4101. PROCUREMENT

**(In Thousands of Dollars)**

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### SEC. 4101. PROCUREMENT

**（In Thousands of Dollars）**

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## SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

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## SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

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## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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**JOINT IMPR EXPLOSIVE DEV DEFEAT FUND**

**NETWORK ATTACK**

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**JIEDDO DEVICE DEFEAT**

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## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

*(In Thousands of Dollars)*

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### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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### AIRCRAFT PROCUREMENT, AIR FORCE

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### PROCUREMENT OF AMMUNITION, AIR FORCE

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### MISSILE PROCUREMENT, AIR FORCE

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### OTHER PROCUREMENT, AIR FORCE

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### SPECIAL PURPOSE VEHICLES
## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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

#### SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION.

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**TOTAL** | **1,384,330** | **1,469,960**

**In Thousands of Dollars**
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**SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION**

(In Thousands of Dollars)
## SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(In Thousands of Dollars)

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### RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY

#### BASIC RESEARCH

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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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**SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PR** 4,335,297 4,709,697
## SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(In Thousands of Dollars)

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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

**(In Thousands of Dollars)**

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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(In Thousands of Dollars)

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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(\textit{In Thousands of Dollars})

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**SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT**

15,867,972 \( \text{AF} \) 15,866,472

**TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF**

25,428,046 25,512,996

### RESEARCH, DEVELOPMENT, TEST & EVAL, DW

#### BASIC RESEARCH

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**SUBTOTAL, BASIC RESEARCH**

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#### APPLIED RESEARCH

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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(In Thousands of Dollars)

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**SUBTOTAL, APPLIED RESEARCH** | **1,703,881** | **1,713,881** |

**ADVANCED TECHNOLOGY DEVELOPMENT (ATD)**

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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION  
(In Thousands of Dollars)

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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

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**SUBTOTAL, RDT&E MANAGEMENT SUPPORT** 887,928

### OPERATIONAL SYSTEMS DEVELOPMENT

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Program increase [50,000]

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Program increase [10,000]

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Program increase [600]

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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(In Thousands of Dollars)

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### SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

#### (In Thousands of Dollars)

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### TITLE XLIII—OPERATION AND MAINTENANCE

#### SEC. 4301. OPERATION AND MAINTENANCE.

**SEC. 4301. OPERATION AND MAINTENANCE.**

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## SEC. 4301. OPERATION AND MAINTENANCE

(In Thousands of Dollars)

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### OPERATION & MAINTENANCE, MARINE CORPS

#### OPERATING FORCES

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#### TRAINING AND RECRUITING

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#### ADMIN & SRVWD ACTIVITIES

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## SEC. 4301. OPERATION AND MAINTENANCE

(In Thousands of Dollars)

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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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## SEC. 4301. OPERATION AND MAINTENANCE

**(In Thousands of Dollars)**

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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, NAVY

### OPERATING FORCES

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## SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(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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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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<td>TOTAL OPERATION AND MAINTENANCE</td>
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## TITLE XLIV—MILITARY PERSONNEL

### SEC. 4401. MILITARY PERSONNEL.

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<td>Basic allowance for housing for members of the National Guard (Section 603)</td>
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<td>Reserve Components administrative absence (Section 604)</td>
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<td>Restore accrual payments to the Medicare eligible health care trust fund</td>
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<td>Retain 128 Air National Guard AGRs for two air sovereignty alert locations</td>
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<td>Retain Air Force Force Structure</td>
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<td>Retain Air Force Reserve Force Structure</td>
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<tr>
<td>Retain Air National Guard Force Structure</td>
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<td>[70,826]</td>
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<td>Retain Global Hawk</td>
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<td>Unobligated balances</td>
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<td>USMC military personnel in lieu of LAV funding</td>
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<td>[131,730]</td>
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SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

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### SEC. 4501. OTHER AUTHORIZATIONS

#### (In Thousands of Dollars)

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<td><strong>WORKING CAPITAL FUND, DEFENSE-WIDE</strong></td>
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<td>Defense Logistics Agency (DLA)</td>
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<td>Realignment from Operation and Maintenance, Army</td>
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SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

## Table: Other Authorizations for Overseas Contingency Operations (In Thousands of Dollars)

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<tr>
<td><strong>WORKING CAPITAL FUND, ARMY</strong></td>
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<td>Prepositioned War Reserve Stocks</td>
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<td><strong>Total, Working Capital Fund, Army</strong></td>
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<td><strong>WORKING CAPITAL FUND, AIR FORCE</strong></td>
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<td>C-17 CLS Engine Repair</td>
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<td>Transportation Fallen Heroes</td>
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<td><strong>Total, Working Capital Fund, Defense-Wide</strong></td>
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<td><strong>DEFENSE HEALTH PROGRAM</strong></td>
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<td>In-House Care</td>
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<td><strong>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</strong></td>
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### Title XLVI—Military Construction

**Sec. 4601. Military Construction.**

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<th>House Agreement</th>
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<td>CONCORD</td>
<td>LIGHTNING PROTECTION SYSTEM</td>
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<td>Army</td>
<td>CONCORD</td>
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<td>FORT CARSON, COLORADO</td>
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<td>FORT MCNAIR</td>
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**Total Military Construction, Navy**

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**Total Military Construction, Air Force**  
388,200

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## SEC. 4601. MILITARY CONSTRUCTION

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## SEC. 4601. MILITARY CONSTRUCTION
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(In Thousands of Dollars)

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**Total Military Construction, Air National Guard**  
42,386  42,386

| AF Res      | MARCH AIR RESERVE BASE         | JOINT REGIONAL DEPLOYMENT PROCESSING CENTER                     | 0               | 0               |
| AF Res      | NIAGARA FALLS IAP WORLDWIDE UNSPECIFIED | FLIGHT SIMULATOR FACILITY                                    | 6,100           | 6,100           |
| AF Res      | VARIOUS WORLDWIDE LOCATIONS    | PLANNING AND DESIGN                                              | 2,879           | 2,879           |
| AF Res      | VARIOUS WORLDWIDE LOCATIONS    | UNSPECIFIED MINOR CONSTRUCTION                                  | 2,000           | 2,000           |

**Total Military Construction, Air Force Reserve**  
10,979  10,979

| FH Con      | UNSPECIFIED WORLDWIDE LOCATIONS | FAMILY HOUSING P&D                                              | 4,641           | 4,641           |

**Total Family Housing Construction, Army**  
4,641  4,641

<p>| FH Ops      | UNSPECIFIED WORLDWIDE LOCATIONS | MAINTENANCE OF REAL PROPERTY                                   | 109,534         | 109,534         |
| FH Ops      | UNSPECIFIED WORLDWIDE LOCATIONS | LEASING                                                        | 203,533         | 203,533         |
| FH Ops      | UNSPECIFIED WORLDWIDE LOCATIONS | MISCELLANEOUS ACCOUNT                                           | 620             | 620             |
| FH Ops      | UNSPECIFIED WORLDWIDE LOCATIONS | FURNISHINGS ACCOUNT                                             | 31,785          | 31,785          |
| FH Ops      | UNSPECIFIED WORLDWIDE LOCATIONS | SERVICES ACCOUNT                                               | 13,487          | 13,487          |</p>
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**Total Family Housing Operation And Maintenance, Defense-Wide**  
WORLDWIDE UNSPECIFIED  
FHIF | UNSPECIFIED WORLDWIDE LOCATIONS | FAMILY HOUSING IMPROVEMENT FUND | 1,786 | 1,786 |

**Total DOD Family Housing Improvement Fund**  
WORLDWIDE UNSPECIFIED  
BRAC 05 | UNSPECIFIED WORLDWIDE LOCATIONS | PROGRAM MANAGEMENT VARIOUS LOCATIONS | 605 | 605 |
<p>| BRAC 05 | UNSPECIFIED WORLDWIDE LOCATIONS | USA-223: FORT MONMOUTH, NJ | 9,989 | 9,989 |
| BRAC 05 | UNSPECIFIED WORLDWIDE LOCATIONS | USA-36: RED RIVER ARMY DEPOT | 1,385 | 1,385 |
| BRAC 05 | UNSPECIFIED WORLDWIDE LOCATIONS | USA-242: RC TRANSFORMATION IN NY | 172 | 172 |
| BRAC 05 | UNSPECIFIED WORLDWIDE LOCATIONS | USA-212: USAR CMD &amp; CNTRL - NEW ENGLAND | 222 | 222 |
| BRAC 05 | UNSPECIFIED WORLDWIDE LOCATIONS | USA-167: USAR COMMAND AND CONTROL - NE | 175 | 175 |</p>
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## Sec. 4601. Military Construction

*(In Thousands of Dollars)*

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<td>IND-122: LONE STAR ARMY AMMO PLANT, TX</td>
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**Total Base Realignment and Closure Account 2005**: 126,697 126,697

**Total Base Realignment and Closure Account 1990**: 349,396 349,396

**Total Prior Year Savings**: 0 -126,697

**Total Prior Year Savings**: 0 -146,697

**Total Military Construction**: 11,222,710 10,838,192
## SEC. 4602. OVERSEAS CONTINGENCY OPERATIONS.

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### TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.**

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<th>FY2013 Request</th>
<th>House Authorized</th>
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<td><strong>Discretionary Summary By Appropriation</strong></td>
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<tr>
<td><strong>Energy And Water Development, And Related Agencies</strong></td>
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<td><strong>Appropriation Summary:</strong></td>
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<td><strong>Atomic Energy Defense Activities</strong></td>
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**Inertial confinement fusion ignition and high yield campaign**

- Diagnostics, cryogenics and experimental support                      81,942          81,942
- Ignition                                                              84,172          54,172
- Support of other stockpile programs                                  14,817          34,817
- Pulsed power inertial confinement fusion                             6,044           6,044
- Joint program in high energy density laboratory plasmas              8,334           8,334
- Facility operations and target production                            264,691         264,691
- Total, Inertial confinement fusion and high yield campaign           460,000         450,000

**Advanced simulation and computing campaign**                         600,000         570,000

**Readiness Campaign**

- Nonnuclear readiness                                                 64,681          64,681
- Tritium readiness                                                    65,414          65,414
- Total, Readiness campaign                                            130,095         130,095
- Total, Campaigns                                                     1,690,770       1,712,770

**Readiness in technical base and facilities (RTBF)**

**Operations of facilities**

- Kansas City Plant                                                    163,602         163,602
- Lawrence Livermore National Laboratory                              89,048          89,048
- Los Alamos National Laboratory                                      335,978         335,978
- Nevada National Security Site                                       115,697         115,697
- Pantex                                                                172,020         172,020
- Sandia National Laboratory                                           167,384         167,384
- Savannah River Site                                                  120,577         120,577
- Y-12 National security complex                                      255,097         255,097
- Total, Operations of facilities                                      1,419,403       1,419,403

- Science, technology and engineering capability support               166,945         166,945

- Nuclear operations capability support                                203,346         203,346
- Subtotal, Readiness in technical base and facilities                1,789,694       1,789,694

**Construction:**

- 13-D-301 Electrical infrastructure upgrades, LANL/LLNL              23,000          23,000
- 12-D-301 TRU waste facilities, LANL                                  24,204          24,204
- 11-D-801 TA-55 Reinvestment project, LANL                             8,889           8,889
- 10-D-501 Nuclear facilities risk reduction Y-12 National security complex 17,909  17,909
- 09-D-402 Test capabilities revitalization II, Sandia National Laboratories, 11,332  11,332
- 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 Ala 0  100,000
- Total, Construction                                                  450,134         550,134
## SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<table>
<thead>
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<th>Program</th>
<th>FY2013 Request</th>
<th>House Authorized</th>
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<td>Total, Readiness in technical base and facilities</td>
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<td>7,900,979</td>
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### 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                                          | 29,736         | 29,736           |
  - Total, Operations and maintenance                                    | 528,715        | 528,715          |
- Construction:
  - 99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC  | 388,802         | 388,802          |
  - Total, Construction                                                  | 388,802         | 388,802          |
  - Total, U.S. surplus fissile materials disposition                    | 917,517         | 917,517          |
- Russian surplus fissile materials disposition                          | 3,788           | 3,788            |
### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(In Thousands of Dollars)

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<td><strong>2,485,631</strong></td>
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#### Naval Reactors

- Naval reactors development: 418,072
- Ohio replacement reactor systems development: 89,700
- S8G Prototype refueling: 121,100
- Naval reactors operations and infrastructure: 366,961
  - Construction:
    - 13-D-905 Remote-handled low-level waste facility, INL: 8,890
    - 13-D-904 KS Radiological work and storage building, KSO: 2,000
    - 13-D-903, KS Prototype Staff Building, KSO: 14,000
    - 10-D-903, Security upgrades, KAPL: 19,000
    - 08-D-190 Expended Core Facility M-290 recovering discharge station, Nava: 5,700
  - Total, Construction: 49,590
- Program direction: 43,212
- Subtotal, Naval Reactors: 1,088,635
  - Adjustments:
    - Rescission of prior year balances: 0
- **Total, Naval Reactors**: 1,088,635

#### Office Of The Administrator

- Office of the administrator: 411,279
- **Total, Office Of The Administrator**: 411,279

#### Defense Environmental Cleanup

- Closure sites:
  - Closure sites administration: 1,990
- Hanford site:
  - River corridor and other cleanup operations: 389,347
  - Central plateau remediation: 558,820
  - Richland community and regulatory support: 15,156
- Total, Hanford site: 963,323
- Idaho National Laboratory:
  - Idaho cleanup and waste disposition: 396,607
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## SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(In Thousands of Dollars)

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<tbody>
<tr>
<td>Portsmouth</td>
<td>8,578</td>
<td>8,578</td>
</tr>
<tr>
<td>Richland/Hanford Site</td>
<td>71,746</td>
<td>71,746</td>
</tr>
<tr>
<td>Savannah River Site</td>
<td>121,977</td>
<td>121,977</td>
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<tr>
<td>Waste Isolation Pilot Project</td>
<td>4,977</td>
<td>4,977</td>
</tr>
<tr>
<td>West Valley</td>
<td>2,015</td>
<td>2,015</td>
</tr>
<tr>
<td><strong>Total, Safeguards and Security</strong></td>
<td>237,019</td>
<td>237,019</td>
</tr>
</tbody>
</table>

|                        |                |                  |
| Technology development | 20,000         | 30,000           |
| Uranium enrichment D&D fund contribution     | 463,000        | 463,000          |
| **Subtotal, Defense environmental cleanup** | 5,494,124      | 5,504,124        |

| Adjustments                        |                |                  |
| Use of prior year balances         | -12,123        | -12,123          |
| Use of unobligated balances        | -10,000        | -10,000          |
| **Total, Adjustments**             | -22,123        | -22,123          |

| **Total, Defense Environmental Cleanup** | 5,472,001      | 5,482,001        |

### Other Defense Activities

- **Health, safety and security**
  - Health, safety and security: 139,325 139,325
  - Program direction: 106,175 106,175
  - Undistributed adjustment: -50,000
  - **Total, Health, safety and security**: 245,500 195,500

- **Specialized security activities**: 188,619 188,619

- **Office of Legacy Management**
  - Legacy management: 164,477 164,477
  - Program direction: 13,469 13,469
  - **Total, Office of Legacy Management**: 177,946 177,946

- **Defense-related activities**
  - Defense related administrative support: 118,836 118,836
  - Office of hearings and appeals: 4,801 4,801
  - **Subtotal, Other defense activities**: 735,702 685,702

| **Total, Other Defense Activities** | 735,702        | 685,702          |